

RETHINKING DEMOCRATISATION AND POLITICAL ECONOMY OF LAND GOVERNANCE IN SIERRA LEONE;



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1.0 Introduction

The notion of governance has been in existence before while the ideas of good governance and democratic governance have increasingly become better known and important within academic and policy circles (UNDP 1999, Weiss 2000). Almost all major institutions today say that promoting good governance etc. The former UN Secretary General, Kofi Anan noted that "good governance is perhaps the single most important factor eradicating poverty and promoting development. Donors, like the Millennium Challenge Corporation (MCC) is one who regularly measure and assess the quality of good governance and many condition assistance on these measurements.

The assumption is that quality good governance promotes economic development. Sierra Leone's vision for 2035, our agenda to become a middle income country affirms that Sierra Leone aspires to be an inclusive middle income country with the following features amongst others a system of political governance where governments are voted in and out of power peacefully, and where citizens can hold governments to account for efficient and effective delivery of public services' (Agenda for prosperity, SL 2013). One of the eight pillars of the Agenda for prosperity, our development plan to become a middle income country, is Governance and public sector Reform. Definitions of good governance have evolved from the 1990s by World Bank to the UNDP definition of democratic governance each emphasizing its own particular agenda and notion of development. World Bank outlines its definition of governance in their 1992 reports entitled 'Governance and Development' as the manner in which power is exercised in the management of a country's economic and social resources for development'. Three aspects of governance were identified in this report;

- a. The form of political regime
- b. The process by which the authority is exercised in the management of a country's economic and political resources for development.

The concept of democratic governance is more expansive and holistic to include progresses institutions, This notion affirms the primacy of human rights, the notion of democracy and so is people centered. This notion draws on earlier conceptions of governance and the human rights-based. UNDP defines democratic governance as "comprising the mechanisms, processes and institutions that determine how power is exercised, how decisions are made on issues of public concern, and how citizens articulate their interests, exercise their legal rights, meet their obligations and mediate their interests.

Democratic governance means that people have a say in the decisions that affect their lives and that they can hold decision makers accountable. It further entails that the rules, institutions and practices that govern social interaction are inclusive and fair, that women are equal partners with men in private and public spheres of life, that people are free from discrimination based on race, ethnicity, class, gender or any other attribute and that the needs of future generations are reflected in current policies.

It also means that economic and social policies are responsive to people's needs and their aspirations and that these policies aim at eradicating poverty and expanding the choice that all people have in their lives and that human right and fundamental freedoms and respected (UNDP) 2008.

1.1 Background on political economy of land governance in Sierra Leone

Sierra Leone is endowed with abundant of natural resource wealth including Diamond, Gold, and Rutile, Iron Ore, large marine resources and stretches of arable land. Despite abundant the country still faced looming social, economic and environmental challenges that negatively impact lives of ordinary citizens. In many Africa states; competition for the control over natural resources wealth has led to cycle of armed conflict, suppression of political dissidents and the violation of human rights. In recent years focus been made to promote greater transparency in the management of natural resource wealth.

Bad governance and patrimonial politic have long time dominated our political history. Sierra Leone has been a country where citizen's need and expectation are mostly addressed through patron- client network. Our colonial rulers faced dilemma of ruling groups and weak financial base. Post-colonial rulers had to co-opt societal force in order to survive. They amplified patron-clientele relationships to stay in power. Friends and client are placed in strategic positions of power and control, whilst enemies are excluded from these positions.

This relationship came to affect every aspect of public and private lives. This relationship also pervaded a one-party state. However, even though patron invests more time and energy gaining and retaining control over client, this has never fully legitimized. It is vulnerable to attack by societal force especially from those excluded from the clientele's relationship. The 11 years brutal civil rebel war in Sierra Leone was a response to this logic.

The land administration system in Sierra Leone not only chaotic, but also becoming increasingly unsustainable. Historically, the country's land tenure system has been governed by Common and Statutory Law. The 2004 Local Government Act grants local council's right to acquire and hold land and takes responsibility to create local development plans. The Chieftaincy Act 2009 establishes that paramount chiefs are the custodians of land. Sierra Leone National Land Policy 2015 maintains that both men and women can govern land and aspires to promote equitable access with enhanced land tenure security and form a basis for a pro-poor socio-economic development in the country. Patron-client relationships prevailed and further compounding rural poverty and the struggles of landless families.

The most current land-related challenges are related to lack of transparency and consent regarding transfer, environmental issues and individual agendas of paramount chiefs. Land rights in Freetown have become unclear due to increase informal land occupations, public encroachment, increasing land grabs and deterioration of records and land registration Process. The processes in provinces are cumbersome, uncertain and not transparent. It's sad to say that large scale land deals are currently not published by government.

1.2 LAND GRABBING/ LARGE SCALE LAND ACQUISITION

Land Acquisition in Sierra Leone by MNCs has led to community displacement. It is evident from the fact that majority of LSLD had negative impact on local population Cotula, (2013). Food insecurity has been a threat to local livelihoods due to loss of arable land, lack of job opportunities and non-payment of compensation for the destruction of productive assets Thondhlana (2015). Improper land acquisition often leads to repression of the local people, resisting policies or fight for labor rights (Hall, Edelman et al. 2015).

Sierra national land Policy 2017, aspires moving towards clearer, more efficient and just land tenure system that stimulate responsible investment and form the basis for nation's continued development (Charm Alphajor, 2017). In the past decades, expropriation for EI's development has been problematic. It sometimes led to displacement and conflicts. A typical case of African Mineral Limited company and local indigenes at Ferengbeya Tonkolili District. The inhabitants lack well-defined property/land rights that give them necessary legal protection. We all know what happened in Marikana mines which continue to unfold in Niger, Sudan, Somalia and the democratic republic of Congo and elsewhere. Sierra Leone National Land Policy 2015 maintains that both men and women can govern land and aspires to promote equitable access with enhanced land tenure security and for basis for a pro-poor socio-economic development in the country.

The country Medium-Term National Development Plan (2019-2023), ensure effective land administration by promoting equitable access and control over land through decentralized proposed National Land Commission, National Cadastral Records Management System and Spatial Development Plan and Strategy developed. According to the Chiefdom Councils Act and Local Government Act of 2004, land ownership is attributed to communities under the jurisdiction of the paramount chiefs.

The Paramount chiefs control resource access and use at chiefdom level. However, In the wake of the war, paramount chiefs were re-inscribed as mediators between local, national, and transnational politics. Patron-client relationships have prevailed and further compounding rural poverty and struggles of landless families. Most current land-related challenges related to large-scale projects that supposed to spur rural development. These challenges are related to lack of transparency and consent regarding land transfer, corruption, environmental issues and erroneous surveys, and in some cases, individual agendas of paramount chiefs.

There is increasing demand for land in the urban areas, following the upsurge of new settlement. The capacity of the land management system to deliver secure land rights has been over stretched. Thus, the incidence of confrontations over illegal settlements has indeed become alarming. Land rights in Western Freetown have become unclear due to increased informal land occupations, encroachment on public lands, increasing land grabs and the deterioration of paper records and land registration Process.

The government is actively promoting “land grabbing” while domestic land speculators are increasingly capturing lands within their family land areas, without adequate data on the available quality land (Draft National Land Policy of Sierra Leone Version 6). It’s sad to say that large scale land deals are currently not published by the government. One can find scanty information deals on company’s website. Corruption has been the order of the day. The land administration system especially in western area is fragmented and experiencing bureaucratic impasse resulting to inadequate planning and oversight. The administration processes within the provinces are cumbersome, uncertain, not uniform and transparent. Control over land rights is primarily being used as a means of accumulating and dispensing political, economic power and privilege through patronage, nepotism and corruption. (Draft National Land Policy Sierra Leone)

The lapses in the legal system and land governance system open the door to corrupt practices. The Provinces Land Act, Cap 122: is generally perceived as hindrance for development purposes. The Concessions Act, Cap 121 which expresses regulating rights has not been invoked in recent times for the purpose of granting access to provincial land to foreign investors in agriculture. In addition, the State Lands Act, 1960: give the Director of Surveys and Lands substantial right to claim any land considered to be unoccupied as State land. A lot of effort has been made to tackle the root causes of corruption to attract foreign investment through tax incentives. The Land Matrix estimates about 785,205 ha allocated to investors for agricultural purposes. A study, on commercial land deals in Sierra Leone has revealed that most communities face precarious economic situations and perceive these investments as a disappointing experience. Landless families, women, youths and community members who lack rich-men networks bear the negative consequences. Landless households potentially face displacement. Investments in land have contributed to increasing inequality and have aggravated conflicts between families and communities, companies and communities, local and migrant workers, and between generations. About 70-80 percent cases in courts are land-related and a large proportion remains persistently unresolved, indicating the seriousness of land conflicts in the country.

The land sector is not only chaotic, but also becoming increasingly unsustainable. Therefore, moving towards a more effective and just land tenure systems in Sierra Leone is a fundamental prerequisite for ensuring the nation’s continued development. In view of this, government has to put together a comprehensive land legislature titled.

1.3 CORRUPTION IN THE LAND SECTOR

The land administration system in Western Area is fragmented and experiencing a bureaucratic impasse resulting in inadequate planning and oversight. land tenure administration processes within the provinces are cumbersome and uncertain. The control over land rights is, primarily being used as a means of accumulating and dispensing political and economic power and privilege through patronage, nepotism and corruption. (Draft

National Land Policy Sierra Leone – Version 6)The allocation decisions are considered ridden with conflicting interests by policy makers, chiefs and other functionaries. State land in the Western Area is considered not to be managed in a transparent, accountable and efficient manner. Lapses in the legal system and land governance system have opening the door to corrupt practice, The Provinces Land Act, Cap 122: is generally perceived as hindrance to proper use of land for development purposes. Also the Concessions Act, Cap 121: that express purpose of regulating the rights for mining or agricultural purposes has not been invoked in recent times for the purpose of granting access to provincial land to foreign investors in agriculture.

The State Lands Act 1960: give the Director of Surveys and Lands to claim any land considered being unoccupied as State land. The Survey Act, Cap 128 makes it compulsory for every conveyance deed or other instrument submitted for registration to have a survey plan annexed The increasing demand for land in urban areas is as a result of new settlement. The Capacity of the land management system to deliver secure land rights has been stretched tremendously.

The incidence of confrontations over illegal settlements has indeed become alarming Land rights have become unclear owing to the legacy of increased informal land occupations, encroachment on public lands, increasing land grabs, suspect land transactions, and the deterioration of paper records and land registration Process. the government is actively promoting “land grabbing” while domestic land speculators are also increasingly capturing lands within family land areas, without adequate data on the available quality land (Draft Sierra Leone National Land Policy Version 6)

It a requirement, for the government to publish large scale land deals and tax revenue gain, It sad to that say LSD are currently not published by government. However, scanty information’s are available on the website of some companies.

1.4 FINDINGS;

Research indicates that approximately 1,000,000 (one million) hectares (ha) of arable land have already been leased or are under negotiation for lease in Sierra Leone. In Pujehun and Port Loko District, for example, one third of the districts areas has been leased or is about to be leased to foreign investors for large-scale industrial. the investors stand to benefit the most because of soil fertility, favorable climate conditions, and with extremely low cost of labour and land, generous 10 year-tax holidays for agricultural investments,

An in-depth “Study on Rural and Agricultural Finance in Sierra Leone” Concludes t “there is no remaining potential to significantly enlarge the area under cultivation anywhere in Sierra Leone” There is no legal obligation most of the land that is leased for industrial agriculture and also mining have not done environmental, health and social impact assessment so much farmland being devoted to industrial estates for non-edible cash crops (ethanol, palm oil and rubber) for export, will have serious impact on smallholder food production and food price and security in the country

Patriarchal customary norms and the fact that most households are headed by male family members, exclude women from decision-making regarding family land transactions and

control. Women often denied the rights of inheritance and succession to family. In Western and Northern region as compare to South and Eastern Sierra Leone access and control over land remain a question of gender. Majorities of women live in rural areas and deliver 60-80% of the agricultural output. They never had full access or control of land or property.

In many parts of the country women can access land only through their husbands or other male family members, and are vulnerable losing their access in cases of divorce or widowhood. Women's land rights have significantly not improved due to lack of the implementation of effective protective legislation and continued use of customary law which discriminates against them. According to the Social Institutions and Gender Index (SIGI) of (OECD), while positive legal reforms have been made in the areas of marriage, divorce, and inheritance, the application of customary law in Sierra Leone continues to disadvantage and discriminate against women in relation to their land and property rights. Action Aid, in a report addressing the status of women's land rights in Sierra Leone, found that “

Despite women's immense contribution to agriculture and food production [in Sierra Leone] and the fact that they constitute the largest group of agricultural laborers, most of them usually only access small plots of land for household gardening. The customary tenure system is also discriminatory against women because: “wives are considered as ‘strangers’ Daughters are considered as ‘leavers meaning that they will eventually join another family through marriage. Prior to the civil war in Sierra Leone,

the extractive sector accounted for 20% of the GDP, 90% of registered export, and 14% of the work force, directly or indirectly (SLEIPA invest in Sierra Leone Pg. 22). Sierra Leone possesses one of the largest natural rutile reserves in the world and largest contributors to tax revenue (40% and 20%) prior to the war. The county has a huge prospect for oil and gas exploration in mere future. The establishment of the petroleum directorate has been a great achievement by the then APC government. Over 93% of the population depends on fossils fuel for cooking and other domestic uses. According to Ministry of Agriculture, Forestry and Food Security the nation lost around 392,000 hectares, 12.6% of its forest cover between 1990 and 2010. These has resulted to soil erosion, desertification, loss of biodiversity, microclimatic change and flooding. .

According to Minkalu in the” house of the commons” progress has been made by GOSL; since the end of the civil war substantial support has been provided to improve the management and oversight of the mining sector. A bold step has been taken to implement the extractive industry transparent initiatives (EITI) though progress has been slowed. Investors have unprecedented opportunities and access to prospective geological areas in almost every region in the country. There are provisions for process, records and monitor mining applications, online repository to share license and revenue information Sidie Tunis (2013).

Bold step been taken to review minerals laws, improved licenses management, establishment of cadastral office, national mineral Agency (NMA), (SLEITI), the gems newsletter, introduction of precious mineral bill in accordance with Kimberly process certification scheme and online database for license payment (www.slminerals.org), Many Sierra Leonean rely on land for their livelihoods, hence a justification that land reform can actually capacitate them through increase in their asset base. A lot of debate on policy response at national and global level.

The biggest criticisms are policies not binding, weak monitoring and reporting mechanism. According to the Economic Commission for Africa the centrality of land tenure to the attainment of sustainable development especially amongst the poor and vulnerable in rural settings is indeed the subject of many regional and national initiatives and meetings in Sub-Saharan (Wiggins, 2003). Most of the people in the developing world can be argued to be relying on the land for their livelihoods hence the justification that land reform can actually capacitate them through an increase in their asset base. As observed in April 2000 report of International Fact Finding Mission to Brazil, "Agrarian reform is one of the most effective measures for guaranteeing the right to feed oneself; it breaks up the cycle of exclusion for millions of peasants, whose access and control over production resources has been denied, whilst offering them the possibility of producing food for their own subsistence and for conditions of male and female peasants, allowing them to become real actors in the economic, social and political development of society.

Not only do these reforms have profound implications for the livelihood of the masses, it also plays a generating force in the overall development of the economy. It changes the resource distribution, bringing equality in the distribution of wealth, access to productive resources. However it can be argued that there is an apparent need for the land redistribution due to the criticality of land in the livelihoods of people in the developing countries. However, it can be argued further that giving land to the landless does not entirely translate automatically into attracted negative media and has been labelled as a complete failure. Zimbabwe's land reform is still viewed as the mother of all calamities.

Thus, it is imperative that debates on the success of land reforms be based on empirical evidence not hearsay as revealed by the case of Zimbabwe. Evidence from research findings reveal that land reforms have contributed to redressing colonial injustices, reduced poverty and increasing productivity. Also land reforms in Japan, Korea, and Taiwan, have made a foremost contribution to overcoming the bequest of colonial development (King, 1973). Thus, it can be reasoned that land reform can be utilised as a strategy for addressing the long-term effects of colonial policies in the developing countries. Furthermore, in Brazil, land reform has clearly been revealed to be economically viable having scope of increasing beneficiary income up to 5-fold (Deininger and Binswanger 1999). Brazilian case above that land can actually lead to economic benefits accruing to the beneficiaries.

Thus, it can be argued that there is overwhelming evidence on the successes brought about by land reform in different parts of the world to merit it as poverty reduction strategy, economic intervention as well as social justice

1.5 RECOMMENDATION AND CONCLUSION

There have been historical and ongoing struggle in the mining sector. The laws don't solve anything neither speaking to the reality. Member state should drive the agenda on critical land issues, build their own solution and figure out how best they can address these challenges.

In exploring resource governance in Sierra Leone, the following recommendations are proffer

1. A complete rethink and re-imagination on how we can do business and how we want natural resources conservation development, review of contract and critical analysis of environmental injustices. .
2. Women's land right has to be strengthened, negotiability and flexibility to address power relation.
3. Strengthen the law, formalization of titling and identifying hindrance factor to women land right.
4. A re- thinks of the limitation of liberal land law and context in which they are passed.
5. implementation of national laws and create platform for critical conversation and response;
6. Reflection on those policy, monitoring process and ensure that national laws do not have lacuna in terms of implementation.
7. Revisit and reconstruct pan African solidarity. youth has role to spear neoliberal movement and institution (African initiative of trade union, CSOs, and new terms of cooperation
8. Progressive end of state ownership in all land; (new players onboard)
9. Recognition and security individual and collective customary right with new adatative innovative tools emerging to scuring land transaction
10. Progress recognition of community control
11. Promotion of multitask land commission at different scale with relevant mandate such as issuing of document for better land access and security and conflict prevensio,

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