





Rapid expansion of large scale land deals in Sierra Leone: The contentions amidst weak land tenure systems

Published: 09 Dec 2015

Short URL: <http://farmlandgrab.org/25589>

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Standard Times | 9 December 2015

Rapid expansion of large scale land deals in Sierra Leone: The contentions amidst weak land tenure systems

By Bernard Koroma

Introduction



In light of the prevailing rapid and large-scale takeover of farmland in Sierra Leone, where the majority of the population are small scale farmers living in small rural communities, vast areas are possessed by the inhabitants of these communities, which they are at present leasing out to mining companies for mining and mineral exploration. Apart from leasing to mining companies, these huge land masses are being leased to new economic entrepreneurs in the name of agricultural investment with a high potential to accelerate development. This is made against the background of claims that just 11 to 15 percent of the country's arable land is being used, and that there are plenty of extra land available for foreign investors to develop. This view contradicts research findings which conclude that, "there is in fact, already pressure for arable land in Sierra Leone and there is no idle productive land that could easily be made available for commercial agriculture under the current patterns of small holder upland cultivation and fallow rotation".

In view of this, surprisingly, little attention has been paid to the potential risks that this rapid and top down agrarian reform could engender poor food security, rural livelihoods, social cohesion and peace. There has never been much consideration for democratic discussion with the rural masses about real costs and benefits of land deals, the environment and domestic revenue generation.

There is now rapid expansion of large scale land acquisition in a country where people migrating from the rural areas sometimes illegally take over lands from people in the urban areas. One senior civil servant described this land grabbing as allowing vampires and vultures to take our lands forever. Examples of land takeover abound, but for the purpose of this essay, I will state only three:

Sierra Leone Agriculture Limited (SLA), lease of 41,582 hectares, oil palm in Port Loko district; Addax Bioenergy (SL) Limited, lease of 44,000 hectares, sugar cane for ethanol in Tonkolili and Bombali districts; Socfin Agricultural Company (SL) Limited (SAC), lease of 16,248.54 acres or 6,500 hectares, oil palm in Pujehun district.

How does this rapid expansion conform to Sierra Leone's current land tenure system that has been described as weak in several academic and other circles? How does this weakness of tenure impact the livelihood, food security of rural peasants and communities?

Land Tenure System in Sierra Leone

According to existing laws in Sierra Leone, specifically CAP 122 of 1927 Protectorate Land Act, land cannot be bought or sold in the provinces (outside the Western Area). It is viewed as a communal good, the custodians of which are the paramount chiefs, and is owned by families with usufruct rights, who have inherited the land from their forefathers. Land reforms are presently on-going; policy developed by government to increase access to land by large-scale investors.

The draft is however silent on the process of monitoring objectively and its enforcement. There is no area in the land policy that ensures that land investment supports local communities or to enshrine and protect the rights to land for women farmers, who undertake 75 to 80 percent of farming in the country.

Although, current land laws state that land leases cannot exceed 50 years, with possible extension of 21 year, some foreign investors have signed agreements that give them multiple renewal options (for two 21 year terms and then an additional seven years) that would extend their leases to 99

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years. An example is the land lease signed by MAFFS for land in Malen Chiefdom, and then subleased to Socfin Agricultural Company. This contract appears not to comply with the country's land law by providing a renewal option not for 21 years but for two periods of 25 years. A community meeting in Massan Kpaka in July 2014, community members expressed dismay at the documents of Agreement signed by their chiefdom elders. According to them, they are not aware of their land been leased or sold to foreign investors. Most people interpret land deals as forfeiting their land forever, with nothing to bequeath to posterity.

A Bioenergy and Food Security Working Group have concluded drafting a set of guidelines for sustainable bioenergy investment for Sierra Leone, but there is no indication that these will be binding. Besides it does not seem to be active. Even though it is recognised that the FAO Voluntary Guidelines are being aligned with various upcoming policies such as the land policy, fisheries however, at present there is no regulatory framework in place to govern large scale land acquisitions, which could limit their spatiality and duration, or ensure that Sierra Leoneans could revisit the agreements in the future if their impacts are found to be too negative. The Memorandum of Understanding (MOU) between the GoSL and Addax Bioenergy, for example has a stabilization clause that states that Addax Bioenergy shall be exempt from any law that comes into effect, or is amended, modified, repealed, withdrawn or replaced, which has a material adverse effect on Addax Bioenergy (or its contractors or shareholders). Clause 7 in the MOU that 'applies to any claim, dispute or difference of any kind between the parties arising out of or in connection with the Memorandum (a dispute), 'indicating that any dispute arising 'shall be referred to and finally resolved by arbitration in London before three arbitrators under the rules of Arbitration of the International Chamber of Commerce from time to time enforced but not in Sierra Leone.

Policy of large scale investment

Government policy is to promote large scale investment on the assumption that there are vast reserves of arable lands in the country and that only 11 to 15 percent of the country is 'cultivated' with the rest presumable 'unused' or 'under-used' is a misconception. Bush fallow has reduced drastically, from 20 to 25 years in 1945, to 15.4 years in 1979. Statistics currently indicate that fallow periods have been reduced to 4.7 years on average by 2004 reinforcing the view that there is already increasing pressure for limited land reserves.

It should be noted that the system of acquisition of land for agricultural investment in Liberia is the same as in Sierra Leone, where the Malaysian palm oil giant Sime Darby and Indonesian Golden Veloreum have entered long term land leases with the Liberian Government. Investigations into Sime Darby's operations reveal that communities located in the areas had little warning or consultation from foreign agricultural investments. Many of the inhabitants, especially women, say they have lost their farms and food sources, livelihoods, as well as culturally sacred sites to sugar and oil plantations. This move had impacted education levels, transport to markets, created space for malnutrition and little or no earnings or savings. An analysis of the contracts between the Liberian Government and the Asian companies demonstrate they are likely to be violating several human rights conventions ratified by Liberia and Sierra Leone. "Giving away land for large scale plantations is hailed as promoting the economic recovery of both countries but in reality these plantations undermine each country's basic food security. They are seen as causes as well as deepening of poverty when land is ascribed and livelihoods lost. Therefore allowing these plantations contradicts the Government policies on reducing poverty and preventing hunger. Allocating large swathes of fertile agricultural land to foreign companies for several decades will push people further into poverty, as local income generating activities are curtailed and people's earning capacities become limited" says SDI Campaigner, Silas Siakor.

Both countries are demanding a halt to any further deforestation, planting and environmental degradation as such measures deprive farmers of land that can be accessed annually for farming to provide livelihoods and survival. These include forest and concession areas. Employment in the plantations are insecure, low paid, hazardous, and does not contribute to sustainable income or livelihood in the long term.

Land grabbing is a direct acquisition of land shaped by failures of democracy, and economic governance. One direct intervention by a writer indicates that land deals in Pujehun are being negotiated in a context of low transparency and accountability, which increase the potential for corruption and also the absence of public informed debate or even awareness of the issue. Piecing together information from land leases registered with the Administrator and Registrar General, from interviews, media reports and company announcements, and from independent research in the provinces, it is estimated that between 2009 and 2014, foreign investors had taken out long leases (50 years with possible extensions) on at least 1,154,777 ha, about 21.4 percent of the country's total arable land for large scale industrial agriculture. Two districts appear to have been particularly affected by the land deals, where large percentages of the land mass are under long term agricultural leases:

Port Loko: 231,326 ha (40% of total area of 571,900 ha) in seven of eleven chiefdoms.
Pujehun: 246,923 ha (60.15 per cent of total area of 410,500 ha) in eight of twelve chiefdoms.

These figures must be considered in the Sierra Leonean context, that of a small and a very mineral rich country in which vast parts of its territory have also been leased out for mining exploration and exploitation, and where mining operations are expanding rapidly without consideration to livelihood or community benefits.

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There is still an opportunity for dialogue; a dialogue that has an objective accepted by all taking into account the economic, social and cultural aspects of all stakeholders. Sierra Leone civil society must build the capacity to influence decision making regarding vigorous land reform.

Overall, the emphasis should be on right to food, food security and sustainable agriculture and of course sustainable development. To forestall unwarranted extreme food shortage, it is proposed that there should be a temporary ban on farm land leases to foreigners until laws, regulations and policies to contain its excesses are in place in Sierra Leone. The next step would be to halt the oil palm emphasis in the name of green energy especially in Pujehun and parts of the north.

Food availability

The FAO's 'Save and Grow' agriculture paradigm for small holder production emphasizes conservation agriculture. Let us note in the words of FAO that 'Encouraging agrochemicals and building healthy agro-eco-systems would enable low-income farm families in developing countries. Some 2.5 billion people are to maximize yields and invest the savings in their health and education. Most of the crops grown in Sierra Leone are from industrial monoculture plantations of oil palm and sugar cane (raw stocks for biofuels) and rubber but not for food. Instead encouraging the industrial monoculture plantations, the FAO save and grow should be emphasized because once an area has been cleared and planted as an industrial plantation, and if determined that the costs outweigh the benefits, it will be too late to undo the damage done; local biodiversity would have been lost and a way of life would have been completely disrupted as will social norms and values, in addition to numerous other losses.

Concerns have been raised about the disproportionate impact such investments have on already marginalized groups, such as women and young people.

No doubt, there are already early warning signs indicating protests, strikes, confrontations and arrests. There is growing concern by civil society to develop a strong network and land user associations through advocacy being coordinated by ALLAT, which could defend the rights of small holders and land owners throughout Sierra Leone. What is certain is that land deals in Sierra Leone do not measure up to best practice such as the free, prior and informed consent, inclusive and transparent participation, principles for responsible agricultural investment or voluntary guidelines on responsible governance of land, fisheries and forestry. Applying these principles will improve governance in the sector.

Food insecurity and malnutrition remain acute problems in Sierra Leone, despite a rapid expansion of rice producing areas and agricultural production since the war. The Global Hunger Index explains it better. Effects of studies on livelihoods and food security surely point a ban on farm land leases to foreign investors as this does not benefit the farmer directly. The emphasis should move from multinational domination to developing the capacity of locals to invest heavily in food crops production on a sustainable basis, hence the government smallholder commercialization initiative is laudable and should be escalated.

This article is written in recognition of ALLAT's work

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