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'Land back to the people or not?' The variable pathways of civic mobilisation against land grabs in rural Sierra Leone*

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ABSTRACT

Drawing on empirical research from Pujehun and Port Loko districts in Sierra Leone, this article explains the variable pathways of civic activism mobilised by environmental advocacy, and legal empowerment organisations, in response to two prominent land grabs. By grounding the analysis within the ontology of place, this study examines the dynamic interplay between national politics, global corporate interests, transnational advocacy, and civic agency in each place. The article finds that although the balance of power between these actors matters, the nature of corporate interests involved can be significant in determining the exact trajectory of civic mobilisation, and ultimately its success.

Keywords – Civil society, Chiefs, oil palm, Sierra Leone, land grabbing.

INTRODUCTION

There is a broad interdisciplinary research field and numerous critical debates about the important socio-economic impacts of large-scale land grabs in Africa, and other parts of the Global South (Chu 2011; De Schutter 2011; Li 2011; Borras & Franco, 2013; Oliveira *et al.* 2021). Although the criteria for determining when a large-scale land acquisition (LSLA) becomes a land grab is far from

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conclusive, according to the International Land Coalition, land grabbing is any type of land acquisition that is in violation of human rights, without prior consent of indigenous land users; and without adequate consideration for the wider social or environmental impacts (Yang & He 2021: 2). When land is valued over people's economic security and livelihoods, it creates resistance to the state's vision of development (Hall *et al.* 2015: 469–71). While the land grab frame has offered a fertile activist space to make claims over new and long-standing grievances (Temper 2019: 200–1), the majority of those who have suffered from unjust land deals do not openly resist through large-scale mobilisation. The preference has been to adopt individual, covert and unstructured forms of contention (Hall *et al.* 2015: 471–2).

This is because national non-governmental organisations (NGOs) that champion environmental justice, agrarian reform and legal empowerment in local settings require influential external allies to secure the visibility, legal advice and financial support necessary for large-scale community mobilisation to take shape. Besides, not every mobilisation is against the land deals. Sometimes, they are about inclusion, or about demanding more jobs, or better working conditions (FIAN 2012; Larder 2015). Civic mobilisation against land deals in Africa therefore can have different political, social and environmental constituents. They also present varying outcomes. They may succeed in some cases, but weaken, or fragment, in others (Gagné 2019: 177).

This paper contributes to the scholarship that examines the variable pathways of civic mobilisation against land grabs in Africa, through a micro-analysis of two place-based struggles in northern and southern Sierra Leone. It adds the dimension of transnational corporate interests to the debate on civic mobilisation against LSLAs in the global South more broadly. As yet, peace and development actors, as well as academics, lack an understanding of the importance that the nature of corporate interests may play in determining the outcome of civilian resistance to land grabs in Africa. The study of two place-based struggles in Sierra Leone allows us to focus on these intimate encounters between the governmental, non-governmental, local and corporate interests, to discern how these might present both resistance and coalescence, depending on the nature of the corporate interests involved.

The article proceeds in five parts. In the first part, I examine the ontology of place as the conceptual frame for studying civic mobilisation against land grabs. The second part outlines the study sites, the data and analysis methods. I contextualise land governance and tenure in rural Sierra Leone, before presenting the details of the first land grab in Pujehun district. This is followed by an in-depth analysis of civic mobilisation, the support from Green Scenery, and the counter-pressure from political and corporate stakeholders, that has fragmented both the narrative and the composition of the resistance. The fourth section presents the details of the second land grab in Port Loko district, and the reasons for the success of legal action with the support from Namati. The variable trajectory of civic mobilisation, and the factors explaining the land

grab reversal in the Port Loko case are summarised in the concluding discussion.

THE ONTOLOGY OF PLACE AND LAND GRABS

Of particular interest to this research is the concept of place. Casey (2013) notes that place is a prerequisite of human social relations through physical presence, and through emotional, and psychological attachment. We live in places, we relate to others in them, and we die in them. In a globalised world characterised by 'time-space compression' (Harvey 1989), there is, on the one hand, a certain homogenisation of place. One place is much the same as another, giving rise to a sense of loss, that stems from the 'non-place' and 'placelessness' (Arefi 1999: 179). On the other hand, questions of locality, sense of place, and of identity in place, have become more pronounced. This confusion regarding the credibility and importance of place versus its proposed demise, stems from the fact that the idea of place does not lend itself to a definite interpretation. The meanings associated with place in geographic and in historical work (Withers 2009: 637–8) transcend the idea of place as a 'coherent, bounded and settled' entity. Place can be 'diluted and diffused' (Castells 1999). It varies in scale from the size of a country, or a region, to a neighbourhood (Ariefi 1999: 180).

Environmental psychologists and human geography researchers have studied the interactions between humans and places in three dimensions: cognitive, behavioural and emotional. Cognitive aspects are linked to the spatial characteristics and the ecological resources offered. Behavioural aspects allude to the functional relationship between the people and the place, while emotional aspects relate to place attachment (Hashemnezhad *et al.* 2013: 6–7). Residents of the most traditional places, such as villages, report the highest levels of place attachment drawing on bonding social capital created through close friends and strong family ties (Lewicka 2005). Across rural communities, the relationship with land is also characterised by a sense of identity, community and belonging, or what Bakker and Bridge (2006) term as 'socio-material networks'. In the African hinterland, land is a way of life, a source of economic security, dignity and of deep attachment conditioned through a connection with the ancestors, and with religious and spiritual practices (Gosling and Williams 2010). 'Sense of place' here is a product of generational rootedness, of shared behavioural, religious and socio-cultural processes and practices, developed by those who have been raised in a place, or have lived there for many generations (Hay 1998).

Place as a meaningful location can often evoke strong emotional and physiological reactions in people subject to involuntary or forced relocation (Lewicka 2011). Land grabs must therefore contend with this deep attachment to place (Agnew 1987: 28; Bose 2020: 140). Often the social and cultural capital linked to a place can be more relevant than the emotional bonds in triggering place-related civic actions (Lewicka 2011: 219). However, in the face of land dispossession, displacement, and the loss of livelihoods, an economic, generational, emotional, sociocultural and ecological understanding of land, rather

than a purely commercial understanding of land, tends to dominate the local framing of civic mobilisation to defend the land and the place (Joronen & Griffiths 2019).

By undertaking an ontology of place, the predominant concepts and categories available for the study of place can be applied in the context of land conflicts. When land grabbing is analysed beyond the material value of landed property, to the symbolic, place-based cultural elements, embedded in the land and labour, or the 'terroir', important implications for the socio-cultural life of material sites can be observed (Brawner 2021). Human geography, place attachment, and the sense of place concepts are not relegated to an afterthought in the study of socio-political relations in the context of economic development-induced shifts. The normative dissonance between the local understanding of land and its place in society, and the market-driven understanding of land, and its value for industrial development are addressed more directly (Hennings 2018: 522). These important socio-material factors can then be studied as intrinsic to the construction of the grassroots narratives around corporate interests, and their interactions with the local political elites (Warf and Arias 2008: 1). I therefore apply the ontology of place framing to offer a more nuanced understanding of the relationship between place and the agency of actors that have shaped civic mobilisation pathways against the two prominent land grabs in Sierra Leone.

DATA AND METHODS

During my fieldwork in Freetown, Pujehun and Port Loko (March–April 2017), and follow up research (September 2020–February 2022), I interviewed community members, civil society activists, company employees, staff from national and international NGOs, government officials, and traditional authorities such as the town, section and quarter Chiefs. I also met with the relevant Paramount Chiefs both in the rural communities and during Parliament sessions in the capital Freetown (n = 25). To capture local level dynamics, I held six focus group discussions (FGDs) with community members in Sinjo and Bamba in Malen Chiefdom, Pujehun district (southern province), and in Kemen and Maconteh villages in the Bureh, Kasseh and Maconteh Chiefdoms, Port Loko district (northern province). The groups were of mixed sizes, age groups and gender distribution (Table I). The choice of purposive sampling for the interviews and FGDs was informed by the need to ensure the sample represented a cross section of the population of interest, namely, the stakeholders involved on the different sides of the civil society activism, the local elites, elders, youth, women and the grassroots activists (Oliver & Jupp 2006: 244–5).

Ethical approval for the research was secured from the University Research Ethics Committee. To facilitate access to rural communities in a safe and transparent manner, the community meetings were organised through the international peacebuilding organisation Search for Common Ground Sierra Leone (SfCG-SL), locally known as Talking Drums Studios (TDS), and their

TABLE I.
Details of focus group discussions (FGDs).

FGD with community members	Location	Participants	
		Male	Female
FGD 1 with Males and Females of mixed ages	Sinjo	6	4
FGD 2 with Females of mixed ages	Bamba	–	10
FGD 3 with Males of mixed ages	Bamba	10	–
FGD 4 with Elders	Kemen	5	5
FGD 5 with youth (18–35 years)	Kemen	4	4
FGD 6 with youth (18–35 years)	Maconteh	4	4

local partners the Centre for Coordination of Youth Activities (CCYA) and the United for Protection of Human Rights (UPHR). TDS-Sierra Leone was launched in 2000, as an independent multimedia studio in the capital Freetown. It uses community outreach activities alongside radio programmes to disseminate public information, and to promote public discussion on issues of both national and local interest. In the context of land conflicts, TDS has broadcast the radio series *Bush Wahala*, which has played an important role in opening up public debate and deliberation on the issue of land grabbing (Baú 2019). As a well-regarded civil society actor and conflict mediator, TDS provided a trusted entry point into the rural communities. It also allowed access to the wider civil society network in Sierra Leone, including to organisations like Green Scenery and Namati.

Through TDS and its local partner NGOs, villagers were notified in advance of our planned visits. No monetary payments were made for participation in the research. Snacks and soft drinks were provided during the FGDs as a token of appreciation. Individual consent was secured orally prior to any interviews, and an ethics related information brief was shared with all the research participants prior to the data collection. During the community meetings, the *Mende*, *Krio* and *Temne* languages were used by the two research assistants (RAs) to converse with the locals. Interview notes and village level observations were handwritten by the author, based on simultaneous interpretation into English by the RAs in real time. Due to the nature of intracommunity tensions concerning the two land grabs, the locals feared any formal audio recording of their oral accounts. To confirm the validity of the notes and to mitigate errors, the handwritten drafts were re-read, and cross-checked, by the RAs, to ensure they captured an accurate representation of the field discussions.

After the field visit, I continued to follow media coverage of the two cases, and conducted six follow-up interviews with civil society activists and INGO staff via Skype. The research findings were triangulated with both primary and secondary data from NGO reports, newspaper articles, as well as in-depth case studies from academic journals (Melsbach & Rahall 2012; Menzel 2015; Millar 2016; Yengoh & Armah 2016; Hennings 2018). The Food First Information and

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Action Network (FIAN), for instance, maintains a website with all the relevant documents pertaining to the Malen land grab. The database hosts 44 primary documents including reports, letters, official statements, legal summons and press releases by the relevant stakeholders.[1] I reviewed the primary documents available through FIAN's digital archive to triangulate my findings.

Recent scholarship underlines the potential pitfalls of relying on NGO-produced research and therefore recommends considerable vigilance on the part of researchers. Gilfoy (2015: 187) for example underlines that land grabbing has offered NGO advocacy networks a prominent role in publicising the local narrative, allowing them to both shape and project the nature of local interactions through their reports and communications. Given this risk, I made every attempt to maintain an objective distance from the institutional narrative, and the methodologies adopted in the NGO produced literature about local issues through the use of multiple data sources, including original field data, and primary legal documents.

LAND GOVERNANCE IN RURAL SIERRA LEONE

Sierra Leone's third poverty reduction strategy paper (PRSP) (2013–2018) set the stage for a shift from the post-war reconstruction to the development phase. The government's aim of becoming a middle-income country with 80% of its population above the poverty line by 2035 has resulted in a push toward attracting foreign direct investments (FDI) to support diversified economic growth (Government of Sierra Leone 2018: xiii). Between 2011–2018, nearly 1.5 million hectares, equivalent to 21% of Sierra Leone's arable land, were leased to agribusiness investors (Baxter 2013: 14).[2]

Land in Sierra Leone is governed by a dual system, with British style land tenure regimes in the Western Area, and customary land tenure regimes prevailing in the provinces. Excluding community owned lands defined by customary law, and government owned lands defined by common law, the majority of provincial land is privately owned by the family units. The 2015 National Land Policy places these family-owned lands in the category of 'private lands', although they also fall under customary tenure (Ministry of Land, Country Planning and the Environment 2015). The private lands under customary tenure are nominally under the jurisdiction of the Chiefdom Councils. Paramount Chiefs as heads of these Councils hold significant customary powers as the custodians of the land. Therefore, the land titles held by people who own land under customary tenure, refer to 'customary land ownership', and the powers of the Paramount Chiefs in managing that land derives from their 'customary land custodianship' (Ochiai 2017: 6).

In precolonial times, the Paramount Chiefs and the Chiefdom Council controlled all communal lands in their jurisdiction, and decided on their re-allocation in case a landowning family line became extinct. They served as witness on all land transactions, performing the role of unofficial registrars of land ownership in their jurisdiction. Paramount Chiefs are also involved in

resolving all land-based conflicts (Renner-Thomas 2010: 170–3). Customary land tenure systems vary across the country, and are not homogeneous. Each ethnic group follows its own rules regarding the governance of land, succession, and inheritance. For the *Temne*, in northern Sierra Leone, land is generally collectively owned by the extended families (Bottazzi *et al.* 2016: 973). Among the *Mende* in the south, although similar customary rules exist, women own land, and can be elected as Paramount Chiefs.

Paramount Chiefs decide on land transfer to strangers (those not from a particular Chiefdom, including migrants, tenants, the internally displaced, refugees, ex-combatants and foreigners) (Unruh 2008: 102). The stranger tenants are allocated to a landowning family, or to the head of a specific lineage (Dorjahn & Fyfe 1962). Land is not considered let, or sold, in the western sense (Bottazzi *et al.* 2016: 975). Paying a token quantity of the crop yield to the landowning family is common practice. Among the *Temne*, as a mark of respect and gratitude, these temporary land users may offer gifts or *lambe* such as bags of rice for the landlord, and free labour to maintain the landlord's farm.

Land governance through the landlord-stranger institution is also tied to the various sodality rituals carried out at a variety of sacrosanct places such as the sacred bush, shrines, and ancestral burial grounds. Individuals become tied to a particular place or 'physical space' through these initiation practices. Individuals have rights as well as obligations to others who share those spaces, although the stranger tenants cannot make any claims to the land they work on (Hardin 1993: 93). Future claims to land ownership by the stranger tenants are forestalled through prohibitions against the planting of economic trees or making other improvements to the land they are temporarily given access to. In some Chiefdoms, the prohibition against improvements may be lifted for the strangers who marry locally, have children, and relocate residence with an intent to stay (Akiwumi 2018: 44).

Recent LSLAs in Sierra Leone have triggered a push for documenting and formalising land ownership details into the contractual agreements between the investing companies and the land owners (Millar 2016). This process has unleashed place-based conflicts not only between the local village communities and the companies, but also between the local villagers from different social classes (Bottazzi *et al.* 2016: 972).[3] Different branches of the descendants of a village's original founder are often involved in acrimonious interfamily feuds following the demarcation of land using new technologies such as remote sensing to identify land-owning lineages (Millar 2016: 573–7). Community conflicts can also be about location and access to places. For example, the location of plantations in areas where immigrants, females or matrilineal descendants of the village founder had their fields. In some cases, these conflicts have reinforced the marginal status of these groups (Bottazzi *et al.* 2016: 982).

Land as a conceived space in Sierra Leone has shifted from a productive resource to one with financial value in light of its growing commercialisation

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(Watkins 2005: 209–20). Land ownership has generated monetary exchanges in the form of lease payments rather than bags of rice. This shift in the reciprocal value of land as a lived space has involved a transformation of power relations in the rural hinterland across the landlord-stranger institution. The loss of fertile agricultural land to corporate investments has also intensified intergenerational tensions, as customary laws within the landowning lineages are founded on the belief that land exists for the dead, the living, and the unborn (Unruh 2008: 103). Land transferred to external investors by the elders creates precarity for youth livelihoods, and for youth's economic futures. Land deals are viewed as unjust by the younger generation because they dispossess and exclude them from the land (Hall *et al.* 2015: 482). These place-based tensions have informed civic mobilisation against the land grabs in the Malen and the Port Loko cases.

THE MALEN LAND GRAB AND NETWORK POLITICS

Since 2011, Socfin Agricultural Company Sierra Leone (SAC), a subsidiary of the Belgian corporation Socfin has acquired nearly 18,473 hectares of arable land in Pujehun district to set up rubber and oil palm plantations, with a total investment of US$100 million (Green Scenery 2011: 2). Socfin is an old European colonial agribusiness company that collaborated with the World Bank in developing the blueprints for national oil palm and rubber plantation programmes in West and Central Africa during the 1990s. When the African governments did not succeed in turning these plantations into profitable enterprises, a national drive for privatisation allowed established players such as Socfin to acquire large land concessions such as in Malen with little or no competition (GRAIN 2016).

The SAC's operations affect nearly 28,135 people across 65 villages in the Chiefdoms of Malen, Bum, Lugbu and Bagbo (Ntakirutimana 2019). My focus here is only on the Malen Chiefdom. Observers have noted that the SAC deal had strong backing from the All People's Congress (APC) government, including the Sierra Leone Investment and Export Promotion Agency (SLIEPA), established in 2008 with World Bank support (Ferme 2018: 149). In 2011, the Ministry of Agriculture, Forestry, and Food Security (MAFFS) signed a lease for over 6,500 hectares of land in the Malen Chiefdom for a period of 50 years. This agreement with the Paramount Chief and 28 landowners was renewable for an additional 25 years. The land was then sub-let by the Ministry to SAC (Yengoh & Armah 2016: 335).

Local grievances in Malen in response to the SAC deal have evolved over time. Dissatisfaction began over the lack of full, informed consent at the time of the land-deal's negotiation. The Paramount Chief gave his consent to the lease without adequately informing or consulting with the landowning families. Local farmers were unaware of the actual size of the lease area for the SAC investment (Melsbach & Rahall 2012: 12–15). Contract agreements were written in English, which the mostly illiterate villagers could not read.

Coercion in the form of threats by the Paramount Chief was also reported (Yengoh & Armah 2016: 333–5). Villagers I met recalled that, 'if you resist, if you are not willing to give up the land, you will be put in prison. If you have nobody (no connections), you will continue to rot in prison.'[4]

Discrepancies in the promises made at the time of the deal, and the actual corporate social investments by SAC created further disappointment. For example, the government minister and the SAC representatives had promised local investment to the tune of US$19 million for hospitals, new roads, schools and housing, alongside the creation of 10,000 local jobs. These did not materialise. By 2019, only 1000 locals were employed in the SAC nursery, and the company had only prepared 3,600 hectares of land for planting (EJAtlas 2021). The pay for field hands was a meagre US$2.30. This amount was paid only if they could slash 87 palm trees per day. Many felt this rate of productivity was unachievable, and often resulted in lower wages.[5]

Among the landowning lineages, grievances with the distribution of rent payments were prominent. The annual surface rent paid by SAC was US$266 per hectare. This amount was meagre when compared with the income that the landowners would earn by cultivating the land and then selling the excess produce.[6] The landowners were aggrieved by the added financial burden resulting from the loss of cultivable land for subsistence farming.[7] Women's access to productive resources from the land also became scarce, and their relative poverty and physical vulnerability increased (Daley & Pallas 2014: 183). Some lamented the arrears in rent payments. The traditional Chief of Bamba complained that the yearly land lease payments had stopped after the money he had initially received.[8]

These grievances went unresolved because of the nature of network politics in Malen. It is well recognised that Paramount Chiefs are important players in modern, state-level politics in Sierra Leone (Bayart 1993: 126). From delivering votes at election, to doubling as members of Parliament (MPs) themselves, Paramount Chiefs have featured as linchpins in various agricultural investments inspired to reform the rural lands and their use (Ferme 2018: 147). Network relations between foreign investors, MPs, Paramount Chiefs and other big men[9] generate a form of mafia politics in local settings such as Malen (Li 2018). The local police for example owe allegiance to, and defend the interests of, the big men and the investors, rather than protecting the local civilians. Investors buy the loyalty of the Paramount Chiefs and the MPs through paid advisory roles, co-opting traditional forms of authority into new forms of power and control (Millar 2016).

These more formal sources of power are backed by other informal types of social control operative through the membership of local secret societies or sodalities such as the *Poro* (for men). Membership of these determines who is identified as an autochthon or son of the soil, as opposed to being a stranger in a community. Strangers rely on their affiliation with the *Poro* sodality to attach themselves to powerful landowners as patrons. *Poro* membership therefore plays an important role in determining who can claim to be a Chief,

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access local positions of power, and by extension, decide on resource allocation practices. Links between autochthony, political advancement, social status and rights to the land are imbricated, and tied spatially to the residents of a specific village or Chiefdom (Albrecht 2016: 2–4).

Civic mobilisation against land grabs in any Chiefdom must navigate and function in the context of these formal and informal networks of power and control. It must draw on socio-material networks that offer sufficient counter-weight to the big men networks supporting the land grabs. The wartime networks of *Kamajor* leaders who fought against the Revolutionary United Front (RUF) during the Sierra Leone civil war (1991–2002) have emerged as prominent defenders of the land. Drawing on their role as community defenders during the war, these local leaders have emerged as advocates on behalf of the aggrieved communities in the southern province of Sierra Leone (Hennings 2018).

Existing research suggests that the trajectory, effectiveness, and ultimately the outcome of civic mobilisation against land grabs is predicated on this dynamic configuration of place, power and personalities; on how the state, the chiefs, politicians and bureaucrats respond to the resistance from the local populations, and to their national and transnational advocates. Little effort thus far has gone into understanding how the nature of the foreign investor can influence these place-based dynamics. If investors are committed to sustaining operations over the longer term, rather than seeking short-term profits, can this strategy motivate a more organised resistance to civic mobilisation? The Malen case offers some noteworthy findings regarding this.

Grievances in Sahn Malen and the role of Green Scenery in the civic mobilisation

Protests in October 2011, against the SAC's operations in Kortumahun village, the site for its nursery with 750,000 oil palm seedlings, marked the first incident of localised resistance. The police crackdown, and arrest of 40 protestors, led the villagers to organise themselves into the *Malen Affected Land Owners and Users Association* (MALOA) (LandJustice4WestAFrica 2014). MALOA brought together men and women across class, gender, and generational divides. Starting as a grassroots initiative, it received material, logistical and moral support from both national and international advocacy organisations including Green Scenery, Welthungerhilfe, the Oakland Institute, Action for Large Scale Land Acquisition Transparency (ALLAT), GRAIN, and FIAN among others. Green Scenery in particular played a pivotal role in registering MALOA as a civic entity. Together, they lobbied for an independent investigation into the legality of the land deal. In response, a joint mission of the Parliamentary Committees on Land and Agriculture took stock of local grievances in Malen in March 2014.

State responses to the civic mobilisation in Malen

Soon, the land deal became intertwined with both local and national party politics. The APC government had backed the SAC deal in line with President

Ernest Bai Koroma's 'agenda for change', that promised agricultural modernisation. The company's US$25 million palm oil mill, the biggest in all of Africa, was anticipated to eliminate the need for importing edible oil. The Sierra Leone People's Party (SLPP), the main opposition party, was initially supportive of the local grievances in Malen. Julius Maada Bio, the SLPP Presidential candidate, promised to resolve the conflict during the 2018 electoral campaign. The SLPP's electoral victory brought renewed hope for a possible resolution of the conflict. Following strike action by all the SAC workers organised by MALOA in 2019, a fact-finding mission led by the Resident Minister for Sierra Leone's Southern Province was appointed by the President (Government of Sierra Leone 2019: 3–9).

The fact-finding mission included a legal subcommittee, and a lands and environment subcommittee, appointed to examine all the land deeds and to determine the environmental issues involved. The legal subcommittee found several discrepancies in how the two deeds were executed (Government of Sierra Leone 2019: 3). For example, there was no illiteracy protection clause in place. The land was given as block concessions to the government, and then to the company. The land was not delineated, and the quantity of land given by each family was not recorded. This meant that the landowning families were given land lease rents uniformly, irrespective of the land that they gave. Although these discrepancies were grave enough to render the lease voidable, the report of the technical committee submitted to the Vice President stated that the company should remain, and continue with its operations (Government of Sierra Leone 2019). This verdict suggests that the SAC operations had SLPP backing as well.

Over time, the problems of the communities in the Malen chieftaincy have undergone a process of delocalisation. The Paramount Chief, the local police and the state bureaucracy have backed the SAC position, while national civil society actors such as Green Scenery and MALOA, and their transnational supporters such as FIAN, the Oakland Institute, and GRAIN have resisted the company's operations. Both sides have emerged as important actors and mediators between the local, national and transnational political and business interests (Ferme 2018: 148–50). Strikes, advocacy and localised protests organised by MALOA have been resisted by the SAC and its supporters with police brutality, arrests, fines and court cases (Phoenix *et al.* 2019). The local authorities including the Paramount Chief have also tried to undermine the legality of MALOA. In a September 2012 letter to the Chiefdom administration office, the Chiefdom speaker noted that 'neither I as Chiefdom speaker, nor the Paramount Chief, are aware of any registered organisation known as MALOA.'[10]

Green Scenery has also been targeted by the local authorities and the SAC for supporting MALOA. In a letter to the district officer dated 27 February 2017, the Paramount Chief lamented that, 'Green Scenery among other NGOs … were inciting people against him, and the SAC' … 'I … reject any operation of these NGOs in my Chiefdom … there are other Chiefdoms where they may go, and forget about Malen.'[11] Reports by Green Scenery regarding

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human rights abuses on the SAC plantation led to a lawsuit being filed by the company to ban Green Scenery from producing publications that it considered defamatory (Business and Human Rights Resource Centre 2020).[12] This move elicited criticism from neutral third parties. The UN Special Rapporteur's report on Sierra Leone (2018) noted that 'filing defamation cases against NGOs … (that are) … carrying out vital work, reporting on what they consider to be abuses in land deals, is incongruent with the responsibilities of business enterprises to respect human rights' (UNHRC 2018: 13).

Fragmentation of the civilian resistance

The civilian resistance to the SAC land grab, now in its eleventh year, has become acutely politicised through the interactions between the contentious local, national, and transnational interests. A growing alienation between the chieftaincy, the company and the dispossessed youth has resulted in the locals experiencing the land grab differently. In fact, the locals in Malen have engaged with the state, the chieftaincy, and the corporate power, based on their own reading of the dynamics on the ground. Besides, a growing divergence of interest between the key members of MALOA, including among the local youth groups, has led to a polarisation of the community residents. For example, the Councillor of Bamba, a key advocate since MALAO's inception, reconciled his differences with the Paramount Chief in 2020. In what has been viewed by the locals as a buy-out, the Councillor has been given a motorbike, and some money by the SAC to leave MALOA.[13]

There is also a noticeable shift in the support towards the SAC amongst the local youth groups. Some youth find allegiance towards the Paramount Chief and the SAC beneficial for their employment prospects. Others, especially those from weak lineages, continue to oppose the SAC, and must contend with police brutality, arrests and legal action. Two further civic groups have emerged as a result. The first is the Malen Youth Development Union (MAYoDU). This group has town and section chiefs, speakers, youth leaders, women leaders and SAC employees in its ranks. Their main interest lies in better employment conditions with the SAC, and improved corporate social responsibility (CSR) investments. The MAYoDU members are not opposed to the continuation of the company's operations. In May 2017, MAYoDU convened a meeting in Sahn, the headquarter town for Malen. This meeting attracted hundreds of Chiefdom residents including many sub-chiefs, landowners, and company workers. MAYoDU and the chiefs gave a 21-day ultimatum to the company, instructing all SAC workers to cease work until the company reviewed their demands.[14]

The second group is the Youths Affected by SAC (YASAC). This group is more critical of the company's operations. In a letter to the President dated 2 June 2017, YASAC members lamented the employment conditions with the company, which they described as 'wicked'.[15] They also registered despair

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over the ongoing harassment of the local youth and elders by the local police. On 4 June 2017, YASAC convened a meeting at Gondama village, four miles from Sahn. This meeting was attended by hundreds of youths interested in a more organised struggle against the company. In an act of solidarity, the village chiefs of Malen issued a notice to the General Manager and the Plantation Manager of SAC, asking them to leave the Chiefdom by 9 June 2017, and threatening strike action.[16]

Land deals are known to trigger poor-on-poor conflict through the creation of alliances against, alliances for, and alliances in the struggle within land deals (Hall *et al.* 2015: 468). The Malen case and the fragmentation of MALAO offers evidence of this fact. Strong political backing by the government, and the Paramount Chief for the SAC's continued presence in Malen, has been bolstered by growing civilian support, especially amongst the youth. Green Scenery and MALOA's civic mobilisation against the SAC's operations have faced stiff opposition from the Paramount Chief and the state security agencies, and some civic groups, thereby progressively fragmenting the resistance. Legal action to reverse the land grab, or to enforce compliance with the commitments made by the Bolloré group, the parent company of SAC, have not garnered much traction given the strong state backing for the SAC's operations. While a change in government from the APC to the SLPP created greater responsiveness to MALOA and Green Scenery's demands for fact-finding, it did not result in addressing the local grievances, or in scaling back the SAC's operations in Malen.

THE SIERRA LEONE AGRICULTURE / SIVA GROUP CASE IN PORT LOKO: NAMATI AND THE LEGAL REVERSAL OF THE LAND GRAB

This brings us to the second case study, where legal action supported by Namati, a legal empowerment organisation, has resulted in a land grab reversal in Port Loko district. Port Loko is the fourth most populous district in Sierra Leone with 11 Chiefdoms. It borders the Western Area to the west, Kambia district to the North, Bombali district to the East, and Tonkolili district to the South. Production of food crops such as rice, cassava and sweet potato are the main livelihood sources for over 80% of the population (OCHA Sierra Leone 2015: 2). By way of historical context, in 2010 Sierra Leone Agriculture (SLA) Ltd, a British-owned company, signed a lease with Bureh, Kasseh and Maconteh (BKM) Chiefdoms for 41,582 hectares of land, including the rivers, houses and roads that it encompassed. SLA was a subsidiary of Caparo Renewable Agriculture Developments Ltd (CRAD-L), founded with backing from the UK-based Caparo Group (owned by Baron Swraj Paul, an Indian-born, British-based business magnate, and Labour party politician, who was close to the former British Prime Minister Gordon Brown) (Oakland Institute 2012: 22–36; EJAtlas 2021).

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Context and grievances

The SLA signed a 50-year lease in May 2010, for developing a palm oil plantation, and associated biofuel plants, nurseries and infrastructure by 2017. The project affected 32,174 residents and farmers, across 40 communities in the three Chiefdoms (Baxter 2013: 22). The company agreed to create 8500 jobs, to build schools, roads, and health centres, and to provide skills training for the residents (EJAtlas 2021). By October 2012, only 600 locals were engaged as casual labourers without formal contracts (Baxter 2013: 22). Like in Malen, national and local elites were complicit in negotiating the SLA deal. The Paramount Chief, the local MP, and the Deputy Speaker of the House of Parliament, who were given shares in the company, negotiated the terms of the lease with the SLA officials. The SLA deal was then negotiated directly with the local chiefs by a former British special forces soldier, Kevin Godlington, the SLA director. Godlington acquired nearly 200,000 hectares of arable land in the Pujehun, Tonkolili, and the Port Loko areas on behalf of SLA, while trekking the rural hinterland to raise money for his orphanage on the outskirts of Freetown.[17]

In the process, the deal bypassed the national government and its regulations including an Environmental Social Impact assessment (Oakland Institute 2011; EJAtlas, 2021). None of the landowners read, or were made aware of the terms of the lease agreement. The village Chiefs I met believed that the lease could be renewed every seven years.[18] The CRAD-I website, owner of the initial lease, however reported a 50-year lease period without such a renegotiation clause in place. Only the meagre rent payments of approximately US$2 per hectare could be reviewed every five years (Koroma 2020). Research by Joanne Baxter, based on a copy of the original lease document, notes however that the lease was for 50 years, renewable for 21 years, with the option of renewing for another 21 years, and then another seven years (Baxter 2013: 22).

In Port Loko, the community members I met had similar grievances to those in Malen. After the SLA land grab, they could no longer freely access the fruit trees and local streams to sustain themselves. Women's livelihood and food security were most adversely affected.[19] Among the *Temne*, all land-related issues are dealt with by older men, as these are considered to be serious or weighty matters beyond the capacity of the women to manage. In reality, the *Temne* women were more sustainability focused, and less willing to lease all of the community land including the fallows to foreign investors.[20] Residents in Kemen noted, 'The SLA came and took our land, and their promises of jobs for the youth, and schools for the children were not forthcoming'.[21]

In 2011, the SLA land lease was resold to the Siva Group, a Singapore based company owned by an Indian billionaire investor, Chinnakannan Sivasankaran, for US$5 million (Sesay and Sesay 2017). During this time, the Siva group acquired two large land leases in Sierra Leone, by simply purchasing two existing companies, the SLA and African Oil Palm from Kevin Godlington, who in turn, had acquired the land from the parent company: the Caparo Group. Godlington as

director of SLA, maintained a 5% share in the Siva investment (WRM 2018). Similar to the Caparo group, the Siva group was a complex tangle of companies including Geoffpalm, Biopalm, Biopalm Star Oil, SLA Luxembourg, and SLA Sierra Leone. Geoffpalm was the holding company of all Siva oil palm assets, and was held in turn by Broadcourt Investments (Baxter 2013).

The Siva group had some amount of national political backing. The SLIEPA officials signed as witnesses on two of the Siva Group land leases in the Kpaka (BioPalm Energy lease) and the Gallinessperi Chiefdoms in Pujehun district (Baxter 2013). President Koroma also mentioned the Siva Group in his Parliamentary address (25 September 2012), as one of the important investors that would create more jobs in the rural communities (Presidential Address 2012). This political support notwithstanding, publicly available information on the reasons for the sale remain scarce. The locals I met did not have much knowledge either. A 2016 dataset on land deals suggests that the resale of LSLAs in Africa is common, due to the relative inexperience of some of the foreign investors who have invested in farmlands primarily for profit. At least 27 large-scale oil palm plantation projects announced since 2009 have been abandoned or have failed. Companies such as the SLA were primarily interested in securing leases or concessions over large areas of land that they could then sell on to another company, while making minor investments, or no investments at all (GRAIN 2016).

Once the lease was transferred, the Siva Group cleared 7114 hectares, an area roughly equivalent to 17,000 football fields, to make way for its operations. In the process, it destroyed the communities' valuable cashew and wild palm trees, and other economic crops, without offering any monetary compensation. Although the Siva Group introduced high levels of mechanised agriculture including drip irrigation systems, once the Ebola crisis hit Sierra Leone in 2014, the company's workers, brought in from their plantations in Malaysia, left. The company soon fell behind on surface rent payments, and the farms were left unattended.[22] The Siva Group also started varying the terms of the agreement, by unilaterally reducing the leased area for which rent was due. As a result, instead of the 41,582 hectares that was leased initially, the company varied the agreement to pay rent for only 7,114 hectares, which was the land that was immediately in use. By 2017, surface rent was being paid for only 5,000 hectares. This arbitrary change created a great deal of community resentment. Employment prospects for the locals also dwindled. The SLA, which held a 5% stake in the Port Loko land deal, continued to run its operations on a smaller scale. By October 2020, only 50 locals were engaged on the SLA plantation as casual labour (Koroma 2020).

Civic mobilisation pathways

Various advocacy and campaign strategies including cross-learning from MALOA informed civic mobilisation in Port Loko. Women's mobilisation was supported by international agencies such as the Food and Agriculture Organisation (FAO), and donors such as Irish Aid. Both agencies funded projects to promote women's customary rights to land. Mobilisation efforts

gathered momentum in the lead up to the 2018 elections, and following the de-amalgamation of the Bureh, Kasseh and Maconteh Chiefdoms in August 2017. Notably, a five-day international workshop was organised in Port Loko town, by the Sierra Leone Network for the Right of Food (SilNORF), in collaboration with Bread for All, the World Rainforest Movement (WRM), among other partners, to shed light on the corporate strategies and tactics of oil palm companies in Sierra Leone. This meeting resulted in the Port Loko declaration on women's right to land that was signed by 24 national and international civil society organisations including GRAIN, UPHR, and various women's groups as well as landowners and land users' associations. The woman's mobilisation platform called the 'We want our land back' campaign was launched in November 2017.

Attempts made by the affected communities to amicably resolve the Siva Group related concerns did not succeed. The SLA staff in charge of the operations refused to negotiate or discuss their grievances. When the local grievances were reported to the Paramount Chief, the local MP, and the district council, no concrete measures were taken (Sesay and Sesay 2017). At this point, various legal empowerment NGOs, such as the Network Movement for Justice and Development (NMJD) and Namati, started offering them support.[23] Namati adopted a two-pronged approach of community land-mapping alongside advocacy around the protection of land tenure. Community paralegals trained in basic law, and in skills such as mediation, community organising, and advocacy, shared the necessary legal knowledge about the different land regulation regimes. Alongside this legal empowerment approach, community land-mapping exercises were launched. These helped the landowners to expand their knowledge about the size and value of their holdings. It also created transparency about the location of communal resources such as water bodies and the buffer areas (Sesay 2017).

The success of legal remedies

Supported by the paralegals, the affected communities came to understand the laws, policies and terms that the SLA, and later the Siva group, had violated. They put together a list of demands in a formal letter to the company, requesting a meeting to discuss the violations, rent arrears and the possible renegotiation of the land lease. Although the Siva group paid the rent arrears for 2016, it ignored all attempts by the communities, and paralegals, to renegotiate the terms of the lease (Namati 2018). Represented by Namati, the Chiefdom councils, and the landowners filed a case with the Sierra Leone High Court on 6 June 2018, to recover the land, rent arrears and further damages from the Siva Group, for breaching the lease agreement. In addition, the plaintiffs asked the court to issue an injunction against the company and its agents, restricting them from any dealings on the land, and from entering the land, or moving any assets out of Sierra Leone (Sesay and Sesay 2020). The court granted the injunction on 20 June 2018, and on 5 November 2018 ordered 41,582 hectares previously leased to SLA to be restored to the three land-

owning communities in Bureh, Kasseh and the Maconteh Chiefdoms. The court also imposed a fine of US$250,000 on the Siva Group in lieu of their three year-long arrears in rent payments. Following the court's decision, the land was restored back to the respective landowning families. All common lands such as the cemetery, market place, swamp and bush areas were also returned (Cooper 2018). Although the communities got their land back, they did not receive the money they were awarded in compensation. By the time the verdict was decided by the courts, the Siva Group had been declared bankrupt (Kandala 2016).

CONCLUSION

This article has examined two different pathways that community mobilisation, supported by environmental rights and legal empowerment organisations, has taken in rural Sierra Leone. In terms of original contribution, both examples demonstrate the role of network politics, and how the state and elites interact with corporate interests to exclude and marginalise subaltern access to arable land, water, and forest resources. In the two place-based struggles presented here, land deals were pursued without consent, and relied on a variety of coercive and violent tactics. In both cases, we saw that legal empowerment and transnational advocacy were crucial for equipping communities with the knowledge and tools needed to fight back against exploitive land investors.

In fact, across the Global South, legal action to enforce accountability of corporate players is a rising trend. Be it Cambodia, Cameroon, or Sierra Leone, NGOs and local communities are turning to litigation to publicise and seek justice for the abuses they have observed and experienced. The Port Loko ruling marked the first time that rural communities in Sierra Leone were successful in winning back land leased from a foreign company through legal action. Namati's role in training community paralegals to educate individuals about the law, and the support provided in taking contentious cases to court, are creating ripples of grassroots empowerment (Fallon 2019).

The success of legal action was contingent upon place-based socio-material factors. How far the plantations were developed, the actual land under development, and how invested the corporate players were in maintaining network relationships with the local and national elites to sustain their operations, explain variance in civic mobilisation outcomes. In the Malen case, the SAC is a formidable corporate player. It draws on Socfin's long-standing experience in running palm oil plantations. SAC has been willing to co-opt both national and sub-national elites through paid positions and bribes. These payments are absorbed by the company as part of its operational costs.

In Port Loko, the SLA and later the Siva Group were more profit motivated, looking to gain through the quick sale or the resale of LSLAs, and less invested in the operational aspects of running the palm oil plantations. They were also less well-integrated into the political networks of the national and local elites, nor did they make as much effort to sustain these relationships. The bankruptcy

of the Siva Group, and the lack of political resistance following the group's exit, made legal action less contentious. In Malen, by contrast, the SAC operations have generated €360 million in turnover in 2018, making the plantation highly profitable.[24] This trend is accompanied by the progressive fragmentation of MALOA, and the rise of pro-SAC groups. These developments suggest that future legal action to reverse the Malen land grab will be highly contentious, and remains a distant possibility.

Finally, the research has found that activism against land grabs links the local to the national and global actors through a dynamic interplay between national politics, global corporate interests, transnational advocacy, and civic agency. External allies and experts in both national and international laws with specialised knowledge of corporate and environmental laws have strengthened the capacity of subaltern movements to resist unfair land deals in the Global South. Sierra Leone is no exception to this. Given the important role played by transnational advocates, the ways in which local peoples draw upon place attachment and sense of place to manage land conflicts in contemporary Africa are in fact not only place bound. Their capacities for conflict management, as well as the resources that support their efforts, travel and shift across scale and time. Any analysis of the socio-material networks in place-based landscapes must account for the evolving trends in transnational activism as well. The trend towards legal action for reversing land grabs, and for enforcing corporate accountability in land deals across the Global South and in Africa, is here to stay. It will continue to interact with the nuances of power and politics in place-based struggles to determine if and when legal action to reverse land grabs will be the chosen trajectory for grassroots civic mobilisation.

NOTES

1. Of relevance were 14 primary documents released by land rights activists and defenders; six technical documents regarding the land lease agreements, 14 studies by NGOs, think tanks and academics; and six reports documenting the grievances of the local communities in Malen. See <https://www.fian.be/Landgrabbing-by-SOCFIN-in-Sierra-Leone-documentation?lang=fr>, accessed 13.3. 2022.

2. It is worth making a distinction between land under lease and the land under active operations. There were a lot of land deals that were purely speculative and which were either never implemented, or were drastically reduced in size.

3. Bottazzi *et al.* (2016) identify four categories of conflict within and between villages – inter-lineage, intervillage, interfamily and intergenerational conflicts.

4. Traditional chief, Bamba, Malen Chiefdom, Pujehun, 17 April 2017.

5. FGD1, Sinjo, Malen Chiefdom, Pujehun, 17 April 2017.

6. Civil society activist, Green Scenery, Skype interview, 10 October 2020.

7. FGD1, Sinjo, Malen Chiefdom, Pujehun, 17 April 2017.

8. Traditional Chief, Bamba, Malen Chiefdom, Pujehun, 17 April 2017.

9. For a discussion on 'Big men and networks' see Utas (2012: 1–31).

10. Paramount Chief's Letter to Chiefdom Administration Office, 7 September 2012. <https://www.fian.be/IMG/pdf/letter_reject_maloa_meeting_pc_september_2012.pdf?lang=fr>, accessed 12.4.2021.

11. Paramount Chief's Letter to the Chiefdom Administration Office on 'Incitement by some NGOs in Malen Chiefdom' 27 February 2017. <https://www.fian.be/IMG/pdf/20170227_letter_paramount_chief_-_incitement_by_some_ngos_in_malen_Chiefdom.pdf>, accessed 15.4.2021.

12. Following a long-drawn legal battle, the case was finally dismissed in December 2020.

13. Staff, Green Scenery, Skype interview, 10 October 2020.
14. MAYoDU's Letter to the SAC Country Director (4 June 2016). <https://www.fian.be/IMG/pdf/mayodu_letter_june_4th.pdf?lang=fr>, accessed 13. 04.2021.
15. YASAC's Letter to the President of Sierra Leone (2 June 2017), p. 1. <https://www.fian.be/IMG/pdf/yasac.pdf>, accessed 14.4.2021.
16. YASAC's Letter to the President of Sierra Leone (2 June 2017), p. 2. <https://www.fian.be/IMG/pdf/yasac.pdf>, accessed 14.4.2021.
17. Author interview with Joanne Baxter via MS Teams, 15 March 2022.
18. FGD 4, Kemen, Maconteh Chiefdom, Port Loko, 20 April 2017.
19. FGD 6, Maconteh village, Maconteh Chiefdom, Port Loko, 22 April 2017.
20. Staff, Namati, Skype Interview, 11 October 2020.
21. FGD 5, Kemen, Maconteh Chiefdom, Port Loko, 22 April 2017.
22. Staff, Green Scenery, Skype interview, 12 March 2022.
23. Staff, Green Scenery, Skype interview, 12 March 2022.
24. Staff, Green Scenery, Skype interview, 10 October 2020.

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