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# Cultural Conundrums in African Land Governance: Agribusiness in Sierra Leone

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*This paper deals with the disjuncture between recognition of the important role of culture in sustainable development discourse embedded in African regional and state policies and legal instruments and the reality of externally driven neoliberal land-based development agendas in African nations. Using postcolonial theoretical notions of identity, subalterns and representation, and the centuries-old African landlord-stranger institution as an important customary land management system operating at the local level, I explore some inherent conflicts between the landlord-stranger institution and state land governance. I interrogate this dilemma in the context of agribusiness development projects and land grabbing claims in Sierra Leone, West Africa highlighting the issue of scale and institutions in land development and land rights debates. I reveal the challenges African countries face in reconciling the inconsistencies between respect for customary institutions inscribed in policy and laws, and economic growth and development within a global capitalist system.*

*Keywords:* Culture, land policy, agribusiness, landlord-stranger relationships, Sierra Leone.

## INTRODUCTION

Widespread agribusiness developments in Africa, often referred to as land grabbing by a variety of foreign actors, and related concerns revive issues of land and property rights and land economy on the continent. Increasing foreign direct investment (FDI) and supporting policy and legislative reforms are ongoing at both the continental and national levels of government to support land-based economic activities (Allan et al., 2013; Obeng-Odoom 2013a). External entities such as the World Bank (WB), United Nations Development Program (UNDP), International Fund for Agricultural Development (IFAD) and the United Kingdom's Department for International Development (DFID) drive a market-led approach for private sector development. These organizations see land (including water) primarily as an economic good through which African countries can generate revenue from industries

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such as agribusiness for biofuel production, mining, and hydropower generation (DFID, 2006; Goldman, 2005; IFAD, 2010; Moyo and Foray 2009). This capitalist approach has roots in the colonial era with appropriation of land for these externally-driven land use practices that involve commodifying land (Peters, 2004). Institutionalization of colonial ideology and practice in land resources exploitation persists, and postcolonial African governments through policy and legislative reforms continue to transform land and waterscapes in the name of development. Colonial vestiges remain in state policy and laws governing land resource exploitation, for example, state custodial responsibility for the country's natural resources (land, water, minerals) taking precedent over other rights holders (Folke Ax et al., 2011; Richardson et al., 2006; von Benda-Beckmann, 1997). Consequences of such growth promotion policies for land development and structural constraints of the global economy include continued inequality and violence within and between developing nations (Barkin, 2016).

Land use governance at the state level triggered by global markets is largely incompatible with what many African countries such as Sierra Leone, a former British colony, consider an African indigenous world-view of land governance through customary laws, the centuries-old landlord-stranger or *tutorat-tuteur* institution still operating at the local level of government (Brooks and Beauregard, 1993; Boas, 2009; Konneh, 1996). Landlords who are indigenes with ancestral kinship rights to land welcome, host, and protect strangers, typically as traders or subsistence farmers. As part of reciprocities associated with this relationship, landlords receive first rights to trade, entitlement to a portion of profits. Strangers who access land for subsistence agriculture also pay landlords and chiefs, who are the local rulers, annual tribute or the customary gift periodically in kind but increasingly in cash and may receive a share of the harvest. Contrary to popular belief, African landlords/hosts are not invariably male. Exclusively female host-stranger relationships exist in customary practices such as entrustment (*karafoo*) that sustains customary land management in spite of increasing market forces, modernization and gender disparity (Kea, 2010; Obeng-Odoom, 2012).

Further, strong spiritual connections to land, particularly burial grounds and sacred places, and the importance of holding land in trust for future generations are at the heart of the landlord-stranger institution (Brooks, 2003; Mouser, 1980). Communities in Sierra Leone from various ethnic groups adhere to this institution's values as representative of their culture (Dorjahn and Fyfe, 1962; Renner-Thomas, 2010; GOSL, 2015a). Many African organizations and countries are signatories to international and regional legal instruments (charters, conventions, declarations, and commissions) calling for respect for and recognition of the important role of culture in sustainable development (UNESCO, 2017). Indeed, the development mantra of the founding fathers of the Organization of African Unity (OAU), now the African Union (AU), founded in 1963 was "African solutions for African problems" (Edozie and Gottschalk, 2014). Economic and social development included

the rediscovery, expansion, and promotion of indigenous cultures and indigenous development (Mazrui, 1980; Njoh, 2006; Ntuli, 2002; Wa Thiongo, 1987). Efforts toward these goals led to the formulation of regional legal instruments to effectively integrate Western and indigenous systems (AU, 2016a). The current AU strategic framework for development over the next 47 years (Agenda 2063) lists seven aspirations of which aspiration 5 calls for “an Africa with a strong cultural identity, common heritage, values and ethics” (AU, 2016b). Indeed, Edozie and Gottschalk (2014) conceptualize the AU Phenomenon - a rebirthing of the Pan-African vision led by an AU with regional and global impact, and embodying among other virtues, a strong cultural identity.

The African Union (AU) acknowledges the cultural and social dimensions of land in Africa in policies and legal instruments yet simultaneously supports externally-driven market-led land development agendas for economic growth in member nations (AU, 2010). The current problem of land and water grabs is a consequence of this legacy (Obeng-Odoom, 2013a). A disconnection therefore exists between African regional and national (state) land governance and customary land governance where statutory legal systems inherited from colonial times supersede customary laws. The state expects customary authority to be passive collaborators rather than true partners in land development decision-making. To complicate matters further, some state policies and laws are contradictory in themselves, a legacy of colonial efforts to retain hegemony while integrating selected aspects of indigenous culture into governance to facilitate for example, indirect rule in former British colonies (Rodney, 1982; Austin, 2010). The resulting dual governance system with its structural inequities preclude respect for customary governance and pose a challenge to overall development (Kabba and Li, 2011; Maru, 2005).

However, Mamdani (2000, 1996) and others remind us of the problem in defining a universal and unadulterated African cultural identity and common heritage to be reclaimed. In the precolonial era, there were multiple sources of custom but the colonial agenda privileged “chiefs as the source of custom, thereby sanctioning an authoritarian version of custom as law” (Mamdani 2000, 5). Colonial manipulations of the customary included codifying certain aspects in law that impacted the foundations of the landlord-stranger institution, landlord communities as owners of land, traditional rulers as custodians, and community authority to make land available to strangers under accepted customary rules (Mamdani, 1996).

While acknowledging the legacy of colonial imposition of external practices on the customs of Africa and the difficulty in defining an authentic and universal African culture, I argue that the landlord-stranger relationship remains in the imaginary of communities in Sierra Leone, and still operates in some form, especially where activities such as agribusiness and mining threaten land rights claims and benefits from land resources. Chanock (2000, 35) succinctly summarizes:

It is precisely when the security of access to land, and family support, come under threat and strain that the need to claim them as absolutely fundamental

to cultures is strongest. It was, and is the threatened loss of land which produces the most vigorous claims about its cultural embeddedness and inalienability.

Thus, while recognizing that African culture is fluid, adapting to changing political, economic and social conditions, I use 'culture' as stated in policy and legal documents that I interrogate.

Salient questions, therefore, become: What policies and legal instruments are in place to support indigenous cultures for the realization of the AU's Aspiration number 5 - an Africa with a strong cultural identity, common heritage, values and ethics? How does an African nation like Sierra Leone reconcile the inconsistencies between the "respect for customary discourse" inscribed in policies and legal instruments and economic growth and development within a global capitalist system? What does this mean for a land-based development in Sierra Leone and Africa, more generally? As Obeng-Odoom consistently (2013a, 2015a, 2015b) underscores, scale and institutions are important issues that need to be further explored in the context of current challenges such as land governance, culture and land rights, land grabbing, and economic development. I address these questions, within a framework which combines postcolonial theory and tenets of the landlord-stranger relationship. I explore recent globally-generated agribusiness for economic development and its interactions with culture as represented by the landlord-stranger institution in Sierra Leone. I employ a textual analysis of pertinent policy and legal documents, advocacy publications by non-governmental organizations (NGOs), journal articles, and media reports.

In the next section I discuss some postcolonial theoretical underpinnings of the paper. I follow this with a brief review of selected African regional legal instruments signed and/or ratified by some African countries that declare respect for, and recognize the essential role of culture in development. I then give an overview of customary land management through the landlord-stranger institution as applied in Sierra Leone and the impacts of colonialism and continuing postcolonial development initiatives on the institution. Lastly, I use examples from Sierra Leone's ongoing agribusiness land grab dilemmas to examine the incongruity between the respect-for-culture discourse and the ongoing state sanctioned market-led land based development agenda. Documents I examine are Sierra Leone's National Land Policy 2015, Protectorate Land Ordinance of 1927, National Cultural Policy 2014, Chieftaincy Act 2009, and the lease agreements between the Sierra Leone government and two agribusiness companies, Addax Bioenergy (SL) Ltd. a branch of the Swiss-based energy corporation Addax & Oryx Group (AOG), and Socfin Agricultural Company. Sierra Leone provide interesting examples because as part of the post- Revolutionary United Front of Sierra Leone (RUF/SL) War (1991-2002) reconstruction agenda, the agriculture and mining sectors are targeted priority areas for national growth and economic development. Within this context, the country has recently made major legislative reforms regarding land resource governance including related cultural dimensions (GOSL, 2016).

## THE RELEVANCE OF POSTCOLONIAL THINKING

The problem of poor integration of indigenous African knowledge into the continent's development can be analyzed in the framework of postcolonial theoretical notions of subaltern histories. Such histories denigrate the knowledge systems and realities of the colonized while promoting the superiority of the colonizer's world-view (Ahluwalia, 2012; Baker et al., 1996; Hall, 1996; Obeng-Odoom, 2015c). Williams and Chrisman (1994) emphasize that the Western-centric colonial legacy continues to influence former colonies ideologically, as well as politically and economically. Some postcolonial theorists contend that the power politics around such knowledge production and representation limit the ability of other types of knowledge to unseat the dominant Western world-view (Baker et al., 1996). Others are more optimistic and of the view that aspects of postcolonial critique can aid in reconceptualizations of development that embraces indigenous knowledge and values (Briggs and Sharp, 2004; Mapara, 2009). Mannathukkaren (2010, 307) concurs: In seeking to question the predatory universalism of western modernity, postcolonial theory aspires to open up paths for different modernities that have the promise of emancipation and liberation for all cultures and societies.

Mannathukkaren (2010) cautions, though, that postcolonialism embodies more than just cultural struggles for meanings, reclaiming a lost heritage, and pitting indigenist discourse against Eurocentrism. In a world dominated by capitalism, culture cannot be separated from materialism as is typically done in postcolonial analysis. An artificial separation of the two prevents a realistic engagement with constraints imposed by capitalism that, in fact, shape the possibilities for cultural expression. While postcolonialism does recognize and question the discourse of capitalocentrism, its understanding of modernity is flawed with regard to aspects such as the pivotal role of capitalism in the global constitution of modernities. For example, postcolonialism downplays the structural position of peasants and other marginalized groups (subalterns) in this economic system who it appears are condemned to a universal capital-driven modernity oftentimes, combined with prevailing precapitalist forms of exploitation and oppression.

Specific to Africa, Mamdani (1996, 299) nevertheless, points out that despite the changes facilitated by the state's economic agenda including related legal reforms that drive such modernity: "For every notion of the customary defined and enforced by the state, one could find a counternotion with a subaltern currency." In other words African indigenous culture is fluid and evolving, adapting to changing conditions, and sometimes resulting in community empowerment rather than marginalization in the land development sector (Greco, 2016). Other postcolonial researchers of Latin America propose neoextractivism as an evolving and promising development trajectory. In this paradigm, the state more effectively regulates the appropriation of natural resources and their export by multinational corporations (MNCs) through policies and laws that will benefit countries in the region politically, socially, and economically and lead to national sovereignty (Burchardt and

Dietz, 2014). Policies and laws will be culturally sensitive and include indigenous worldviews on human-nature interactions such as *vivir bien* (living well). *Bien vivir* as an alternative development pathway does not endorse commodification of social life and nature and, therefore embodies processes of territoriality, negotiation, resistance and mobilization when indigenous communities challenge a state's continuing capitalist development agenda (Gudynas, 2016; Savino, 2016; Svampa, 2013). Notwithstanding, the dilemmas of identifying an authentic indigenous African culture and finding a culturally inclusive path to development in a global market-driven economy postcolonial African regional and national government institutions make efforts towards these goals.

## AFRICAN LEGAL INSTRUMENTS AND POLICIES FOR CULTURE AND DEVELOPMENT

Early post-colonial leaders who pioneered Africa's independence movements called for culturally appropriate development, for instance, Senghor's writings on *la Négritude*, a universal valuation of people of African descent and respect for traditional African customs and ideas (Senghor, 1971). Such ideas were rooted in Edward W. Blyden's 19th-century Pan African vision with his prophetic words (Blyden, 1882, 26): "We must listen to the songs of our unsophisticated brethren as they sing of their history, as they tell of their traditions, of the wonderful and mysterious events of their tribal or national life, of the achievements of what we call their superstition," which resonate in the preamble to the 2007 United Nations Declaration on the Rights of Indigenous People (United Nations, 2007): Recognizing the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies.

The AU since its inception devises legal instruments for postcolonial Africa's development incorporating cultural considerations. Table 1 below shows selected AU legal instruments.

The instruments embrace the critical role of culture in development and the imperative of recognizing and incorporating indigenous knowledge, beliefs, and values into continental and national development policies. Customary governance institutions are essential local partners in African development and in preserving cultural and natural heritage including land-based livelihoods, traditional knowledge and intellectual property rights (ACHPR, 2012; AU, 2016a). Nabudere (2005, 4), however, contends that postcolonial African legal instruments are guided by international laws and conventions that are "predicated within the western (Eurocentric) naturalistic understanding of reality" and are, thus, not truly representative of African needs. Thus, Chanock (2000, 35) underscores that "enshrining rights in universalized rhetorical form at the highest levels of law can do little to redress the

fears and needs of those trapped within [these] necessary cultural assertions about the customary and traditional forms of family and land law.” Yet, there is much confusion about African customary land relations and practices. In a critique of Orla Ryan’s (2011) *Chocolate Nations: Living and Dying for Cocoa in West Africa*, Obeng-Odoom (2013b) reminds us of the nuanced relationship between landlord and stranger in parts of the agricultural sector that varies in space and time. So, it is important to carefully reflect on the landlord-stranger institution.

**Table 1:** Selected AU legal instruments

<b>Charter, Convention, Agreement or Commission</b>	<b>Year Adopted</b>
OAU Charter	1963
Cultural Charter for Africa	1976
African Charter on Human and People’s Rights	1981
Constitutive Act of the African Union	2000
The African Convention on the Conservation of Nature and Natural Resources	2003
Charter for African Cultural Renaissance	2006
Commission on Human Rights-Based Approach to Natural Resources and Governance	2012
African Charter on the Values and Principles of Decentralization, Local Governance and Local Development	2014

Source: AU (2016a)

## THE LANDLORD-STRANGER INSTITUTION AND LAND GOVERNANCE IN AFRICA

In 2010, the AU produced the document, “Framework and Guidelines on Land Policy in Africa: A Framework to Strengthen Land Rights, Enhance Productivity and Secure Livelihoods,” to assist member states in land policy reforms. While not specifically using the term landlord-stranger, the framework legitimized the values embodied in this customary land management institution:

Land remains an important factor in the construction of social identity, the organization of religious life and the production and reproduction of culture. The link across generations is ultimately defined by the complement of land resources which families, lineages and communities share and control. Indeed land is fully embodied in the very spirituality of society (AU, 2010, 8).

Moreover, the framework advised AU member states on formulating and reforming policies to address culture for effective land policy development. This empha-



sis on culture contrasts with the more Eurocentric orientation of the Food and Agricultural Organization of the United Nation's voluntary guidelines on land acquisition and tenure (FAO/UN, 2012).

In Sierra Leone, landlord-indigenes are descendants of famed warriors who conquered territory or fearless hunters who founded villages and cultivated surrounding lands. Elders of the various landholding lineages headed by a Paramount Chief constitute the governing Chiefdom Council (formerly Traditional Authorities) and collaborate with secret societies such as the *Poro* to govern through the landlord-stranger institution. This collaborative body promulgates policies and regulations including sanctions that control land and water use practices and social behavior. Land governance is tied to rituals carried out at a variety of sacrosanct places such as sacred bush, shrines, and ancestral burial grounds. The customary gift to landlords is locally called *greeting kola*, or *shakehand*. Chiefs as custodians of communal lands also collaborate with heads of family-owned lands in these landlord-indigene communities to distribute any benefits accruing from the land. In areas leased by large-scale ventures (agribusiness, mining) benefits include a proportion of monetary compensation from royalties and surface rent payments stipulated in statutory law or lease agreements and not determined by customary landowners (GOSL, 2011; Lebbie and Freudenberger, 1996; Renner-Thomas, 2010).

The colonial intervention forced African communities to become involuntary landlords to uninvited strangers such as MNCs. In collaboration with the state, MNCs coopt or coerce community leaders into the state development agenda, often at the expense of their subjects. In Sierra Leone, for example, one such re-configuration was inscribed in the Protectorate Land Ordinance of 1927 and exempted strangers employed in any industry from customary stranger obligations to chiefs in communities where industries are located (GOSL, 1960). Consequently, landlord-indigene communities have an ambiguous relationship with and express a wide range of emotions toward strangers and stranger establishments that include ambivalence, antagonism, fear, hostility, indifference, and even friendliness, as situations dictate in space and time. This ambiguity about strangers can cast them as allies, pawns, or enemies and strangers have often been a suitable target of anger in response to inequities (Shack and Skinner, 1979).

These changes continue to have consequences for traditional perceptions of land (Peters, 2012). As Peters (2004, 305) explained "...as land becomes a property or a commodity, so we see developing 'a very different sense of belonging—from someone belonging to a place to a property belonging to someone; in short, a shift from inclusion to exclusion.'" I illustrate how clauses in Sierra Leone land policies and laws and two agribusiness case study leases lend credence to land commodification and exclusion with consequences for the evolution of "different modernities."

## LAND DEVELOPMENT AND CULTURE IN SIERRA LEONE

Sierra Leone became an independent nation in 1961 but elements of colonial governance persist in the postcolonial period. Seventy-five percent of the population live in rural areas (the Provinces) and are governed by the customary land tenure systems that the country's new National Land Policy (NLP) 2015 recognizes as "the main legal body in dealings with land for the larger part of the population and shall be strengthened to facilitate and promote its orderly evolution into a modern productive land tenure system" (GOSL, 2015a, 8). Furthermore, the government recently crafted a National Cultural Policy (NCP) 2014, also (GOSL, 2014, 2015a) in which the guiding principles include: preservation, protection, and promotion of culture; linking cultural policies to development policies; consultation, involvement, and participation; cultural rights; and cultural impact assessment, all of which align with tenets of international and regional AU instruments. In line with Nabudere's (2005) critique of international and AU conventions, Basu and Zetterstrom-Sharp (2015, 57) observe the NCP is "an incessant repetition of vocabularies and phrases drawn directly or indirectly from the reports and conventions of UNESCO and other international bodies."

The country depends on revenue from capital-intensive land development schemes like agribusiness and mining to support the current Agenda for Prosperity, 2013-2018 (GOSL, 2015b). As such, the government creates a conducive investment climate for foreign corporations investing in land through friendly policy and legal reforms. The NLP unequivocally recognizes the landlord-stranger institution under "customary tenancies," as one of five classes of land holdings:

In former times, this was the commonest way by which strangers in the chiefdom and persons who were not entitled as of right to access to land, acquired land for agricultural or building purposes. The process is sometimes described by the use of the terms "begging" and "loan." A person in need of the land was expected to "beg" for it from the chief or a landowning family and the latter would "loan" the land in accordance with well-established practices and principles of customary law (GOSL, 2015a, 49).

The government, nevertheless, recognizes for greater equity the need to more clearly define land rights under customary tenancies and regularize the heterogeneity in the way Chiefdom Councils interpret land laws across various chiefdoms. Proposed surveys will demarcate boundaries for communal and family owned lands and register them to avoid conflicts that are a major problem (GOSL, 2015a). This is a necessary undertaking to avoid precapitalist forms of exploitation and oppression that were a factor that contributed to the RUF/SL rebellion (Unruh, 2008). The NLP calls for land valuation methods sanctioned by policy and law that "take into account markets as well as non-market factors, such as cultural, religious and environmental factors, where applicable" (GOSL, 2015a, 38). The overarching goal is to remove structural impediments that have historically led to discrimination in customary land rights against women and landless individuals and other Sierra

Leoneans considered non-native or strangers (Akiwumi, 2014; GOSL, 2015a). A contradiction in the NLP with respect to granting customary rights, however, is the compulsory acquisition of lands by the state for purposes of national development (GOSL, 2015a). National development equates to capitalist development, a view endorsed at the African continental level of governance.

Sierra Leone is also a signatory to such African regional instruments guiding development as the Comprehensive Africa Agriculture Development Programme (CAADP), also referred to as the Maputo Declaration 2003, which was spearheaded by the New Partnership for Africa's Development (NEPAD). This mandated initiative of the AU promotes a private-sector-driven development agenda and calls on African countries to assign a 10% budgetary allocation to the agricultural sector. Sierra Leone aggressively pursued this initiative (CAADAP, 2002; GOSL-MAFFS, 2016). Indeed, in 2007, the government passed the Sierra Leone Investment and Export Promotion Agency (SLIEPA) Act "to promote investments in Sierra Leone and export products" with advice and support from international bodies like the WB's International Finance Corporation (IFC), DFID, and the International Trade Centre (ITC). Specific goals noted in the act include identification and encouragement of potential investors, and upscaling farming from a subsistence level to small-holding commercial farming (GOSL, 2016). Other initiatives are a National Sustainable Agricultural Development Plan 2010-2030, a Presidential Task Force on Agriculture (PTFAg), and the Small-holder Commercialization Programme. The Sierra Leone President and the Minister of Agriculture, Forestry and Food Security received recognition from their continental peers for aligning agricultural policy with continental goals and meeting the 10% budgetary to agriculture (GOSL-MAFFS, 2009).

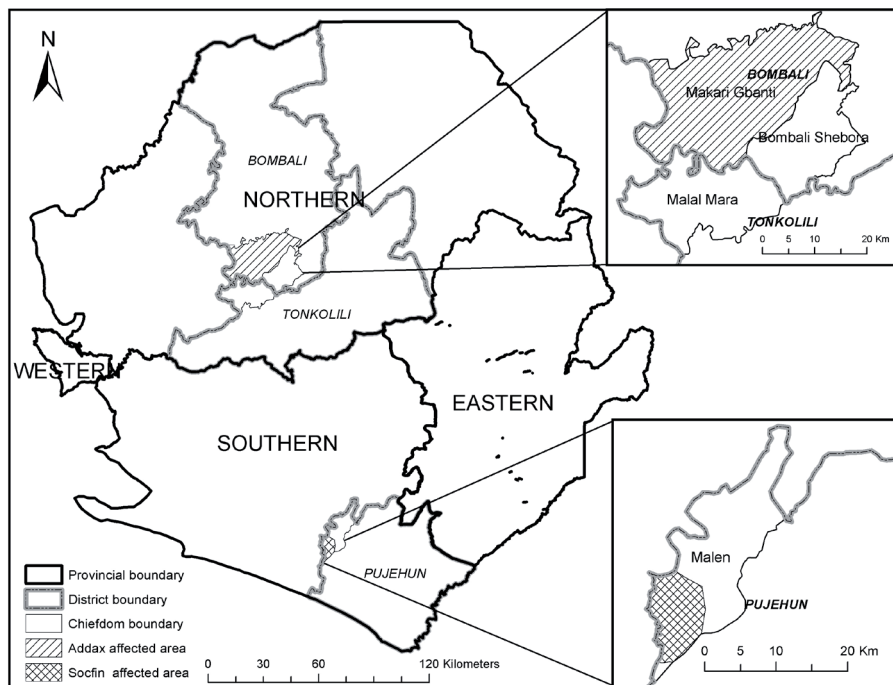
Currently, private-sector investors in agribusiness include companies such as Addax Bio Energy (SL) Ltd. (now Sunbird Bioenergy), Socfin Agricultural Company (S.L.) Ltd., Magbass Sugar, Lion Africa Agriculture and Bio-palm Energy. Some companies like Addax and Socfin that cultivate sugarcane and oil palms, respectively, for biofuel destined for European markets made huge financial investments and constructed state-of-the art infrastructure such as mills and refineries (DCE Partners, 2016; GOSL-MAFFS, 2016).

Yet, much of these investments spark local conflicts. Causes of conflict included cultural disruption, loss of land and livelihoods, inadequate compensation for communities, inequitable lease agreements, low wages, and generous tax breaks for companies (Bread for All, 2016; Marfurt et al., 2016; Menzel, 2015; The Oakland Institute, 2012, 2011; SEM, 2013, 2011; *The Guardian*, 2013; Welthungerhilfe-SLE, 2012). At the root of these conflicts is a fundamental discord between the landlord-stranger institution managing land at the local scale and national-global land resource governance agendas that threaten successful implementation of these projects. So these contradictions need to be carefully analyzed and better managed or transcended.

*Agribusiness and Cultural Conflicts*

The Government of Sierra Leone (GOSL) signed major Memoranda of Understanding (MOUs) and lease agreements with Addax and Socfin in 2010 and 2011, respectively (see Figure 1). Under the lease terms, both Addax and Socfin obtained initial 50 year tenure. Socfin has the option to extend for an additional 21 years, and every seven years, thereafter. There were some noticeable differences between the two leases with respect to cultural considerations. The national government initially negotiated the land on behalf of Socfin and signed a lease with the Paramount Chief and Chiefdom Council for the project area in Malen Chiefdom, Pujehun District before signing a sublease with the company (The Oakland Institute, 2011; GOSL, 2011). The lease complied with the Provinces Land Act Cap 22 of 1960 enacted during the colonial period and is still in use in governing land.

**Figure 1:** The lease areas



Critics viewed the role of government as intermediary in this transaction as illegal and constituting a conflict of interest (Welthungerhilfe-SLE, 2012). Another provision in the Socfin agreement is a clause stating the government's willingness to indemnify the company as lessee against any actions, claims, proceedings, costs, and damages brought against it by host communities (GOSL, 2011). A clause of this nature is found in mining statutes such as the Sierra Rutile Agreement (GOSL, 2016) in response to the continuous conflicts over land rights between mining companies and host landlord-indigene communities. Such indemnification stifles land rights claims including landlord-stranger obligations in its traditional form. Such inequitable arrangements inscribed in policy and law violates principles and aspirations about culture in regional and national policies and laws, and conflicts on the ground in project areas threaten sustainable development (Akiwumi, 2014). Maconachie and Fortin (2013), specifically, question the sustainability of bioenergy investment in Sierra Leone in the light of various stakeholder needs and unequal power relations between affected host communities and the government. Clearly, they favor capitalocentric modern development at the expense of other potential development trajectories such as *Bien Vivir*.

In contrast, Addax signed a lease directly with customary representatives, the Chiefdom Council representing local landowners in Makari Gbanti and Bombali Shebora chiefdoms, Bombali District and Malal Mara chiefdom, Tonkolili District (Havnevik, 2014). This company, unlike Socfin, made extra effort to ensure a social license to operate (Hilson, 2012), hoping to give incentive to customary landowners and generate goodwill in support of their activities. Addax introduced Acknowledgement of Agreement leases between individual landowners and the company for direct annual payments of supplemental rent per acre of land. The agreement makes individual landowners party to the land transactions and solidifies their acceptance of the rights and obligations of all parties to the lease agreements. The agreement thus goes beyond the Provinces Act Cap 22 where the chief and Chiefdom Council sign on behalf of landowners and disburse rent payments accordingly. Addax, the Sierra Leone government, and resident international organizations considered this contractual structure as an innovation worthy of emulation by other potential investors in the agricultural sector.

The continuing western economic influence in postcolonial countries through market-driven investments is apparent, as European Development Finance Institutions (DFIs) in Austria, Belgium, Germany, Netherlands, Sweden, and the United Kingdom helped finance the project. The motive of these institutions to invest in the Sierra Leone project is related to the European Union's Renewable Energy Directive of 2009, an effort to address climate change problems by reducing fossil fuel use. Two other financiers were the African Development Bank and South Africa (Bread for All, 2016).

In the Socfin agreement, obligations of the Lessee included in provision 2.4 : "to perform and observe such covenant as regards the land and all native laws and

customs which in the opinion of the Provincial Secretary be observed by the Lessee” (GOSL, 2011). No such clause is present in the Addax agreement. The clause is a colonial vestige in the Provinces Land Act where the Provincial Secretary and District Officers representing the state have legal authority to make final decisions over customary law as they see fit (Renner-Thomas, 2010). This inequity carries over into other postcolonial laws such as the Chieftaincy Act of 2009 intended to bring dignity back and restore power to traditional governance institutions. In reality, the Chieftaincy Act does not truly devolve power to traditional rulers as Chieftain Council membership must include a national government representative, the Member of Parliament (MP) of the area in which the chieftaincy resides. In this Act, the state further decides which cultural practices are acceptable or not (GOSL, 2016). These examples illustrate that despite a commitment to the landlord-stranger institution as an accepted form of customary tenancy in the newly revised NLP, governance through the institution remains subordinate to the Sierra Leone state.

Communities in the agribusiness project areas frequently protest this position of subordination and general disrespect by Socfin and Addax companies for the landlord-stranger relationship, an illustration of Mamdani’s (1996) premise that subalterns frequently counter the customary as defined and enforced by the state. There were protests in 2013 and more recently in 2016 when landowners implored the government to revisit and revise the current lease with Socfin (Dumbuya, 2016; SEM, 2013). Other ongoing protest activities include a Facebook page for the Malen Land Owners and Users Association (MALOA) that describes itself as “an organisation of ordinary people in Sahn Malen Chieftaincy, Pujehun District who are resisting Socfin and other biofuel capitalists in Sierra Leone” (MALOA, 2016). Even a state politician representing Pujehun District declared a stalemate between communities in Malen Chieftaincy and Socfin. He accused the company of land grabbing and vowed that the rightful landlords would eventually take back their lands (SEM, 2011). He took this stance in spite of a signed lease agreement between the government that he represents and the communities to release their lands for the project.

Environmental and Social Impact Assessments (ESIA) by NGOs at the Socfin and Addax project sites further reveal community concerns over landlord-stranger reciprocities and impacts on cultural sustainability. Comments illustrating some concerns include:

“We can’t let them make us slaves on our own land” (The Oakland Institute, 2012, 2).

“The way and manners with which the company is treating us as landowners who work on their own land is very displeasing” (Welthungerhilfe-SLE, 2012, 30).

Comments with respect to the annual tribute came from villagers in the Socfin area who complained that the government misled them as to the exact terms of the lease and that what they assumed was “*shakehand*” was actually rent payments that locked them unknowingly into the lease. A local farmer underscored: “We had

hoped to receive this compensation every year, because our crops would also provide income every year. Only now we know that we will not receive this payment again” (Welthungerhilfe-SLE, 2012, 20). A village near the Addax plant likewise claimed that the company promised them an annual portion of benefits and priority with labor hires which was not forthcoming (SiLNoRF-Bread for All, 2016, 29).

Another serious concern to landowning communities is what the lengthy lease of 50 years with the option of extension means for their future land rights and use. Particular details related to the obligation of elders to hold land in trust for future generations expected under the landlord-stranger institution. The Socfin lease in provision 2.2 grants the right “to use the demised land for farming and any other purpose the Lessee may deem fit” (GOSL, 2011). The Malen chiefdom is a licensed alluvial diamond mining area and lies within an exclusive prospecting license area for a variety of other minerals whose value is yet undetermined (GOSL, 2008a; Patrick and Forward, 2005). Mining would alter the landscape to where families can no longer decipher their land boundaries and the land might be unusable for future generations. In contrast, the Addax lease specifically states that the company is not to use the Demised Premises except for “permitted uses” related to the sugarcane project (GOSL, 2008b).

Comments from elder landowners in both project areas revealed the level of concern: “This issue is very serious as it will affect our generations yet unborn” (SiLNoRF-Bread for All, 2016, 29). “All we want is a future for our children... We need to be careful before we decide anything. We don’t want our grandchildren coming to ask us ‘why did you do this?’” (The Oakland Institute, 2012, 3). “Addax said that if we gave away our land, all our sons and daughters would be employed” (SiLNoRF-Bread for All, 2016, 29). Some accusations of betrayal focused on their chiefs who are designated protectors of the land against outsiders. With regard to perceptions of chiefs’ complicity and abdication of responsibilities as land custodians, a former independent farmer, now working on the Socfin company plantation out of necessity, cynically opined:

If a chief sells the land which belongs to a village and people are residing in that village, can he still boast of being the chief? No! The person who bought the land should now be the chief, because he is the landowner. So you who are selling your land should no longer say that you are chiefs. You are only strangers (Welthungerhilfe-SLE, 2012, 30).

What such protests underscore are two-fold; firstly, the limitations imposed on customary leaders by the African state and global interests to protect the rights of marginalized indigene subjects (Ubink and McInerney, 2011), and secondly the fundamental belief about deep attachment to place, as well as the rights of communities to enjoy any benefits accruing from their ancestral lands. Protests also corroborate Channock’s (2000) that under threat of losing land communities hold firmly to their convictions about cultural embeddedness and inalienability of land. The official government response is to accuse local and international NGOs of instigating communities to protest the company’s operations (Baxter, 2013). Sierra

Leone's MAFFS Webpage lauds Socfin for generous corporate social responsibility initiatives that the people of Pujehun appreciate, while also referencing countless detractors whom government believes are trying to derail the venture (GOSL-MAFFS, 2016). The relationship between communities and foreign "stranger" NGOs advocating on behalf of communities illustrate the ambiguous and evolving relationship between landlords and strangers (Shack and Skinner, 1979).

Addax apparently adhered to the highest industry standards receiving a number of pioneering awards for an African bioenergy company: certification by the Roundtable for Sustainable Biomaterials (RSB), registration as a Clean Development Mechanism (CDM) project of the United Nations Framework Convention on Climate Change (UNFCCC) and the first sugarcane-based power generation facility for ethanol production to be registered as a CDM in Africa (*Awoko Newspaper*, 2015). Its corporate social responsibility (CSR) efforts included cultivating around 2000 hectares with staple food crops such as rice and cassava under a Farmer Development Programme (FDP) for local landowning communities. The cultivated area comprised 60 community fields prepared and sown by Addax.

However, Addax could not hire many former subsistence agriculturalists that lost their lands to the plantation. This group included landowners as well as landless strangers who had accessed land under customary landlord-stranger arrangements. The latter, additionally, were not eligible for compensation for their crops and trees under the lease. The company viewed as an important part of its CSR the introduction of new farming methods with technical support from the company, but these efforts were not well received by the communities and further marginalized groups already disadvantaged under the customary system (The Oakland Institute, 2011).

The unexpected response by communities to the company's efforts illustrates how poor understanding of the sociocultural context by foreign companies and resistance can hinder successful project implementation. Further, the impact on landless strangers exemplifies how capitalist-driven modernity can exacerbate precapitalist forms of exploitation and oppression. While communities are not totally averse to the opportunities such projects bring, they nevertheless expect land use to be governed by landlord-stranger norms. A comment from a woman in the Addax project area reveals the dilemma of a capitalist-driven modernity. Frustrated by the company shutting down she remarked: "before Addax came, we were blind to money. Then Addax brought money. Now we don't have anything anymore: no tractors, no money, no land" (SiLNoRF-Bread for All, 2016, 28).

Some farmers refused to pay for Addax project requirements such as tractors to clear their field and registration fees for Farmer Based Organisations (FBOs) supervised by the Ministry of Agriculture (The Oakland Institute, 2011). Such acts of defiance are covert ways of establishing ones rights to land as observed in similar scenarios in mining areas (Akiwumi, 2014). From a landlord-stranger perspective the land is theirs, yet they are being forced to change agricultural practices, and then pay for the changes. Farmers are the landlords, and the company as stranger should



be paying them for the costs of the changes. Thus, regardless of the incentive written into land leases and laws for monetary compensation, communities oftentimes do not find the inducement adequate for the fundamental transformations in their way of life.

## WHAT HOPE FOR NEW DEVELOPMENT TRAJECTORIES?

Conflicts at Socfin and Addax manifest the disconnection between land and cultural policies at the global, regional and national levels and practice at the local level. Addax, in fact, ceased its operations prematurely in 2015 (*Awoko Newspaper*, 2015). In an official statement Addax said that business had suffered due to unforeseeable events so it was down-scaling its operation while considering future options. *Awareness Times Newspaper* (2015) described the hope of Addax generating energy for sustainable development in Sierra Leone, as “a mere mirage.” In 2016, Addax sold its shares to SunBird Energy a British-Chinese conglomerate (DCE Partners, 2016).

The respect for culture, indigenous knowledge and custom as rhetoric in AU regional and national policies and legal instruments and the conduct of African governments like Sierra Leone promoting land development within a capitalist global economy are contradictory and oftentimes, result in failure. Creating alternative economic livelihoods or new agricultural practices, no matter how beneficial from a western-centric perspective, and expecting communities to adopt them readily is unrealistic. Ultimately, companies that make large investments to establish such industries face setbacks from continuous protests against perceived inequities and land inalienability. Development, therefore, can negatively impact both communities and businesses.

In spite of the Government of Sierra Leone signing African legal instruments and crafting a new NLP and NCP addressing postcolonial notions of embracing culture, custom and indigenous knowledge, the structural constraints imposed by global markets continuously thwart these efforts. The power of external markets and foreign direct investment in a country generating revenue from land resource development challenges national sovereignty. Land laws and lease agreements with agribusiness development projects undermine the landlord-stranger institution. Communities cannot protect and conserve lands for future generations. It remains to be seen if community resistance can trigger a development evolution in Sierra Leone that has the potential to move beyond capitalist extractivism and embrace tenets of new development trajectories such as neoextractivism and *Bien Vivir*. Or as Edozie and Gottschalk (2014) optimistically posit, can the AU lead an alternative modernity reconstructed on African cultural values and practices despite growing external pressure for a universal modernity? Or will continuing disavowal of alternative cultural perspectives and the rights of peoples to chart their own cultural

evolution in the face of a capitalist dominant global economy continue to drive a universal modernity?

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