

LARGE-SCALE LAND ACQUISITIONS AND CUSTOMARY TENURE SYSTEMS:
Corporate Playground or Minefield?

The Case of Addax Bioenergy SL Ltd. and a Communal Land Conflict in its Project Area



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Preface and Acknowledgements

Ever since I followed a course on Conflict Analysis and Mediation in Conflict, I wanted to pursue a Master's degree in this scientific discipline. When I was admitted to the Centre for International Conflict Analysis and Management's (CICAM) Master Programme, this wish came true. Throughout my studies, I became more and more fascinated with the ever changing dynamics of conflicts, certain processes that drive people to take up arms, and the efforts of the international community to guide the post-conflict stage. The courses I have followed in 2011 and 2012 gave me a thorough understanding of the complexity and stratifications of conflict and war. This understanding was first put to use during a field trip to Cyprus, where I witnessed the relevance of academic terms I had learned over course. The physical separation of the island and the persistent narratives of "us" and "them" were confronting.

In April 2012, I left the comfort and safety of the Netherlands for an internship in Sierra Leone. I would work for a company that aimed to bring economic development to one of the poorest areas of Sierra Leone: Bombali District in the Northern Province. As a research project, I would be reviewing the company's influence on local communities, which has resulted in the realisation of this Master's Thesis.

I would like to express my gratitude to a large number of people: my respondents, for trusting me and providing me with sensitive and valuable information. My "first" supervisor Gearoid Millar PhD, who introduced me to Addax, thereby providing me with both an interesting case and an internship. In addition, I am grateful for his guidance in Sierra Leone, without his assistance it would have been much more difficult. Plenty tenki to Tyson, my research assistant, for his interpreting, translating, and driving. Many thanks to the former Addax manager, who took the time to respond to my questions, and to José, Dagmar, and Irene, who commented on the drafts. Finally, I want to thank dr. ir. Mathijs van Leeuwen, my "second" supervisor, for his patience, enthusiasm, guidance, and useful comments while writing this thesis. This gratitude is extended to dr. Haley Swedlund for spending some of her valuable time reading this thesis. And of course, for all people that supported and helped me at some point in the the creation of this work.

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List of Acronyms

AA	Acknowledgement Agreement
CoC	Code of Conduct
CSO	Civil Society Organisation
DC	District Commissioner
DFI	Development Finance Institutions
DO	District Officer
ESHIA	Environmental Social and Health Impact Assessment
FDI	Foreign Direct Investment
IFC	International Finance Corporation
IFC-PS	International Finance Corporation - Performance Standards
IFPRI	International Food Policy Research Institute
LL	Land Lease
LSLA	Large-Scale Land Acquisition
NGO	Non-Governmental Organisation
PC	Paramount Chief
RM	Resident Minister
RSB	Roundtable on Sustainable Biofuels
RSB-SS	Roundtable of Sustainable Biofuels - Sustainability Standards
RUF	Revolutionary United Front
TNC	Trans National Corporation
TRC	Truth and Reconciliation Commission

1. Introduction

It is estimated by the International Land Coalition that “the global rush for land had claimed more than 200 [million] hectares between 2000 and 2010, the majority in sub-Saharan Africa.” (Provost & MacClanahan, 2012) This rush for land, that manifests itself by an increasing occurrence of Large-Scale Land Acquisitions (LSLAs), has attracted widespread attention of academics, Civil Society Organisations (CSOs), Non Governmental Organisations (NGOs), and international institutions and has fueled a debate on the opportunities and risks that LSLAs bring with them. Often, those acquisitions are presented as a chance for host governments to strengthen their domestic economy, because they provide governments with stable tax revenues and bring employment opportunities with them. (Cotula et al, 2009) In addition, Zoomers states that “[t]he local population can profit from new employment [...], new markets [...], and improvement in amenities and infrastructure.” (Zoomers, 2010: 441) On the other hand, several authors, including Zoomers, have emphasized that the downside of LSLAs is that they may bring some serious risks for affected communities, such as degradation of livelihoods, landlessness, and increasing food insecurity, and that these risks will often affect the most poor and vulnerable people. (FoE-Uganda, 2012; Odendaal, 2011; The Oakland Institute, 2011) Based on these risks, some authors have stressed the necessity to reconsider the practice of LSLAs in general. (Zoomers, 2010; Borras & Franco, 2010)

This critical narrative on the many downsides of LSLAs “is slowly ceding ground to a new storyline - that of the new land deals as a potential opportunity for rural development, if they can be harnessed properly so as to minimise or avoid possible negative social and environmental aspects.” (Borras & Franco, 2010: 509) Among the main advocates of this storyline are the World Bank and the International Food Policy Research Institute (IFPRI), who responded to the criticism by acknowledging that LSLAs can have negative consequences. They identified key risks, such as food insecurity and endangerment of customary land right and proposed Codes of Conduct (CoCs) that should mitigate negative consequences of LSLAs.¹ The prevailing view among the proponents of LSLAs is that if the risks they identified are mitigated, the affected communities will not experience any harm and will solely benefit from these acquisitions, resulting in a win-win situation for the

¹ Proposed regulatory frameworks go by different phrasings: Principles, Standards, Codes of Conduct, etc. These phrases refer basically to the same idea, so throughout this thesis the phrasing Code of Conduct will be used for all regulatory frameworks and guiding principles.

company pursuing an LSLA, as well as the affected communities. (Von Braun & Meinzen-Dick, 2009: 3)

However, Borrás and Franco argue that the measures presented in CoC proposals can not guarantee pro-poor outcomes, because they are based on the risks to which local communities are exposed. Moreover, these proposals rely on the assumption that negative side effects of Land Acquisitions can be mitigated by formalistic and legalistic measures. This leads the authors to present the notion that CoCs serve “to sustain or extend the existing global agro-food and energy complex.” (Borrás & Franco, 2010: 515) Their view is shared by Goetz (2013), who condemns CoCs’ “imprecise and voluntary nature [...] and bias towards certain industry interests.” (Goetz, 2013: 204) The main critique on CoCs is thus that they do not sufficiently protect affected communities from LSLA-related negative effects, such as landlessness and food insecurity.

There are however, other ways in which an LSLA affects communities: land reforms - of which land acquisitions are a mere example - are likely to induce local renegotiation of land governing authorities and legitimacy of those authorities (see Sikor & Lund, 2009). CoCs may guide the behaviour of companies, but the consequences of this behaviour are unpredictable, because the effects are shaped by the societal context in which the LSLA takes place. Van der Haar and van Leeuwen (2013) suggest that these effects may especially be problematic in post-conflict environments, where society has undergone significant social change: first, by having their lives disturbed by a conflict, and thereafter by post-conflict governance reforms. In addition, relations between people and authorities may be ambiguous or contested, both as a cause and consequence of conflict. As argued by Fairhead, Leach and Scoones (2012), these changes and ambiguous relations may well result in increased insecurity among affected communities, or even enforced exclusion and aggravated social tensions:

“Local agrarian relations and tensions can also fuel, and be fuelled by, [LSLAs]. In Sierra Leone, for instance, biofuel development by foreign agribusiness is playing into agrarian structures that already marginalise young men and women from land and decision-making rights. (Mokuwa, Voors, Bulte, and Richards, 2011) As chiefs use their power to make deals with business agents and sign away village farmland, rural youth find themselves doubly dispossessed, first by local agrarian structures and then by business grabbing (Anane & Abiwu, 2011) [...]” (p. 252)

Given the risk that an LSLA may thus have the unintended effect of disturbing power relations in post-conflict Sierra Leone, I believe it is important to assess an existing project and the CoCs it is based on by reviewing how it affects land governance practices. This thesis will therefore look beyond the question whether or not CoC-guided LSLAs are desirable as a development tool. It will instead focus on how Addax Bioenergy SL Ltd., a company that states to “compl[y] with the world highest social and environmental standards” (Addax Bioenergy - Global Standards and Accountability, n.d.) affects social dynamics and local land governance processes in Komarabai, a village in their project area.

This community has been divided by a land conflict prior to the Addax project and the arrival of the company has revived the conflict. This case study will thus focus on a specific aspect of land governance, namely land dispute resolution and what the company’s impact was thereon. By doing so, the goal of this case study is to contribute to the debates on current CoCs by exploring what the International Finance Corporation - Performance Standards (IFC-PS) and the Roundtable of Sustainable Biofuels - Sustainability Standards (RSB-SS) are lacking and whether and how overlooked effects on land governance of LSLAs can be better addressed in these CoCs. This research goal will be achieved by answering the research question:

How does a presumably socially responsible large-scale land acquisition working from the International Finance Corporation’s Performance Standards and the Roundtable on Sustainable Biofuels’ Sustainability Standards affect land governance processes in a community in Sierra Leone’s Northern Province?

To determine how the company affected land governance and other social dynamics associated with land, the following sub questions will be answered:

- How is land governance organized in Sierra Leone, and what has been the impact of the civil war on this?
- What was the conflict in Komarabai about?
- How were resolution attempts before the Addax project perceived by the community?
- How did Addax’s intervention in the Komarobai conflict affect the conflict, in terms of altering the legitimacy, and authority of different land governing institutions?
- To what extent was Addax’s intervention coherent with recommendations from the IFC-PS and the RSB-SS?

Two concepts mentioned in the research goal and the research questions need further explanation. Firstly, “land governance” entails the rules, processes, and structures regulating ownership and access to land and how competing interests to land are managed.² Secondly, the qualification “socially responsible LSLA” serves to indicate that the land acquisition is pursued with specific attention to the potential of the occurrence of negative social consequences in affected communities.

This research will neither serve to condemn nor praise the practise of LSLA in general, or Addax’s actions in particular, it will rather explore how a company that aims to be exemplary in carrying out a socially responsible LSLA, deals with challenging social circumstances that may surface during a land acquisition. By analysing a land conflict within a community and how a company pursuing an LSLA affected this conflict and related social dynamics, this case study will connect the debate on LSLAs to the more conceptual land governance debate. By describing how an external actor influences complex social dynamics on the ground, it aims to provide more depth to the LSLA debate. Furthermore, since the large-scale land acquisition in this study caused changes in land governance processes, this case study contributes to the body of literature on land governance by describing local perceptions on and consequences of land governance evolution and reforms. Lastly, it is suggested that LSLAs “can add considerably to post-conflict problems.” (van der Haar and van Leeuwen, 2013: 13) The following case study will further examine this suggestion.

The societal value of this thesis lies in reviewing the practise of a socially responsible LSLA with regards to its effect on post-conflict (land) governance practises. It will highlight some of the - unintentional - consequences it brings about and explore additional risks to those already addressed in CoCs. Despite the fact that this case study focuses on one particular community, and thus one particular area, these risks may also occur in other regions where land rights and governance structures are not clear cut, not fully enforced, and/or have a troubled history.

Besides this introduction, in which the phenomenon of LSLA and many actors and concepts have been briefly introduced, this thesis will have 6 chapters. After the introduction, the historical background of local (land) governance in Sierra Leone will be

² Based on the working definition of land governance in David Palmer, Szilard Fricska, Babette Wehrmann (2012) Towards Improved Land Governance, FAO Land Tenure Working Paper 11, <ftp://ftp.fao.org/docrep/fao/012/ak999e/ak999e00.pdf> (accessed 13 August 2013)

described in chapter 2. In this chapter the first sub question will be answered by describing how traditional governance and land governance are regulated in Sierra Leone. It will further address how issues regarding traditional and local governing actors became a precondition of civil war, and how Sierra Leone's governance structure was reformed after the war. In addition, it will describe the structure of land governance in rural areas in the country, and how this land governance is embedded in the social structure of rural communities. This chapter suggests that problematic (land) governance relations are not new to rural communities in Sierra Leone and may be a phenomenon to bear in mind when making an entry into the area.

Thereafter, Sikor and Lund's (2013) conceptual framework on land governance is introduced in chapter 3. This framework entails a flexible, yet clear explanation on how land and authority relate to each other, which will show how land and power are linked. It further focuses on processes of achieving legitimacy for authorities. Furthermore, Peters' (2004) theory on the negligence of negative properties of customary land tenure systems will be explained. Explaining this theory serves to stress the need for a more critical stance towards customary tenure systems. This chapter serves to introduce the analytical lenses that will be used throughout this thesis.

In chapter 4, the methodology used to obtain the data is presented and substantiated. This serves to allow other researchers to replicate this study, which will contribute to the validity of this research and its conclusions. Thereafter, in chapter 5, the major actors in the conflict will be identified and the events that have led to the land conflict in the community are summed up and analysed. This will serve to answer the second question and explain how the case was related to traditional and land governance prior to the Addax project. It will be argued that seemingly futile land disputes may not just represent struggles over preservation of livelihoods, but can also entail a struggle over legitimate authority and the importance of preservation of social status.

The third sub question will be answered in chapter 6, in which the resolution attempts that took place prior the Addax project will be described. It will be examined how these were perceived in community and why these attempts failed. Chapter 7 contains a more elaborate explanation of the Addax project and how Addax made its entry to the area. Furthermore the perceptions from the community on the company's interference will be discussed, which will answer the fourth sub question by explaining how Addax's LSLA affected processes of land governance, legitimacy, and authority in the community. Chapter 8 will describe two of the CoCs the Addax project is based on and will examine how these are reflected in the

company's project design and its interference in the conflict. This will answer the fifth, and last sub question and determine whether these CoCs provide recommendations for an effective intervention in a land dispute or conflict.

In chapter 9, the line of reasoning will be summarised, which will lead to a conclusion on how an LSLA can affect land governance processes and what role the CoCs played therein. Based on this conclusion, it will be determined what current CoCs are lacking, and whether and how overlooked effects of LSLAs can be better addressed.

2. Traditional Governance and Customary Land Tenure in Sierra Leone

The following chapter will explain how traditional governance structures in Sierra Leone have developed during and since the colonial era. In addition, developments before and after the civil war will be reviewed to illustrate how the current relation between traditional governance and their people was established. After discussing governance relations, it will be explained how land is governed in Sierra Leone and what role aforementioned traditional rulers play therein. This chapter will describe how traditional governance and land governance are regulated and how they relate to social structures in rural Sierra Leone. This will allow the implications of Addax's interference that will be analysed later on, to be embedded in the country's specific land governance situation, which has been shaped by the historical events as set out below.

2.1 The Development of Traditional Governance throughout History

2.1.1 The Onset of Formalised Traditional Governance

Sierra Leone has inherited a dual governance structure from the British colonial era. Only the Western Area was directly controlled by Britain, and in 1896 the interior was declared a Protectorate. Before, there were economic relations and trade treaties with local peoples in the interior, but their sovereignty was respected. (Acemoglu, Reed & Robinson, 2012: 8) The declaration of a protectorate was followed by the establishment of a system of indirect rule in which the existing "political system [...] "based on families and land"" (Fenton, 1948; Richards, Bah & Vincent, 2004: 2) was incorporated. Paramount chiefs became "responsible for the arbitration of land and legal disputes, the collection of tax revenue, and the general welfare of their people." (Acemoglu et al., 2012: 8) Paramount chiefs were at the top of the traditional governance hierarchy in the Protectorate: (Sierra Leone - Truth and Reconciliation Commission [SL-TRC], 2004) daily management of the chiefdoms was vested in several section chiefs, who preside over clusters of villages, and village chiefs, or village headmen, who preside over individual towns and villages. Their responsibilities include dispute resolution, overseeing land matters, and being the central point of contact in the village.

Although the system of indirect rule designed by the British colonial government was based on existing governance structures, there were some new characteristics. "[The] formal system of succession in the chieftaincy [was established by the colonial government].

Paramount chiefs rule for life and are elected by vote of the “Tribal Authority”, a group comprising the members of the chieftom elite.” (Acemoglu et al., 2012: 9) Despite post-conflict democratisation efforts, the election procedure for Paramount Chiefs remains obscure: “the tribal authority comprises mostly members of the rural elite: they are not elected by [the] taxpayers and neither is the chief.” (Acemoglu et al., 2012: 9) To be elected as a Paramount chief, a person needs to be born from a ruling family. There are no official records on what families are the ruling families, and this qualification thus depends on consensus within the chieftom. (Acemoglu et al., 2012: 10) The system of succession on the village and section level is even more unclear: while it is indicated that these positions usually are hereditary, (Conteh, 2013: 9) Fanthorpe (2005) mentioned that some Paramount chiefs and government officials appoint their own clients to these positions. The entire traditional governance system and thus the land governance system has been prone to interference from the start; from outside as well as the top of the hierarchy.

2.1.2 Spoiled Local Governance as a Precondition of Conflict

In the Paramount chieftaincy system as constructed by colonial rulers, the chiefs “[derive] their authority from the colonial government, and not their people.” (Acemoglu et al., 2012: 8) In 1950, it became clear that the chiefs “neglected [in many respects] their roles in providing services for the population out of the tax revenue they had raised.” (Acemoglu et al., 2012: 8) Corruption and abuse of power are also found at the village and section level. A debate between Fanthorpe and Richards discuss to what extent this abuse has created a precondition for war in rural Sierra Leone.

Richards (2005) rejects the argument of “Greed as a cause of war” and the “New Barbarism” theory. He states that the majority of the combatants of the Revolutionary United Front (RUF)³ were youths from a rural background, and - using qualitative research - analyses their reasons to join the RUF. His findings indicate that not greed, or exclusion from education were drivers for these combatants, but rather social exploitation by their chiefs, through marriage schemes and forced labour. These findings are embedded in an anthropological and historical framework of rural Sierra Leone, which is characterised “as a two-class society comprising several leading families [...] enjoying land rights as first comers ruling over a mass of ‘farmers, strangers, and accretions’.” (Fenton, 1948 as cited in: Richards, 2005: 585) This ruling over the mass encompassed local dispute resolution and

³ The RUF, a group of rebels, entered Sierra Leone from Liberia in 1991, which marked the beginning of the Sierra Leonean Civil War.

regulating access to land. In addition, Richards found that rural elites applied certain “marriage schemes” in which elites marry multiple women and use their wives to lure young unmarried men into affairs with these wives. These elites then summon the young men to the court and demand that they pay for their offense by labour. This scheme leads young men to be in high debts and prohibits them from gaining access to farmland and starting their own family. Local governance was thus spoiled as traditional rulers and rural elites used their influence and power for their own gain.

This argument is supported by Mokuwa, Voors, Bulte, and Richards (2011), who analysed the background of RUF combatants recruited during the first years of the civil war. They find that although farmers were a minority, the majority were students from poor rural families, and thus qualified as having a rural background. Furthermore, their analysis supported the “marriage scheme” accusation as posited by Richards: they found a high incidence of court cases on adultery between elites and the rural poor, which were often settled by high fines or forced labour.

Fanthorpe (2005) agrees with Richards’ argument, but states that when interpreting quotes of rural youths, elders, and former RUF combatants, it should be taken into account “that rural people are desperate to influence [benefit prioritization] to their advantage.” (p. 40) The quotations presented by Richards may therefore be valid grievances, but may also be exaggerations expressed by people that want to attract attention to their individual needs. Fanthorpe further points out that the “collapse of formal chieftom administration during the war [and] the grievances recently brought to the attention of aid agencies might appear to suggest that chieftaincy is in terminal decline.” (Fanthorpe, 2005: 45) However, as he himself shows using several cases, the chieftaincy “remains the focus of an intense struggle for political control over the Sierra Leonean countryside, a struggle in which both the political elites and the rural poor are deeply engaged.” (Fanthorpe, 2005: 45) This intense struggle may indicate that the chieftaincy system will change, but there is no presumptive evidence of a terminal decline.

2.1.3 Post-War Restoration and Decentralisation

As mentioned before, the Paramount chieftaincy system was not ideal because of the absence of accountability mechanisms, which allowed many chiefs to abuse their power and subsequently create social division. The few mechanisms that existed were stripped during the 1970s (Fanthorpe, Laval & Sesay, 2011: 50) and during the civil war, many

chiefs were tortured or killed, leaving their “Chieftain[s ...] devoid of status and direction.” (SL-TRC, 2004: vol. 3A para. 4.181)

After the declaration of peace in 2002, former President Ahmad Tejan Kabbah stood for many post-conflict challenges, among which rebuilding a failing state. One of his spear points was governance reconstruction, as the existing governance structure had proved to misrepresent the needs of the people. In order to promote a more democratic state system, decentralisation, through “transfer of powers, functions, responsibilities and resources from the central government to local authorities or other subnational entities” (UN Department of Economic and Social Affairs, 2010: 85) is often propagated to establish participatory governance, and by this to preempt a post-conflict situation from reverting back to war.

In collaboration with aid agencies, the first post-war administration sought to decentralize Sierra Leone’s governance structure through restoring the Chieftaincy system. In 2003 the President announced that “the desired new policy [would] attempt to restore the past, and where necessary modernise the governance structure to make it more effective, relevant, and democratic.” (Kabbah, 2003) Since the Truth and Reconciliation Commission found “that the Colonial government manipulated the Chieftaincy system and, in so doing, undermined its legitimacy” (SL-TRC, 2004: vol. 2 para 2.47), it is unknown to what extent the Chieftaincy system would be restored.

The announcement of the Chieftain Restoration Programme was met with many concerns. Although the Local Governance Act “provides for a highly democratic system of local governance,” (Jackson, 2005: 52) recommendations from nation-wide consultations, such as the abandonment of party politics in the elected local councils and excluding Paramount Chiefs from having a seat in these councils were rejected. The literature on how the restoration is perceived by the people of Sierra Leone is inconclusive. While some authors report that educated people and people living in urban area are weary of the revived Chieftaincy system (Hanlon, 2005: 1-4), people from rural areas defended it: (Sawyer, 2008) “We all have our culture, chiefs are the government in the villages, not the government in Freetown, and central government authority in the villages goes through chiefs.”(A farmer cited in Fanthorpe et al., 2011: 29)

It can be concluded that the relation between people living in rural area and their - local and national - government is ambiguous: on the one hand they cling to their traditional leaders and distrust the national government, but on the other hand the historical relations to their traditional leaders are troubled and the existing social structures - still - pose the risk of social marginalisation.

2.2 Land Governance in Sierra Leone

The historical chain of events as set out above has shaped, but is also embedded in rural land governance practices. The following subsections will explain how and by whom land governance in Sierra Leone is regulated.

2.2.1 Formal and Customary Law regarding Land

In the constitution it is not clearly specified to whom the territory of Sierra Leone belongs. (Williams & Oredola-Davies, 2006) The dual judicial structure leads to the situation that land in the Western Area - the former colony - is state-controlled, and the land in the Provinces - the former Protectorate - is regulated by customary law as set out in the Provincial Land Act Cap. 122 of the Laws of Sierra Leone. This act stipulates that land in the Provinces cannot be transferred to the ownership of a non-native, or “any person who is not entitled by customary law rights in land in a Province.” In addition, the terms for different types of tenancy for these non-natives are defined. Further implementation of land governance lies in the hands of the traditional and local governance actors, such as the Paramount chief and District Officers and their advisory councils. Jurisprudence on such matters lies with the Local Courts, who according to the 1963 Local Courts act, 13(1.b.i) “have jurisdiction to hear and determine all civil cases governed by customary law.” As stated by Unruh and Turay, “customary law regarding land is unwritten in Sierra Leone, apart from reference to it, or to aspects of it within formal legislation.” (Unruh & Turray, 2006: 33) In order to better understand the properties of the Sierra Leonean customary land tenure system, the next section will seek to explore intra communal land management processes.

2.2.2 Customary Land Tenure in Sierra Leone

“Rural land in Sierra Leone is held by landowning families (extended families or lineages), with a chieftaincy structure that plays a significant administrative and custodian role.” (Unruh & Turray, 2006: 2) Day to day land governance thus lies in the hands of “landowning families”, “who are able to trace their ancestry back to early arrivals in the area.” (Unruh & Turray, 2006: 4) These early arrivals are difficult to trace back, since there is no documentation on who came first. Claims of historical belonging to a particular area are therefore based on narrative and consensus among landowning families, section chiefs, and village chiefs. Dorjahn and Fyfe (1962) have described how a particular domain became “owned”:

“[T]he first chief of the Kolifa area, Masa Kama Koranko, gave permission to one Pa Bambara, a Kamara, to hunt the southern part of this domain and settle if he wished. To strengthen his position, Pa Bambara married a daughter of Masa Kama, and ultimately some of their descendants founded the chieftaincies of Mayoso, Mabang, and Mamunta, all subordinate to Rowala. As time went on, and more immigrants arrived each family or lineage group went to the chief of a new area, gave him a gift and requested bush for brushing. Usually the chief referred them to a lineage head, who had adequate resources and who would accept them as stranger-tenants. Thus Ishe Mela (= Kamara), an early settler in the southern part of Kolifa Mayoso, assigned sections of bush to several immigrant families who settled villages there.” (p. 391)

This example shows how a larger area was divided in sections and how these sections were subsequently divided in villages. “The [d]escendants of village founders form[ed] elites within villages throughout the country, sitting above subsequent settlers in the local social hierarchy.” (Williams & Oredola-Davies, 2006: 5) These subsequent settlers, or “strangers” sought a place to farm and appealed to the head of a landowning family. Accepting this stranger and assigning him a place to farm, caused this landowning family to become economically and socially responsible for this stranger: the stranger pays for access to land in agricultural product, farm labour, respect and loyalty, and in return the landowning family provides him with a place to farm and represents the stranger in the community. (Dorjahn & Fyfe, 1962: 392) The landowner-stranger relations are therefore equivalent to patron-client relations, because they are hierarchic relations in which economic and social goods are exchanged. This notion is also presented by Berry (2009), who states that “land is [...] seen as a form of political space - territory to be controlled both for its economic value and as a source of leverage over other people.” (p. 24) This phenomenon creates a social division between landowner and land user, the latter depending on and thus becoming subject to the recognized owner.

Village, Section, and Paramount chiefs who descent from landowning families can exercise the role of landowner. Besides this role, however, they fulfill a custodian role: as explained in 3.2.1, implementation of land governance beyond the Provinces Land Act lies with the Paramount chief and his chiefdom councils, among which are the Section chiefs.

(Commonwealth Local Government Forum, n.d.) The position of the village chiefs regarding land governance is nowhere specified, but it is suggested in several articles that the village chief is in charge of dispute resolution, overseeing land matters, and being the central point of contact in the village. (Fanthorpe, 2004; Sawyer, 2008; Personal Observations, 2012)

While jurisprudence on civil cases - which include land cases - and minor crimes is in the hands of Local Courts, most people from rural areas prefer their village and section chiefs to mediate and resolve these issues. (Sawyer, 2008) This is confirmed by Fanthorpe (2004) who found that local (land) governance is effectively self regulating: conflicts are usually settled within the community and despite the option of a Local Court, many rural people prefer the chief's jurisprudence over these courts, because of its accessibility and affordability. (para. 3.2)

Thus, land governance is organised through the strict social hierarchies in rural villages in Sierra Leone. Since this hierarchy is based on narratives of descendancy, a family's social status within a community is relatively static: the situation of a stranger becoming a landowner is highly unlikely. The personal character of vertical relationships between land owning families and stranger's families affirms this immobility. On the other hand, the absence of an official land titling system and the fact that one's position in the hierarchy is vested in consensus on narratives of descendancy, make the social structure prone to disagreements and subsequent disputes or even conflicts. It is this system of customary tenure that the aforementioned spoiled governance could take place in and produce a class of aggrieved 'strangers'.

3. Land as a Means to Acquire Power, Power as a Means to Acquire Land

The following chapter will explain the analytical lenses used in this study. First, Sikor and Lund's (2009) conceptual framework on access, property, power, and authority is introduced. This framework will explain how land and power are linked in settings of legal pluralism, such as post-colonial and post-socialist countries and how property and authority are produced through interconnected social processes. The land governance relations in Sierra Leone and the dynamics of the local land conflict will be analysed using this framework. The second lense used in this thesis is based on Peters' critique on the reliance of academics on the positive characteristics of customary land tenure systems, while customary tenure can be instrumental in aggravating social divisions. As mentioned in the introduction this critique stresses the need for a more critical stance towards customary land tenure and in doing so identifying the potential downsides and risks of relying on the negotiability and adaptability of customary tenure. This critical view will be used in reviewing both the internal and external drivers that have shaped the situation that will be presented in the case study.

3.1 The Dynamics of Land Governance

In their introductory article on Access and Property, Sikor and Lund combine the debates on access-power relations and property-authority relations to explore the processes that interconnect them. They argue that access and property both are categorizations of relations of social actors to land or other natural resources, ie. property meaning "enforceable claim[s] to some use or benefit of something," (Sikor & Lund, 2009: 4) and access "the ability to benefits from things." (Sikor & Lund, 2009: 4-5) These categories "overlap partially: property may or may not translate into 'ability to benefit'; and access may or may not come about as a consequence of property rights." (Sikor & Lund, 2009: 6) This range of relations to natural resources does not appear to be dynamic in itself, but external developments, such as the introduction of formal land titles, or LSLAs, may lead to an increased necessity for people to secure their rights to natural resources. In order to transform their relation to natural resources from access to property and/or to have their property claims formalized, these claims should be recognised and legitimised by a politico-legal authority, as this appears to be the differentiating factor between the two categories. (Sikor & Lund, 2009: 6)

A successful property claim does not only comprise validity of the claim itself - which usually depends on local culture and traditions - but also recognition of the property claim by

actors or institutions that have the authority to do so. Whether an actor or institution is deemed to authorize property claims, depends on legitimacy. Sikor and Lund describe how legitimacy should not be seen as “a fixed, absolute quality,” (Moore, 1988 and Lentz, 1998; as cited in Sikor & Lund, 2009: 7) but rather as a continuous process in which legitimacy is continuously redefined, depending on cultural, historical, and societal changes. Thus, whether an institution is eligible to recognize a property claim as valid, does not only depend on what is stated in the law; traditions, historical events, and societal consensus also contribute to legitimacy of the actor or institution.

It is argued that “the process of recognition of claims as property simultaneously work to imbue the institution that provides such recognition with the recognition of its authority to do so.” (Sikor & Lund, 2009: 1) This implies that people seeking recognition as owner over a piece of land, forest, or stream de facto legitimise another person’s or institution’s authority as a result of asking them to validate their claim. At first sight, this dynamic seems very clear. In a post-colonial, post-socialist, or post-conflict setting, however, the recognition of property claims, takes place in a wider, more complicated context, since “property regimes are negotiable and fluid to some degree because of the multiplicity of institutions competing to sanction and validate (competing) claims in attempts to gain authority for themselves.” (Sikor & Lund, 2009: 4) As a result, a recursive relation emerges: legitimate authority is established by claimants of property, and property claims are recognized by actors and institutions seeking legitimate authority. It can thus be concluded that land governance in post-colonial, post-socialist, and post-conflict realities is a dynamic and fluid system, in which legitimacy and recognition of property claims must be actively pursued by all actors involved in order to retain their political or economic status.

This conceptual framework is helpful in identifying actors and processes involved in politico-legal property recognition and legitimizing practices. However, the authors themselves acknowledge that land governance practices encompass other processes, such as “cultural norms and values, actual social relationships, and property practices.” (Sikor & Lund, 2009: 4) In section 2.2.2, intra communal land governance in Sierra Leone was characterised as being regulated through social hierarchies. Recognition of a property claim by actors from this hierarchy may not have politico-legal validity, but they do have social validity, which appears - to rural areas in Sierra Leone - to be equally important. For the sake of distinguishing politico-legal recognised property from intra communal, socially recognised property, the latter will be termed “ownership”.

Ownership over a territory leads landowning families to obtain the role of custodian over a territory, and as a result, to regulate access on the village, or household level. By administering their territory through exchanging access to land for produce, labour, and loyalty, a landowner creates a power relation between himself and his tenant. Ownership can thus be administered to directly produce power and authority. Seeking politico-legal recognition for this claim will not change the nature of the relation between owner and tenant, but will affirm the existence and validity of their power relation, which will subsequently lead to an affirmation of the landowner's social status within the community. It can thus be concluded that overlapping recognitions of property claims fortify the owner's position in the social hierarchy and add legitimate authority to the already powerful position of landowner. In addition, it illustrates that there is a lot at stake in cases of competing property and ownership claims: land does not only encompass economic interests, but lies at the core of one's social status and position in (informal) politics.

Using this framework, it will be unravelled what processes producing legitimacy and authority underlie the local land conflict and what is at stake for all parties involved. Furthermore, the implications of Addax's actions in and interactions with the community will be analysed using this conceptual structure.

3.2 Perceptions on Customary Land Tenure Systems

Sikor and Lund's (2009) framework on the social processes that underlie land governance, comes across as being open for all people to engage in. The following subchapter will argue that concepts as access, property, and authority seem to be negotiable and adaptable, but are not necessarily so. According to Peters (2004), a review of academic literature produces a general image of African land holding as being flexible, negotiable and indeterminate. This characterisation does not match the reports suggesting that competition and conflict over land is increasing. Her explanation for this notion is that this uncritical and laudatory character of the academic literature may have emerged as attempt to counter "the hegemonic developmental position on customary tenure[, which perceived it] as obstacle." (Peters, 2004: 278)

For many years, customary tenure has been seen by policymakers to impede agricultural development, to this end land policy reforms and titling schemes have been proposed to enable agricultural investments, and so to trigger agricultural development. These policies and their implications have been studied extensively, but their efficacy has never been sufficiently demonstrated. (Peters, 2004: 272-275) These failing policies and

academic critiques thereof have contributed to a conversion of major aid agencies in seeing “customary land tenure in Africa as [having an] adaptive and flexible character that, over time, allows ‘evolution’ towards a more efficient form of landholding.” (Peters, 2004: 270)

Despite this conversion, the uncritical academic paradigm continues to be predominant in emphasizing “socially strategic uses of negotiability and ambiguity in relations over land. (Peters, 2004: 305) As a result, the notion that customary land tenure systems can be instrumental in aggravating social differentiation and deepening social division remains underexposed. Peters concludes by stressing the need to complement and modify the laudatory character of the customary tenure literature “by stories of differentiation, displacement, and exclusion.” (Peters, 2004: 306) Exploring the more negative attributes of customary land holding may serve two goals: it will not only contribute to a more complete representation of rural land governance in Africa, but it will also prevent future policy being based on uncritical analyses, by which the major aid agencies may contribute to enforcing inequality and social conflict.

Following Peters’ appeal for a more balanced image of customary tenure in academic literature, this thesis will critically review both the intervening actor, as well as the local actors that have enabled the emergence and perpetuation of a conflict over land. Additionally, the attitude of CoC designing institutions will be explored as to examine to what extent these institutions rely on the benignity of customary tenure practices, and by that, to what extent their CoCs may contribute to processes of social differentiation.

4. Methodology

4.1 Addax and the Conflict in Komarobai as a Case Study

By comparing narratives on the conflict and the attempts to resolve it, this research will explore how Addax Bioenergy SL Ltd. affects land governance processes by studying a conflict over land in a rural village located in their project area in Sierra Leone. Because the aim of this study is to gain a deep understanding of this specific case as a whole, instead of a more shallow understanding of multiple cases, one case will be studied for this research. Furthermore, a less in-depth study of several cases poses the risk that the research will miss important details, so that the cases might seem comparable, but are in fact not. Because this research comprises a single case, it can function to indicate a possible new theory, or to highlight some points of attention in existing literature.

In this case, the research unit will function to illustrate how different actors engage in social processes that produce property and authority. During the research process, Verschuuren & Doorewaard's recommendations on case studies as a research strategy have been followed: the research comprises one research unit, intensive data generation was pursued, and Addax, the people in Komarobai, and the governmental actors were studied in their natural contexts. Because it is important to understand this conflict as a complex entity, in which several actors are involved and interact to one another, a holistic approach is applied in this research. To this end, narratives of a multitude of stakeholders from both sides of the conflict, as well as narratives from third party representatives and local bystanders are compared. (Della Porta & Keating, 2008: 30)

4.2 Research Methods

To understand the views of all actors on concepts such as ownership and governance, a qualitative method of data collection was used. This enabled me to gain deeper insight into people's perceptions and opinions, whereas other types of research, such as quantitative research would result in a broad, but shallow overview of the situation. (Verschuuren & Doorewaard, 2010: 178-179) Furthermore, I consider narrative to make up an important part of perpetuation of conflicts. Therefore, individual semi-structured interviews were conducted, as this allowed the respondents to tell their part of and perception on the story. Also, engaging in conversations with separate actors is a trust building measure in itself, and this allowed me to acquire data on more sensitive issues,

such as conflicts and feelings of disempowerment. For these reasons, I conducted a number of semi-structured interviews with people that have (had) a stake in the dispute, which enables me to report on a wider variety of opinions, experiences, and views on the involved actors and the events, than using quantitative data.

4.2.1 Securing Access and Sampling

An internship with Addax secured access to the company, its employees, and observations of the company's reports on the affected communities. During the first 3 months of my internship, I worked fulltime for the company, which gave me a bit of time to acclimatise and make some initial observations. During the last two months of my internship, I worked part time for Addax and carried out my research independently. Except for staying in company housing and accessing their internet once a week, the company did not assist me during these months. This provided the liberty to dissociate myself from the company on research days and so to establish two separate identities: one as an Addax-intern, and the other as a researcher.

The Komarobai conflict was chosen for several reasons: first, Addax has attempted several times to resolve the conflict. This means that there should be a significant amount of documentation on this conflict, and that the company might have been altering the conflict. Second, I never visited the village as an Addax-intern, so I was not affiliated with the company.

In order not to become affiliated with the company, several measures were taken to dissociate my identity as a researcher from the identity as an Addax-intern during visits to the village. This allowed the researcher to establish a neutral and trustworthy social identity. These measures included: leaving the Addax identification card at home, not taking Addax transportation to the village, or in the vicinity of the village, not wearing any Addax related gear, such as rubber boots, or safety boots, and during the interviews, respondents were never prompted to talk about Addax.

Despite these measures, there was a large gap in lifestyle and background between the researcher and the villagers, which required that the researcher's "identity claims must be validated by participants in order for researchers to gain access to information." (Harrington, 2003: 611) To establish a social identity as a researcher of local conflicts, the research-assistant suggested that we first visited two other villages in the vicinity of Komarobai. This gave me the opportunity on the one hand to become a familiar face in the area, and on the other hand to collect observations and impressions. (Bray, 2008: 206) In

these other villages a few people were interviewed, during which they were asked about conflicts they experienced, how these conflicts were solved, and by whom. This served to - as mentioned before - establish my identity as researcher, but it also allowed me to explore what kind of respondents would have knowledge on land disputes and conflicts, and how these are usually settled in the area.

Thereafter, I went to Komarobai, introduced myself to the substitute chief, the chief himself was not present at that time, and walked around with my research assistant to find someone, who was willing to be interviewed. After two interviews, it became clear that people were willing to talk about the land conflict, which allowed me to stop asking for intra-household and intra-village conflict and directly ask people about the “big-big conflict”.

Because it was found that women and younger people are usually excluded from decision making in land disputes, only men were interviewed on the Komarobai conflict.⁴ In addition, the majority of these men were elderly: they usually decide for a family what stance to take and how a settlement can be reached. These respondents were sampled theoretically; i.e. on a given day, I deliberately interviewed a few members of one conflicting party and made sure the last interview was conducted with a respondent, that said to have no part in the conflict. These “independent” respondents were consulted during the course of the research as to find out where members of the other conflicting parties were living. In addition, whenever another person was mentioned, the research assistant tried to find out where this person was living and whether this person would be willing to be interviewed. Following this procedure, the most frequently mentioned external stakeholders were interviewed. Thus, a combination of purposeful and snowball sampling was used while conducting this research. (Cohen & Arieli, 2011; Coyne, 1997) This strategy ensured that different experiences and opinions are reflected in this study. (Verschuren & Doorewaard, 2010: 178-186).

4.2.2 Semi-Structured Interviews

All interviews held were semi-structured of nature, as this will “help an informant to feel at ease and talk freely.” (Bray, 2008: 309) During the interviews, neutral, open-ended questions were asked, which should lead the respondents to answer to an interview guide⁵, i.e. “a list of questions or general topics that the interviewer wants to explore during each

⁴ See Appendix III: Overview of Respondents

⁵ See Appendix IV: Interview Guide

interview.” (Hoepfl, 1997) Ambiguities, or vague descriptions I came across during the interviews, were addressed as much as possible during the interviews.

4.2.3 Triangulation

In order to gain deep knowledge of this case as a whole and the interactions and perception that have shaped it, it is important to achieve triangulation of sources and methods, i.e. using different research objects and research strategies that correspond to the same phenomenon and compare these to each other. (Verschuren & Doorewaard, 2010: 179) Triangulation was achieved by interviewing different people from all conflicting parties and people from Komarobai that did not have a clear stake in the conflict. Other people interviewed were the District Officer and the Court Chairman that ruled over the case in Local Court. To know Addax’s part of the story, my supervisor recommended me not to have official interviews, because these would only provide me politically correct information, therefore observations, comments from informal conversations, and information from newspapers and international institutions were used. These data is used to triangulate the stories from the village.

The main actors – the conflicting parties, governmental actors, and Addax Bioenergy SL Ltd. - will probably have different stakes and understandings of the conflict. Therefore, they will be studied as separate units with differing cultural backgrounds. In order to understand opinions, views, and actions of the involved parties, the research was started by observing the company, rural villages, and their interactions and made field notes thereof. These notes - along with existing literature of the cultural history of Sierra Leone have developed into frameworks of cultural understandings, and norms and values, and served to triangulate the semi-structured interviews I have conducted in a later stage. (Bray, 2008: 303)

4.2.4 Research Assistance, Interpretation, and Translation

As the researcher did not speak Temne, the local language, or Krio, Sierra Leone’s lingua franca, and it was not expected that the respondents from Komarobai would speak English, a research assistant was hired. This research assistant had previously assisted another researcher, spoke English, Krio, and Temne, and was able to function as a linguistic, as well as a cultural interpreter. This same person would translate the interviews, however, due to his personal circumstances this took 8 months. By that time the researcher had resorted to transcribing the interpretations spoken during the interviews.

4.3 Data Processing

4.3.1 Protection of Respondents' Identity

As suggested by my supervisor, all respondents, except for public figures (such as the District Officer and the Paramount Chief) will remain anonymous. Moreover, I have chosen to anonymise the village as well, because any person knowing something about this conflict, could easily discover the respondent's true identity. In the dataset and in the first drafts, I did not do this, because it was important for me to keep track of which respondent belonged to what family the people. If I would have anonymised the respondents in this stage, it would have posed the risk of losing touch with the conflict and its parties.

4.3.2 Analysis of Interviews

As to the analysis of the interviews, according to my supervisor the body of interviews would be too extensive to analyse these manually. The transcript of the interviews were therefore coded using Atlas.ti. All interview transcripts were put in a hermeneutic unit and coded recursively, because it was unsure what categories I would come across. The categories were then reviewed and the quotations for those codes considered to be important to the story of the conflict in Komarobai were printed. The importance of these codes was based on their frequency or importance in describing the conflict and its roots in history. In addition, I have read through the transcripts of the interviews continuously while writing the story, to ensure the narratives were observed in detail. This strategy has served to build a clear understanding of what certain concepts mean to the respondents, as well as to continuously test, update, and alter hypotheses that will answer the research questions. (Corbin & Strauss, 1990) Furthermore, using the codes and their quotations allowed me to use fragments and citations in this thesis, which will give it more rigour. (Baxter & Eyles, 1996)

4.4 Difficulties and Limitations

During the implementation of the research, I experienced some setbacks that have affected this research. Initially, I wanted to compare narrative with official documentation on the conflict. However, since legal documentation is difficult to obtain, and the documentation Addax was said to have could not be found, these could not be used to achieve triangulation. In addition, I wanted to revisit Komarobai in August 2012 to clear up some

ambiguities, but the company's HSSE Manager discouraged me from doing so, because the village experienced a cholera outbreak. In addition, I could not interview several important external stakeholders, that have tried to settle the conflict: I could not visit the section chief, because his village was inaccessible during the rainy season and governmental actors such as the Resident Minister and the PC were not available for interviewing at the time. Because of this, I could not get a clear picture of why, how, and when these stakeholders tried to settle the conflict.

While the village will be portrayed as having dynamic social processes, Addax is presented as a single, static actor, while the company consists of a multitude of people that may have different opinions and display different actions. The reason for this is to limit the extent and complexity of the thesis. It must be noted however, that some respondents reported individual statements or actions of Addax employees. In these cases, where the respondent perceives these actions not to be directly related to Addax, it will be clearly mentioned that an Addax employee did this, or said that.

4.5 Biases in the Research

Since the research sample consisted of a majority of elderly men to ensure that the main protagonists were included, this research overlooks how women, youths, and stranger families from the community experienced the conflict and how they may have been involved in events described by the respondents. This research sample bias was intentional, because - as described in 4.1.2 - elderly men are usually responsible for representing their community to external actors.

I was fully immersed into the company, which posed the risk that I became too involved in the company and its views on the project and the conflict. "Fortunately", some employees of the company displayed some distrust towards me, probably because they knew that I would be researching the company in a later stage. Because of this, I never felt too involved in the company, and I did not feel the need to sugarcoat negative findings. Because of this reason my relation to the company remained ambiguous: on the one hand they provided me with an interesting job, housing, and transportation, on the other hand I felt excluded because of the attitudes of some Addax employees. However, after a few months I found myself referring to the company as we, thereby identifying myself as being part of Addax. As I am fully aware of this, and my internship with Addax ended a year ago, I have ensured that the views and opinions of the people in the village speak for themselves by including some of their statements in this thesis.

While conducting interviews, I met all stakeholders and asked them about a sensitive topic. In such a situation it is inevitable to establish interpersonal relations with respondents. I noticed that I “liked” the Conteh party better, not only because they are the underdog in this conflict, but also because the respondents were calmer and the stories they told were more comprehensive. Village chief Pa Bunting Bangura on the other hand, came across as a very controlling, aggressive man, who would not tolerate any contradiction. As for the potential Addax bias, I have attempted to overcome this potential bias by including statements from both sides. In addition, I have dedicated two separate subsections, in which the stances and views of the parties have been explained. Analysing the narratives from both conflicting parties separately, forced me to understand what the stakes of the families were to perpetuate the conflict and to present this to the reader. Furthermore, I attempted to overcome partiality by continuously comparing my writings to the interview transcripts and thereby to purely adhere to the narratives of the respondents.

5. The Inception of the Komarobai Conflict

This chapter will first describe the story of Komarobai and the conflict that divided its community, based on what was told by the conflicting parties, other people living in the area of the village, and third party actors. This story will thereafter be analysed as to understand the underlying values among the conflicting parties and to unravel what the conflict really is about. It should be clearly noted beforehand, that since this chapter is based on narratives, the following descriptions of the different stages of conflict may not depict truthful events.

5.1 Komarobai

Komarobai is one of the largest villages in the Addax Project area. The village counts approximately 200 households,⁶ based on an average household size of 9.9 persons (African Development Bank [AfDB], n.d.: 5), the estimated number of inhabitants is 1980. Compared to other villages in the project area, the village appears to be quite densely populated, but according to a respondent there is enough land for the community to farm: “the place [...] is big, anybody can farm where he wants.” (Pa Mohamed Mansaray, 03/08/2012, P12:77) So, despite the large population, there is enough land for the villagers to farm and maintain their families, and thus for the village to conserve its rural character. This becomes evident in the surroundings of the village: before reaching the village, one passes vast farmlands and areas of overgrown bush. In addition, many of the respondents stated that they are farmer of profession.

As most communities in Northern Sierra Leone, the Komarobai community is a closely knit community of different families. Over time, many families have become interrelated through marriage. In addition, the community has its own micro level patronage system, where loyalty, money, and property are interchanged, so that many families have become interdependent. These dynamics have complicated the conflict to a large extent.

5.2 Conflicting parties

The conflicting parties of the Komarobai conflict consist of alliances of families. As stated before, these families are interrelated through marriage, and/or interdependent through the exchange of property and loyalty. Therefore, the division as set out in the next subchapters is in reality not as clear cut as presented. It will merely serve as a rough

⁶ Estimation, based on observation of Addax Monitoring Programme 2009/2010 and 2012.

generalised description of how the community is divided, and how the families relate to each other.

5.2.1 The Banguras

The Bangura family is the current ruling family of Komarobai. The head of this family, Pa Bunting Bangura, is the village chief. Like most village chiefs in the region, he is an elderly man, whose official age is unknown, but estimated by himself at 78 years. He has become village chief, because of his age, and his knowledge of the village, its community and its territory. Besides its patronage network in the community, this conflicting party consists of two other families: the Mansarays, the former ruling family, who have handed over the chieftaincy to the Bangura family, because there was no eligible candidate from the Mansaray family, and the Sesay family, the occupant of the disputed farmland, Mafantu.

During the research, several inconsistencies were found between the stories of the Bangura and Mansaray family. In addition, two interviewees reported that the Mansaray-Bangura alliance was not as harmonious as it used to be. A youngster from the Mansaray family expressed his concern about the benevolence of the Bangura family by saying: "I think that the Banguras are hypocrites. They want to get someone behind them, but they are not fighting for us." (Joseph Mansaray, 02/08/2012, P14:27) Further indications about this issue were found - or rather: indications to the contrary were not found, in the stories of the Bangura respondents. While all respondents from other families stated that the Banguras are supposed to fight this dispute for the Mansarays, the Bangura respondents did not mention the Mansarays at all.

5.2.2 The Contehs

The Conteh party consists of the Conteh family and the Turay family. Their key protagonist is Pa Bunting Conteh, or as he introduced himself: Pa Bunting Komarobai. As Pa Bunting Bangura and most other heads of families, he is elderly, and the most knowledgeable person of the Conteh and the Turay family. Formally, the latter is more prominent than the Conteh family, because the Turays have been in Komarobai longer than the Contehs. However, "when [Pa Turay's father] died, he send [his] stepmother to Pa Bunting Komarobai [...]. So in that light, Pa Bunting Komarobai was the one that was left as their father." (Pa Turay, 24/08/2012, P22:03) This quote illustrates the interdependence between the Conteh and the Turay family: historically, Pa Conteh is a dependant of the Turay family, because his family has received a place to farm from them. However, after the

head of the Turay family passed away, his children were brought under custody of Pa Bunting Conteh. Thus, the Conteh family owes the Turay family and vice versa.

This close relation between the two families, or rather new hierarchy between the families was not further discussed in the interviews. All Conteh respondents and the Turay respondent clearly stated that Pa Bunting Conteh is fighting for the land rights of the Turay family. The stories told by the respondents from this party were very detailed and similar. This might have something to do with the fact that Pa Conteh appears to be quite controlling over his dependants: before Pa Turay, who lives in Makeni agreed to answer questions, he needed to have Pa Conteh's explicit permission to do so.

5.2.3 Other families in the Village

The aforementioned families are the core parties to the conflict. However, all families in the village are involved in the conflict. The social structure of "being under someone" and the subsequent interdependency leads to a complicated societal structure in the village in which almost all people in the village have to be loyal to the family they are under. This phenomenon is illustrated by the chief, who warned me by saying "If you go around or you go on that side or the other side, anywhere you go [and] you meet somebody, he will just say something that is positive on his own side because of the relations [of his family]." (Pa Bunting Bangura, 27/07/2012, P18:21) A dependant of the Mansaray family described one of the consequences for people that are under a family: "It is very expensive to pursue this conflict. Everybody contributes to this conflict, including the families that are under the head families." (Umaru Kamara, Mansaray dependant 26/07/2012, P13:43)

5.3 Important Historical Events in the Village

The importance of being a landowner in Komarobai appears from the claims all three prominent families make: the Banguras, Mansarays, and Turays all claim to be descendant from the owner in the village and base their right to land ownership on this claim. According to the Senior District Officer (SDO) they are indeed all landowners: "Based on my own findings, the land belongs to the Bangura's, the Turay's, and the Mansaray's." (A.B. Carew, 03/09/2012, P9:112) This notion, however; has not been acknowledged by the conflicting parties.

5.3.1 The Founding Family

The claim to be descendants of the founder of the village has been recorded during the interviews by all three families. They have given a different account of the origin of the village and have stated that it was their ancestor that was the first to arrive at the place that is now Komarobai. Apart from these stories, the heads of the families have illustrated their claims by other means: Pa Mohamed Mansaray (03/08/2012) stated that his family owns the first house in the village, the Borom Masar⁷: “We have the first house that was built in the village, the Borom Masar.” (P12:05) In addition, he claimed that his family owns the Poro and the Bondo bush⁸, the two sacred bushes. (P02:228) Pa Bunting Bangura (27/07/2012) claims that it is his family that owns the sacred or society bushes, but does not make such a clear statement on the Borom Masar. (P17:39) Pa Bunting Conteh (03/08/2012) did not mention the term Borom Masar, but clearly explained how his ancestor came to Komarobai and was followed by the ancestor of the Mansaray family. He then pointed out a place behind the bushes and said: “If you go there now, where they started the first village, you’ll see three houses: the houses of Pa So Turay, Pa Renka Mansaray, and Pa Kapr Turay.” (P23:11) Considering the tension during the interviews, and the few violent outbursts, I never asked to see the Borom Masar. As a non-member of the secret society, visiting the sacred bushes would be entirely out of the question.

The stories on how the village was founded had one detail in common: the village originated from another village called Rodura. The chief of this village serves as section chief, and is supposed to know what family started the village. Following traditions, his testimony could bring peace on the matter, but respondents from the Bangura and the Mansaray family have questioned his authority for various reasons. These reasons are tied to events that will be discussed later on. Initially, I wanted to visit Rodura and ask the section chief for his report on the matter. Unfortunately, due to heavy rainfall, I was not able to reach the village.

⁷ “First house of a village that is always preserved and serves as a symbol of the origin of a village”
Explanation by Abdala Kargbo, August 2012

⁸ The Poro and Bondo societies are the predominant secret societies in Northern Sierra Leone. Poro is the male society and Bondo is the female society. Membership of these secret societies is not a secret, people are willing to tell you whether they are member during your first encounter. The initiation rites, however; are shrouded in secrecy.

5.3.2 A Previous Land Dispute

There was another dispute between two families that preceded the current conflict. According to Pa Bunting Conteh (03/08/2012) this dispute happened long ago, when he was a child, but that he knows something about it. Pa Mohamed Mansaray (03/08/2012) stated that he does not know the details, because “by then, [he] was seeking for knowledge”, i.e. he was in school back then and was not living in the village, and/or not included in discussing the case. (P2:65) Given these statements, this previous dispute must have taken place 50 to 60 years ago.

Back then, the heads of the Bangura and the Mansaray family both claimed to be “the owner of the village”; i.e. descendant from the founder of the village. This dispute was merely about social status, but the ensuing resolution implied that the rightful claimant would be the owner of all lands of Komarobai and the losing party would lose all their lands. To resolve this dispute, the families referred to the section chief in Rodura, and asked him who came to the village first.

Since all current conflicting parties were involved in this previous conflict - the Turay family was asked to be a witness to this case - the stories on how the section chief came to a verdict vary. According to the Banguras (27/07/2012) and the Mansarays (03/08/2012), the Turays gave witness that the Banguras were the founder of the village. (P17:07; P02:099-117) Pa Bunting Conteh (03/08/2012) stated that his parents only testified that the Mansarays were not the founders of the village. (P26:23) It was on this testimony that the section chief did not give right to the Mansarays, and thus that the Mansarays lost their land titles to the Banguras.

5.4 Confrontation over Mafantu

While it happened only seven or eight years ago, the stories on how the conflict started differ. The respondents from the Conteh family gave the most elaborate explanation of the events leading up to the conflict: it seems as there was a clash between Pa Bunting Conteh, who was under the assumption that the farmland was his, and Pa Mohamed Kabia Sesay, who was the occupant of that farmland. A member of the Conteh family described the chain of events as below:

“The conflict began in 2005. It started when Pa Conteh and Pa Mohamed Kabia Sesay [...] had a conflict in the village. [...] Pa Mohamed Kabia Sesay was working on this land in Mafantu [and] Pa Conteh [said to him]: you always want to make

conflict with me, but you are a stranger in this village. Pa Kabia Sesay said: no, that is not the way it is: I am not working on your land, the land that I am working on does not belong to you. So Pa Bunting Conteh said: okay, if that is the truth, whosoever is working on my parents' land... He used abusive language to that person [that was working on his parents' land]. [And so] Pa Kabia Sesay summoned Pa Bunting Conteh that he abused him. Pa Bunting Conteh said: I [did] not abuse you. You said you are not working on my land, I abused the one who is working on my parents' land. So the chiefs asked Pa Kabia Sesay [...]: are you working on Pa Bunting Conteh's land? Because he said he abused the one who is working on his parents' land. Are you working on this land? He said he was not working on his land. So they gave wrong to Pa Mohamed Kabia Sesay. He said he was not the one [that was] abused. [...T]hey fined Pa Conteh for using abusive language and they came back to the village.

Later, Pa Bunting Conteh took this report to their eldest man in the village, [...] Pa Brima Bangura, [...] the uncle of Pa Bunting Bangura [...]. Pa Brima said [he] would come to the village to [...] settle. He was not in the village, he was at Maboleh. So they made a date and he came on that date. They called a lot of people to be present in the settlement.

From there, Pa Brima said: Pa Mohamed, [...] you are [a] stranger to us. Pa Bunting Conteh is my son. If I give you a place to stay, it is like my son [...] gives you that place. So if you are denying that you are not working on Pa Bunting Conteh's land, it is a lie, because Pa Bunting Conteh has a right in all the lands of Komarobai. So Pa Bunting Conteh said: if that is so, I want you to give me that land, and I will arrange for the people that are working on that land. Pa Mohamed said: no, we will not agree. [We] will not accept, because you are not the one that gave us this place to stay. We were given this place by the Mansaray people. So that is why Pa Bunting said: [...] since you say the Mansaray people gave you this land. I am going to summon the Mansaray people. So they took the case to the court and summoned the Mansaray.” (Daniel Conteh, 02/08/2012, P24:049)

Other members of the Conteh party told a somewhat shorter, but similar version of the story. The head of the Mansaray family only stated that Bunting Conteh “summoned [his]

father for a land called Mafantu.” (Pa Mohamed Mansaray, 26/07/2012, P12:11) He confirmed that Bunting Conteh used abusive language to Pa Kabia Sesay, and that it is his family that “owns” the Kabia Sesay family. Pa Mohamed Kabia Sesay also stated that it was Pa Sembo Mansaray, the father of Pa Mohamed Mansaray that was summoned by the Conteh family. In addition, he assumed that Pa Bunting Conteh wants more out of the conflict than the land and the benefits of “owning” its occupants. “Bunting Conteh thinks he owns the village, and [that] he said whosoever does not want to be under his control is ought to leave the village. [... S]o he summoned Pa Sana Mansaray. [...] It is [the Kabia Sesay] family that Pa Bunting Conteh says he does not want to see [...] in the village. He wants to drive [us] out.” (Pa Mohamed Kabia Sesay, 04/08/2012, P21:11)

When asked how the conflict started, members of the Bangura family never mentioned that it was the head of the Mansaray family that was summoned for the ownership of Mafantu and the Kabia Sesay family: one of the brothers of the village chief stated that the Contehs summoned the Kabia Sesays and that the Banguras took up the case (John Bangura, 27/07/2012), another Bangura family member reported that the conflict is between the Conteh, Bangura, and Turay (Samuel Bangura, 27/07/2012), and the village chief did not mention the Mansarays either. More striking is that a man, who is under the Mansaray family, states that the conflict is between the Turays and the Banguras, while Pa Mansaray - to whom he is supposed to be loyal - clearly mentioned that Pa Bunting Conteh summoned the Mansaray family, on behalf of the Turay family. (Umaru Kamara, 26/07/2012)

In conclusion on the chain of events that led up to the conflict: not only the conflicting parties have different stories on this chain, but within the conflicting parties there are colliding stories. It is interesting, as well as illustrative given the social division in the community that over a period of 8 years, such different stories could have emerged.

5.5 Stakes Underlying the Conflict

The fact that the narratives on how the village was founded and on how the conflict started are contradictory, illustrates how different perceptions of the social dynamics in Komarobai were an important precondition for the conflict. Below it will be discussed how each family perceived the social structure to be, and how these colliding views led up to the conflict over the piece of land called Mafantu.

5.5.1 Contradictory Narratives, Competing Views on the Local Social Hierarchy

All three families involved in the conflict - Bangura, Conteh, and Mansaray - state that their great grandfather was the first to enter the lands of what is now Komarobai and founded the village. According to Berry (2009) a claim of being the first to enter a land is often made to legitimize the claim in West-Africa: "Seeking to convince authorizing officials that their claims are as good or better than anyone else's, many people have turned to the past, basing claims to land on narratives of origin or ancestry that are difficult, if not impossible to refute." (p 25) Descending from the first person to arrive in an unclaimed territory, or - as in the case of Komarobai - the person that has been given the right to start a settlement, is important in terms of not only property, but also authority.

It has been argued before that administering a property and granting access to a stranger produces authority for a land governing institution. In Sierra Leone, the right to this action - granting access - usually lies with the owner of the property. In the case of Komarobai, the competing narratives on whose great grandfather founded the village can thus be interpreted as legitimizing property claims. Since a recognised claim offers the owner the opportunity to administer the property and acquire power over a stranger, and subsequently earn respect within the community is what is at stake. The three families are all convinced that they descend from the founder of the village and that they therefore should be respected. In such a case of competing claims and a lack of consensus, it becomes unclear among these three families who is entitled to the most respect and who is above the other in the community's social hierarchy.

5.5.2 Competing Views on the Local Social Hierarchy and Conflict over Property

The relation between property and authority also underpins the confrontation over Mafantu. This becomes evident when the narratives on the confrontation are further examined. When asked what the conflict was about, a member of the Conteh family explained the events of the escalation in detail and mentioned that Pa Bunting Conteh at some point demanded that the land and the "strangers" were given to him:

"I want you to give me that land, and I will arrange for the people that are working on that land." (Daniel Conteh, 02/08/2012, P24:053)

The exact meaning of 'arrange' is unknown in this context, however it suggests that if Pa Conteh will be given the land, he gains authority over the 'strangers' to some extent.

In addition, when asked about the conflict, the heads of the Mansaray and Bangura family introduced the conflict by stating that it is about status and respect:

“The conflict is about not seeing somebody the way he is, like looking low upon somebody.” (Pa Bunting Bangura, 27/07/2012, P17:03)

“[I]t is like.. I was born in this village, somebody should not look low upon me.” (Pa Mohamed Mansaray, 26/07/2012, P12:03)

Their statements reflect that the property claim that was made over Mafantu, affects them in their dignity and by this, in their authoritative status.

Lastly, the ‘stranger’ the conflict was about, also explained his view on the conflict. He displayed a more radical opinion on Pa Bunting Conteh’s motive to claim Mafantu and states that Pa Conteh is engaged in a power struggle:

“Bunting Conteh thinks he owns the village, and he said whosoever does not want to be under his control is ought to leave the village and so [...] he summoned Pa Sana Mansaray.” (Pa Mohamed Kabia Sesay, 04/08/2012, P21:03)

The competing narratives that were recorded in Komarobai, reflect a conflict over community based authority, which is fought out over a territory. An interesting recursive phenomenon, is that claiming someone else’s property, is perceived as a direct offense to someone’s social status. As described in 2.2.2, land ownership enables a person to “have strangers” and thus provides agency over developing a social network. Losing property constitutes losing one’s social network and becoming subject to a landowner. It can thus be concluded that the conflict over Mafantu was only partly about preservation of livelihood, but also about preservation of agency and social status.

6. Resolution Attempts

After the escalation, the conflicting parties reverted their case to the Local Court. Local Courts in Sierra Leone are part of the judicial system, their task is to judge on cases following local customary law. “[Their] sole aim [...] is to meet the particular needs of people residing in rural areas by dispensing justice within the specific context of the custom of the localities.” (UNIPSIL, 2011) If one of the parties that have turned to the court is not satisfied with the verdict, it is possible to appeal and bring the case to the Magistrate Court. Magistrate Courts are established in every district and have jurisdiction over minor criminal and civil cases. (The Resolve Group, 2007) The following chapter will describe how the people involved experienced the court case. Here, it will be argued that a lack of consensus among the conflicting parties on what institution has legitimate authority led to several failed attempts to settle.

6.1 Local Court

According to the Court Chairman (28/08/2012), the case that was brought to his court was between the Mansarays and the Turays, but two other people stood up for them: Pa Bunting Bangura for the Mansarays and Pa Bunting Conteh for the Turays. “The case [...] was between the Mansarays and the Turays. The Banguras, they just stood for the Mansarays.” (P11:099) First, the people of the Local Court went to Komarobai see the land, the traditional land inspection, during which the boundaries of the disputed land are defined by the conflicting parties and the people of the court. Then, both parties presented the evidence that the family they represented were the rightful owners of Mafantu. Afterwards, the Court Chairman ruled in favour of the Banguras and - as they were standing for the Mansaray family - thus in favour of the Mansaray family. This is confirmed by the Court Chairman himself, Pa Mohamed Mansaray, and Pa Turay.

All heads of family have stated that Komarobai originates from Rodura. Therefore, Pa Bunting Conteh wanted to call upon the section chief, so he could testify on this matter in Local Court, but it was stated that the Court Chairman refused to do so. Unfortunately, the Court Chairman stated that he could not recall the possibility of involving the people of Rodura during the court case. On the other hand, Pa Bunting Bangura mentioned that the section chief was asked for his testimony, but that he was not able to confirm or deny whether Pa Turay was the rightful owner of Mafantu. Moreover, according to Pa Bangura, the section chief did not know about the lands of Komarobai. He “was asked to [...] show the first person to come to this place.[...] The man Bunting Conteh was fighting for, the chief did

not know him. He does not know where the land is, he does not know where the land starts or where it ends.” (Pa Bunting Bangura, 27/07/2012, P17:33)

In addition, the Conteh family accused the court chairman of corruption: they state that the Bangura family had been bribing the Court Chairman: “the chairman said that I do not have right, they had given him money” (Pa Bunting Conteh, 03/08/2012, P23:45), “the other people paid money to the judge, the judge was bribed, because they paid this money, the judge gave wrong to my father” (Pa Turay, 24/08/2012, P22:33), “they paid money for a long time to the chairman.” (Issa Conteh, 03/08/2012, P25:072) Since the Court Chairman himself was quite hesitant to speak about the Komarobai case, I did not feel comfortable confronting him with these accusations. It goes without saying that the Court Chairman, or people from the other party never brought up these bribes during the interviews.

Another topic of confusion that emerged during the conflict, is on what part(s) of the land of Komarobai the court ruled on. According to the Court Chairman, the District Officer, the General Secretary, and the Conteh family, the initial ruling of the chairman concerned only a piece of land called Mafantu. According to the stranger and the Bangura family, Pa Bunting Conteh wants to “own the village” and they are fighting this unlawful claim. (Pa Mohamed Kabia Sesay, 04/08/2012; Pa Bunting Bangura 27/07/2012; John Bangura, 27/07/2012) In addition, Pa Mohamed Kabia Sesay (04/08/2012) stated that the Turays lost their land after the court case: “They have no [...] land in the village, because before, the agreement was that if we won that land, it [would mean that] they have no lands there and they accepted that arrangement. It was like the arrangement between the Banguras and the Mansarays before, [...] we won over them, which means they have no lands there.” (P21:37) Following this statement, the person who won the court case, would own all lands in Komarobai. This consequence is obviously disapproved by the Conteh and Turay people, but is also rejected by the Court Chairman (28/08/2012): “Anybody who told you that all the land in Komarobai is what I decided on, and only they have all the land.. No, no.” (P11:111)

Lastly, the Banguras state that they themselves have won the case. During the interviews, they did not mention the Mansarays as being involved in the case as well. Additionally, a member of the Conteh family explains that during the court hearing, “[t]he Bangura [that] took up the case for the Mansarays, [...] did not say anything about the Mansarays and how they came to the village. He just [explained] about his own grandfather, Pa Gbele Tarawalie.” (Issa Conteh, 02/08/2012, P25:070) This feeds into the accusation of the Contehs that the Bangura family is “trying to take over” the village.

6.2 Magistrate Court

The Conteh family did not agree on the ruling of the chairman of the local court, so they appealed. Both parties have a different story of what happened in Magistrate Court. The Banguras and Mansarays state that they have won the case three times in Magistrate Court: “The Turay family appealed again and went to the Magistrate Court, there again they lost. They appealed again for the second time in the Magistrate Court, but the court kept the issue out.” (Umaru Kamara, Mansaray dependant, 26/07/2012, P13:03) “We won over him, so they appealed. He did not have right again. Another appeal. He loses again, a third appeal. He lost again. So we won over him four times, one in the Local Court, and three times in the Magistrate Court”,(Pa Bunting Bangura, 27/07/2012, P17:13) “[W]e won [over] him three times at the Magistrate Court, and he made an appeal again.” (Pa Mohamed Kabia Sesay, 04/08/2012, P21:13)

On the other hand, the Contehs and Turays claim that their appeal never made it to the Magistrate Court, because the Banguras had bribed their lawyers to prevent them from filing the appeal: “We appealed at the Magistrate Court, but each time they kicked out our case. We have tried to get three lawyers to fight the case, but they were not successful, because Pa Bunting Bangura always bargains up with these lawyers not to fight the case for us.” (Daniel Conteh, 02/08/2012, P24:009) “When we went to the Magistrate Court, the lawyer we took, if we paid him 2 million [leones], the Bangura people paid him 4 million. They do not want him to say the truth, so the court will send the case out. They will not judge the case.” (Issa Conteh, 02/08/2012, P25:078)

According to the District Officer, “the case was thrown out on three occasions, because the lawyers [... of] the Turays [...] did not file their appeal to the court. In fact, the matter was not even heard.” (A.B. Carew, 03/09/2012, P9:092) And since their appeal was not filed within 21 days, it was automatically assumed that the Conteh family accepted that the Banguras won the case. According to the District Officer, this is the dispute now.

6.3 Related Court Cases

The land dispute has led to violent incidents on a few occasions. As far as I have been told, no one involved in these incidents has been killed, or seriously wounded. However, these physical fights have led to a series of court cases: “[We have] nine fights in the court, three are settled, so six fights remain in court. These [are] all related to the same land issue. These fights happened after every verdict in a related court case: the winning

party came back to town, [...] celebrating their victory, and the other party put up a fight, by hitting people.” (Umaru Kamara, Mansaray dependant, 26/07/2012, P13:07)

Another clash between the two conflicting parties involved a case of organised violence. The description below has been given by a member of the attacking party, but it was also mentioned by Pa Bunting Conteh. When he spoke about the same incident, he became visibly desperate and affected.

“This Conteh family were working, it is not our land, the place is called Kolo Kolo, the place here is big, anybody can farm anywhere he wants. They were farming on this land. These people [thought]: okay, now we won the case for the land, and it means all the land that we won, so we take them from that land that they are working. So they went there and they met them farming [...], so they get hold of their youths, their children. It was a fault, it was not something serious. We met there and we [held] them and we tied them up [...], because the other party had machetes on their hands, in the conflict.” (Pa Mohamed Mansaray, 26/07/2012, P12:81)

After Pa Conteh was warned this had happened, he informed the police. The people that took hold of the Conteh and Turay people were arrested. This case is still in court. The importance of the case to all stakeholders becomes evident in these acts of violence, there are more examples of violence, sometimes even involving machetes and guns.

The disagreements on the validity of the Local Court verdict, the implications of the failed appeal, and the lack of enforcement of the rules caused several violent incidents to happen in the village, which in turn have led to more court cases. The judicial system was thus not able to settle the conflict in a satisfactory manner, but what does this failure to resolve imply for land governance practises in the area?

6.4 Contested Legitimacy and Failure to Resolve

As argued in subchapter 3.1, an actor asking an institution to acknowledge a land claim de facto legitimises the institution’s authority to do so. Since the conflicting parties agreed upon bringing their case to the Local Court, it can be assumed that according to them, the Local Court has legitimate authority to decide to whom the territory in question belongs. After the Court Chairman decided that the Banguras were right, the Conteh opposed the ruling by appealing the case to the Magistrate Court. When their appeal was rejected, the Conteh family attempted to undermine the Court’s legitimate authority by

accusing the Court Chairman of corruption (P22:33; P23:45) and stating that he refused to consult the section chief:

“[T]he chairman of the local [court] said: you will not call the Sankoh of Rodura. So he passed the verdict without calling the people of Rodura.” (Daniel Conteh, P24:009)

Based on this statement, it can be assumed that the Contehs consider the section chief to be eligible to validate a land claim and that they see the Local Court merely as an instrument to capture the section chief’s testimony. The Banguras on the other hand, reject the authority of the section chief with regards to this case altogether by questioning his knowledge on the history of Komarabai:

“The section chief was asked to give witness, so he will go and show the first person to come this place. He wants to give witness to a case he said he did not know before. Even the man Bunting Conteh was fighting for, the chief did not know him. He does not know where the land is, he does not know where the land starts or where it ends.” (Bunting Bangura, P 17:33)

This disagreement over who has legitimate authority to rule on this conflict has thus led to failure to resolve the conflict. The families from Komarabai do thus not only have competing narratives on the origin of the village, but also on what external actor or institution has overarching legitimate authority. These disagreements led to conflict to come at a stalemate.

Sawyer’s (2008) study of local conflict resolution mechanisms shows that there is a range of actors and institutions that are deemed to be able to resolve conflicts in rural Sierra Leone. On the one hand, this wide range of potential conflict resolvers offers opportunity for people to find an actor that they trust. On the other hand, as is shown in this thesis, it complicates dispute resolution processes, which poses the risk that conflicts may remain unresolved, and subsequently - as with the Komarabai conflict - may lead to frustration and violence.

7. The Addax Project and the Resurgence of the Komarabai Conflict

When Addax Bioenergy Sierra Leone Ltd. started to prepare its project in 2008, the conflict in Komarabai was at a stalemate. While the company's intention to lease land is likely to have impacted land governance practises throughout the entire area, this became particularly problematic in Komarabai, because of the land conflict over Mafantu. The following chapter will describe the Addax project in more detail and will examine how Addax's interference affected processes of land governance, legitimacy, and authority in the community.

7.1 Addax and its Commitment to Conduct a Socially Responsible LSLA

In 2008 Addax launched a pilot project near the city of Makeni, "that will produce bio-ethanol for export and domestic use, and "green" electricity for the national grid." (Addax Bioenergy Website) The implementation of the full project started in 2010 and is supposed to be operational in 2013. By then it should employ 2000 Sierra Leoneans. (Kanu, n.d.) The project comprises an area of 14,300 hectares and will affect "13,617 people (1,375 households), of which 77 people have to relocate physically." (AfDB, n.d.) All other residents will "only" lose individual arable land and communal land."(Andrew & van Vlaenderen, 2011) The project is funded by a range of Development Finance Institutions (DFIs), such as the African Development Bank, the Deutsche Investitions- und Entwicklungsgesellschaft GmbH, and the Dutch Entrepreneurial Development Bank FMO. These DFIs have been instrumental in enforcing the company to incorporate certain CoC in the project's design. (FMO, 2011)

On its website, Addax states to comply "with the world's highest social and environmental standards." (Addax Bioenergy - Global Standards and Accountability, n.d.) Among these standards are the IFC-PS and the RSB-SS. These CoCs have been operationalised and adapted to local circumstances in an Environmental, Social and Health Impact Assessment (ESHIA). (AfDB, n.d.) This ESHIA includes inter alia, the legal and policy framework and recommendations of 14 studies, that have determined impacts associated with the project. In addition, it presents the management systems to deal with environmental and social risks, a summary of the monitoring programme, and an overview of stakeholder activities that have been undertaken in preparation to the Land Lease (LL).

Since this thesis focuses on risks associated with existing land disputes, only relevant parts of the ESHIA will be mentioned and reviewed, ie. those on stakeholder engagement and land disputes. The risk of community conflict resulting from land dispute is

acknowledged in 6.4 of the ESHIA. The mitigation measures for addressing these include: managing stakeholder relations, regular contact between Addax and the traditional leaders, and gaining insight into all existing land disputes through engagement with the traditional leadership (who arbitrate land disputes).

Since there is no official land registration system in Sierra Leone, Addax has put significant effort in determining the boundaries of the villages and identifying the landowners: a delegation of the company has had meetings with elders in all individual villages in the project area, during which the landowners in the village have been determined. In addition, the company has drawn all village boundaries in consultation with community representatives. (AfDB, n.d.) These steps were also followed in Komarobai. However, since Komarobai's village chief, Pa Bunting Bangura, is a party to a land conflict, asking him to appoint representatives for the landowners in the village, has fueled the former land conflict.

7.2 Initial Contact between Addax and the Community in Komarobai

The standard procedure of appointing the village chief as a central point of contact for the village seems to be applied in Komarobai: "When Addax goes to the land, they would normally talk to the village headman." (A.B. Carew, District Officer, 03/09/2012, P9:104) However, the dispute to which Pa Bunting Bangura is a party may have tainted his judgement on this particular topic. A member of the Conteh family mentioned that Addax was aware of the land dispute in Komarobai, before the Land Lease Agreement was signed: "even before [Addax was given the rights to the land], they said they want to know about the problems that are going on with the land. [We] said that we accepted to give them the land, but our land is in conflict. We said: if you want the land, we want you to settle the conflict for us to be together first." (Issa Conteh, 02/08/2012, P25:086) This statement was followed by an allegation to one of Addax's local staff members: "[An Addax employee] was told that there was a conflict over [...] land. But now, when he comes for meetings, he will just go to the headman." (Issa Conteh, 02/08/2012, P25:088) This type of allegation of systematic exclusion by certain "Addax clerks" has been put forward by all respondents from the Conteh party.

The troubled relation between Addax and the Conteh family becomes apparent in the description of another event that took place in the village. Addax send a survey team that walked around the village boundaries with community representatives to record these. They used GPS devices to record the exact boundaries of the land. During this demarcation

process, Bunting Conteh is said to have threatened the people demarcating the land. “[He] said that he [would] not accept. He was using machetes and chased the people that were coming to draw the boundaries.” (John Bangura, 27/07/2012, P19:37) This threat is confirmed by the village chief and was also mentioned by the general secretary of Komarobai. This event is - obviously - not mentioned by the Conteh family.

7.3 Appointing Signatories

The tension rose even higher when people were appointed as signatories, who serve to represent the landowning families in the village. Their responsibility is to collect the land lease money and distribute this among landowning families and their dependants. Since Addax did not demarcate the land individually, but per village, the signatory system does not imply that formal property rights of demarcated territories are assigned, but does imply that certain families have rights to part of the land in a village. Addax asked the village headman to appoint three people to be signatories. “I chose myself, I chose another man, called A.B. Bangura, [...] he is the leader of the Mansaray family. [...] I chose another one, who is A.F. Bangura.” (Pa Bunting Bangura, 27/07/2012, P17:15) His choice for three representatives named Bangura is very controversial. Not only people from the Conteh and Turay family object to this, but also others: “[T]he people in this community, they look[ed] and discuss[ed] that this money and this selection is not an appropriate selection. Because in this community, there is no farmer that holds a land area.” (Alie Bangura, Secretary of Komarabai, 26/07/2012, P15:021) The District Officer also raised this issue. He did not state that the selection was inappropriate, but he stated that “based on [his] own findings, the land belongs to the Banguras, the Mansarays, and the Turays.” (A.B. Carew, 03/09/2012, P9:112) When prompted, he agreed that there should be signatories representing all land owning families.

After the village headman appointed the three signatories from the Bangura family, the Conteh family stepped up and wrote protest letters:

“[W]e wrote to Addax, we wrote to the Resident Minister, we wrote to the Senior District Officer, we wrote to the Paramount Chief, we wrote to a big man at the police, and we wrote to the Attorney General. To say what Addax has come to do with the headman, we do not accept. We said Addax has send to come and find three representatives that will receive the money for the Komarobai lands. [That] the headman appointed himself, his elder brother, and his younger brother.” (Issa Conteh, 02/08/2012, P25: 100)

According to this interviewee, the responsible Addax manager agreed to the unusual selection of signatories, he said “that it is not easy for a village to have one family to represent them and to take money for the landowners.” (Issa Conteh, 27/07/2012, P25:102) After sending these letters, some of these government officials interfered with the conflict. “The concern of the minister, and even his Excellency the President, [is that] this is the first big project of that nature in this country, it is a test case. If it succeeds, we expect other investors to come . We don’t want any problem to happen to Addax, so that is why anywhere we see a problem, we give advice.” (A.B. Carew, District Officer, 03/09/2012, P9:229) Members of the Bangura people see this differently and accuse Pa Bunting Conteh of using his connections with important political figures to prolong the conflict: “If it is coming to an end, he will just find a way, and he will go to these big men, and they will just help him.” (Pa Bunting Bangura, 27/07/2012, P17:27)

Addax has tried to persuade the headman to appoint other signatories: “After choosing [the signatories], we saw another paper from Addax, which said that they did not accept the way we chose people, because the Turays were not involved. We did not choose the Turays, because we have a problem with them. [... T]hey have do not have land here for now, because we have a problem with them.” (Pa Bunting Bangura, 27/07/2012, P17:21) The notion that the Turays are not entitled to be appointed as signatories is confirmed by the District Officer who said: “Because there was this general notion that “this land belong to us Banguras. The Turays have no right to the land” [...] the village headman himself told me that. “The Turays are not entitled to any land at Komarobai.” (A.B. Carew, 03/09/2012, P9:116) From the interviews it seems as the interfering government officials started pressing the headman to appoint representatives from the three land owning families as well. After the District Officer and Resident Minister stated that the Land Lease money would not be paid, unless the Turays are included, the village chief stated that this interference is unjust and that he insist on not including the Turays: “even if they would cut [my] throat, I will not include the Turays as a signatory to the money.” (Pa Bunting Bangura, 27/07/2012, P17:21)

The signatory issue did not only make the existing conflict more difficult, it seems as the close relation between the Bangura and Mansaray family was deteriorating as a result of the one-sided selection of signatories. Whereas the head of the Mansaray family still says he feels that the Bangura people are fighting for his family, a Mansaray youth mentioned that his elder brother took matters into his own hands: “he wrote a letter to protest [against] the three Bangura signatories. He is now the Mansaray signatory.” (Joseph Mansaray, 02/08/2012, P14:39)

When I left Sierra Leone, the signatory issue was still going on. There have been several meetings with the parties involved, Addax, and government officials, in which the possibilities of appointing a Turay signatory were discussed. Eventually, when I contacted a former Addax manager, he told me that the issue had been settled. “The parties have apologised and accepted. The Turays will now have a signatory.” (Addax Manager, April 2013)

7.4 Addax’s Influence on the Conflict in Komarobai

When the company was preparing its project in the area, it came across the conflict over Mafantu. Since Addax “aims to become a model for sustainable investment in Africa, through [...] the introduction of innovative social solutions,” (Addax, 2013) it establishes relations with all communities in the project area and consults stakeholders on an ongoing basis. How their entry in the area influenced social dynamics, changed stakes, and how this attracted the attention of third actors will be explored in the following subchapters.

7.4.1 Addax as an Interfering External Actor

The village chief is a central point of contact for all outsiders visiting a rural village in Sierra Leone. While conducting my research, my assistant and I always visited the chief first to introduce ourselves, pay our respect, and to explain the reason we came to the village. Addax followed the same process when they entered the villages in - what would later become - the project area. In Komarobai, divided by a conflict to which the chief himself is a party, this process soon became problematic, since his involvement in a conflict may taint the chief’s judgement when it comes to presiding over matters that affect all inhabitants of the village, or as explained by a member of the Conteh family:

“The head man should have been neutral in the village, but he is not neutral, he is representing a faction and that faction is the Bangura family, who is against my family.”⁹ (Daniel Conteh, 02/08/2012, P24:063)

While members of the Conteh family said to have brought the issues regarding the conflict to the attention of Addax, they state that they have been systematically excluded from attending meetings, not just by the village head man, but also by “Addax clerks.”¹⁰ At this

⁹ Interview with Conteh02, Komarobai, July 2012

¹⁰ Two names were frequently mentioned, both Addax employees were Sierra Leoneans.

stage, the Conteh party seemed to be under the impression that Addax sided with the village chief, which becomes apparent in reports on their violent responses to the presence of the company in the village: “They attacked these Addax people three times.” (John Bangura, 27/07/2012, P19:41) It can thus be concluded that Addax’ respect for traditions, which they have shown by consulting the village chief, was interpreted as support to the conflicting party headed by the chief. This was acknowledged by a former Addax manager, who stated that “by being neutral some villagers will perceive [Addax employees] as either for or against [them] depending on what their point of view is. It [is] a situation of “if you’re not with us then you must be against us”.” (Personal Correspondence with Former Addax Manager, July 2013)

The situation became more grim when Addax asked the village head man to assign three people as signatories, who will be responsible for collecting the land lease payments. When he appointed three members of his own family as signatories, his choice was found controversial. Not only the Conteh family expressed their disapproval, but others as well:

“Based on my own findings, the land belongs to the Banguras, the Mansarays, and the Turays.” (A.B. Carew, District Officer, 03/09/2012, P9:112)

“the people in this community, they look[ed] and discuss[ed] that this [...] selection is not an appropriate selection.” (Alie Bangura, Secretary of Komarabai, 26/07/2012, P15:021)

While not an official titling scheme, the signatory system records the family names of landowning families. The implication thereof is that the families that are represented by the signatories will be recognized as landowners for the term of the lease, which will last for a minimum of fifty years. Besides the traditional advantages of landownership such as higher prestige and the possibility of producing authority through administering a property, being acknowledged by Addax’s signatory system implies that the families are involved in land lease negotiations and receive large sums of money to distribute amongst their dependants. The traditional benefits of landownership are thus expanded, which further increases the stake of being acknowledged as a landowner. In addition, by establishing new responsibilities for (representatives of) landowners - although these are related to traditional responsibilities - Addax expands the meaning of landownership for affected communities.

In addition, the appointment of three signatories from one family led to significant unrest in the village. The subject of conflict shifted from a piece of land and the strangers that occupied it, to having a representative appointed for the signatories. This shift indicates that the community acknowledges the signatory system as valid registration of landowners, which implies that the actor initiating this system has the authority to do so. Thus, by setting up the signatory system, Addax becomes deemed to be a legitimate authority in this community, which in turn may make the company eligible to record and recognise ownership claims.

It thus becomes evident from the Komarobai case that the signatory system touches upon Sikor and Lund's notion of de facto authorization and legitimization processes: firstly, an external actor affirms a local actor's authority by appointing him as representative for a community. Secondly, by redefining or expanding responsibilities for land owning families, an external actor is able to reorganise local land governance roles. And lastly, setting up an informal titling system, which is accepted by a community, leads an external actor to become positioned as a legitimate authority.

7.4.2 Interference of Government Actors

In response to disagreement over the appointment of signatories, the Conteh family wrote letters of appeal to Addax as well as several governmental actors. These letters drew the attention of the District Officer, the Resident Minister, and Addax and they tried to persuade the village chief to appoint other signatories. This interference was condemned by the Banguras:

“If there are big people in a country, who are there to settle things, and they are saying things like this... [...] Is that the way to settle? No, and we will not accept.” (Pa Bunting Bangura, 27/07/2012, P17:23)

“[T]he Conteh went to the Minister, the District Commissioner¹¹, the Honorable, and ask[ed] them to bring him into the land.” (Pa Mohamed Kabia Sesay, 04/08/2012, P21:29)

¹¹ The position of district commissioner does not exist in Sierra Leone. Respondent might have meant District Councillor or District Officer

[in an angry, threatening way:] “Addax will not come into our land. It is caused by the DC, the RM, and there is another person, who is the Honorable, they call him Martin Bangura.¹² He is the one that is pioneering this thing. It is the Honorable that stands and says that if we will not include the Turays, they will not pay the money. Even if they would cut throat [makes the gesture of cutting his throat], I will not include the Turays as a signatory.” (Pa Bunting Bangura, 27/07/2012, P17:21)

These quotes illustrate that the village head man and one of his dependants are provoked by the interference of governmental actors. It is unclear whether this is caused by the fact that these governmental actors oppose the head man’s vision on who should be appointed as signatories, or that the chief perceives this interference as an infringement of his authority, or a combination of both. The Contehs on the other hand, asked these actors to interfere, which suggests that they deem these governmental actors to be legitimate authorities. The fact that the Conteh family and the Bangura family disagree on to what extent these governmental actors have the authority to interfere in local issues complicates the situation even further. Claims and recommendations set forth by external actors will be accepted by one party and rejected by other and vice versa. This contested legitimacy poses the risk that a conflict may escalate even further, or may remain unresolved.

Moreover, because of disagreement on the legitimacy of formally responsible governmental actors, Addax’s perceived affiliation with governmental actors caused the company to provoke the headman’s family. The fact that Addax would not accept the chief’s appointment of three Bangura-signatories and pursued the appointment of signatories from three different landowning families, led the village chief to believe that Addax had sided with the Contehs and the Government. This situation is similar to what happened earlier when the company’s reliance on the chief’s consultation was perceived as support to the Bangura family, but now Addax relied on the government’s advice, which was perceived as support for the Conteh family. Although a former Addax manager stated that “[the company] should always remain strictly neutral [in its] attempt to facilitate dialogue and discussion between the different groups”¹³, these events illustrate that it is hard, if not virtually impossible, to establish a neutral image in community consultation.

¹² Honorable Martin Bangura was the Resident Minister (RM) at that time

¹³ Personal correspondence with a former Addax Manager, July 2013

Aside from the company's interference, it seems as there is a mutually disconnectedness between the governmental actors on one side and the village chief on the other side. The chief condemns the interference of people that have the authority by law to do so, and the governmental actors do seem to think that they can easily influence local decision making. This dynamic seems to indicate that despite comprehensive decentralisation efforts, there still is a disconnection between central and traditional government actors. However, given the limitedness of the data on this matter - the motive of the village chief to condemn the interference is not clear - this conclusion should be considered to be an interesting, but insufficiently substantiated remark.

7.4.3 The Endgame of the Signatory Issue

The signatory issue was ended eventually, after all parties had apologised and the three families were represented in the signatories. During my stay in Sierra Leone, the conflict was still in full effect and I have witnessed how stressful this topic was to the responsible manager and Addax's department of Social Affairs, that is responsible for community relations. While the District Officer and the Resident Minister had advised the company to look for other territories, Addax insisted on using the lands of Komarobai. (A.B. Carew, District Officer, 03/09/2012, P9:213-225)

As a result, the company found itself in a hazardous situation: the conflicting parties' stance on who should be included in the signatory issues was at a stalemate and the previous subchapters have outlined what the underlying stakes were. In addition, the affectedness and anger of both parties that I have witnessed during the interviews, illustrated that this issue was of high importance to the village. The decision to stay involved in this community, implied that one of the parties had to give in. Since the data from the community does not include stories and views on how this issue eventually was ended, the story - as told by a former Addax manager - will be not be explained here, but in an epilogue.

8. The Efficacy of Addax's CoCs: IFC-PS and the RSB-SS

In order to ensure its commitment to conduct business in a socially responsible way, Addax states “to compl[y] with the world highest environmental and social standards.” (Addax Bioenergy - Global Standards and Accountability, n.d.) In the following chapter, relevant recommendation from the IFC-PS and the RSB-SS will be discussed and it will be explored how these are reflected in Addax's ESHIA. In doing so, it will determine to what extent Addax's intervention was coherent with these CoCs and thus, how useful they are for local conflict and dispute resolution.

8.1 The IFC-PS and the RSB-SS: Good Intentions in Complicated Realities

The CoCs that will be reviewed are the International Finance Corporation - Performance Standards (IFC-PSs) and the Roundtable on Sustainable Biofuels - Sustainability Standards (RSB-SSs), two of the CoCs the Addax project is based on. Both CoCs are enforced to some extent: financial institutions affiliated with the IFC are required to ensure that the projects they invest in comply with the IFC-PS and the RSB-SS is a normative set of standards that companies seeking certification are required to adhere to. In addition to a set of standards, both CoCs are accompanied by a set of guidelines to provide more detail to the standards, but these are merely directive and compliance to these recommendations is not enforced. Because of their voluntary nature, the guidelines will not be discussed below.

On the topic of Land Rights, the IFC-PSs identifies three types of rights holders over land: “persons (i) who have formal legal rights to the land or assets they occupy or use; (ii) who do not have formal legal rights to land or assets, but have a claim to land that is recognized or recognizable under national law; or (iii) who have no recognizable legal right or claim to the land or assets they occupy or use.” (IFC, 2012: para. 5:17) These people need to be compensated for their losses and are considered to be stakeholders, who should be included in land lease negotiations. During the implementational and operational phase of the LSLA project, these people will participate in stakeholder engagement to identify additional social risks. Based on the outcomes of this stakeholder engagement, propositions to mitigate these risks will be made. The RSB-SS advises an equivalent arrangement: it acknowledges the rights of both landowners and users and states that both groups need to be consulted using stakeholder engagement. (RSB, 2011)

While these instructions are not malignant in themselves, they are contingent upon interpretation and implementation. Both CoCs include directions for stakeholder

engagement: the IFC-PS advises to include “differentiated measures to allow the effective participation of those identified as disadvantaged or vulnerable,” (IFC, 2012: para. 1:27) and the RSB-SS requires that “[s]pecial attention shall be made to ensure that women, youth, indigenous and vulnerable people can participate meaningfully in meetings and negotiations.” (RSB, 2011: 9) These directions do not warn for or take in account potential influential spoilers that may hijack this process to make the project serve their own needs. (Graf, Kruckow & Kemperle, 2013: 2) In addition, the label “disadvantaged or vulnerable” is susceptible for interpretation: it may be applied to a wide range of people, from tenants to people that heavily depend on others. In such a case, stakeholder engagement is likely to be spoiled by the tenants, because they might overrule the people that depend heavily on them. If “vulnerable or disadvantaged” is applied in a narrower sense, and only people from the bottom layer of the social hierarchy are included, people in the middle layers of the hierarchy, such as tenants and day laborers will be excluded from effective participation. In addition women, youths, and indigenous people may be of differing status. The wife or son of a landowner has a higher position than the wife or a son of a vulnerable person, and the latter may thus be silenced by the former. The CoCs do not take into account that a company’s presence and operations may serve the particular needs of elites, and thereby exacerbate existing social tensions and intensify processes of social differentiation.

Recommendations for dealing with land disputes are limited to the advice to consult “international and regional legal bodies [...] for rulings and information on disputes.” (RSB, 2011: 30) and not to use lands under disputes. Given the complicated processes in customary tenure systems that underlie the making of property, access, power, and authority (Sikor & Lund, 2009), limiting consultation to “legal bodies”, disregards non-legal legitimate authorities that have been asked to rule on a conflict or dispute by the people involved. Therefore, this recommendation on dealing with land disputes poses the risk that institutions who have legitimate authority among the conflicting parties, may be overlooked.

8.2 The Implementation of the CoCs in Addax’s Project Design

As argued before, the instructions from CoCs cannot be praised or condemned in themselves, since their efficacy depends on whether and how they are implemented by a company. Therefore, the efficacy of the IFC-PS and the RSB-SS will be studied by reviewing how they were embedded in the Addax project and how this affected the community. Thus, the following chapter will discuss the indirect consequences of the CoCs that are relevant to this case.

Addax has included differentiated measures to compensate both landowners and land users, but measures to ensure effective stakeholder engagement are not applied. The differences in social status between landowners and land users are likely to impede effective stakeholder engagement, because land users are expected to be loyal to landowners and cannot publicly object to their superiors due to social constraints. Since Addax's Stakeholder Engagement Plan (SEP) is limited to three types of meetings in which people of different social standing are included (Bisset & Driver, 2012), the risk arises that prominent people will silence people of lower social standing. This poses the risk that intra communal issues related to the Addax project will not be brought to the attention of the company.

Related to this issue are the measures to mitigate the potential for land related community conflict. The company proposed to maintain "regular contact between Addax and traditional leaders, [for] gaining insight to all existing land disputes through engagement with the traditional leadership (who arbitrate land disputes)." (AfDB, n.d.: 9-10) This proposal appears to be an improvement of recommendation to consult "international and regional legal bodies [...] for rulings and information on disputes." (RSB, 2011: 30) However, based on Sierra Leone's problematic history with traditional leaders, this proposal still exhibits a serious flaw. Not only because traditional leaders might lack legitimate authority among their subjects, but also because they might have a stake in land conflicts. In such a case, engagement with the traditional leadership poses the risk of further disadvantaging people that contest a traditional leader's authority. In the case of Komarobai, the chief's opponent Pa Conteh was vocal enough to express his disagreement over the signatories, as appointed by the chief. Besides a series of violent incidents, he appealed to several institutions and called upon them to intervene. In other cases, however, a chief's opponent might lack the skills and/or resources to appeal: poverty and illiteracy, which are rampant in many rural areas in Africa, may cause people to either stay idle, and remain repressed or to resort to violence.

The potential of external actors to enforce social division has been argued by Peters: reliance on negotiability and adaptability of customary tenure systems may well lead to increasing social differentiation, and deepening of social divisions. A similar phenomenon and consequential process becomes evident from the CoCs on which the Addax project was based, and from the fact that the implementation of these CoC recommendations could not prevent the company to contribute to deepening the division between the conflicting parties and subsequently further escalation of the conflict. It can thus be concluded that socially

responsible LSLAs may form a risk for peace when local customs and circumstances are not carefully observed, addressed, and - if necessary - dealt with.

9. Conclusion

This case study examined how a presumably socially responsible LSLA project working from the IFC-PS and the RSB-SS affected land governance processes in a community in Sierra Leone's Northern Province. The findings of the research on how the company dealt with and interfered in local social dynamics were analysed, using a conceptual framework on property, access, and authority in customary land tenure systems. In addition, the usability and efficacy of CoCs in such cases were reviewed, so to determine what they are lacking and whether and how overlooked effects on land governance of LSLAs can be better addressed in these CoCs

This case shows that power relations and land governance processes can be altered or enforced by an external actors that attempts to conduct its business in a neutral way. Given the inextricability of land and social status, an LSLA will not only affect one's access to land, but may also change social relations within affected communities. Most CoCs contain instructions to engage in stakeholder relations and so to observe and mitigate potential risks, which in itself suggests that these host communities will not only be affected by LSLAs, but that neglecting them may form a potential risk.

The analysis found that (i) land governance in Sierra Leone is organised through strict social hierarchies, that are based on narratives of descendancy. This causes both land governance and the social hierarchies to be prone to disagreements and thus conflict. (ii) Competing visions on social hierarchies created a conflict over authority in Komarabai. This conflict over authority formed the basis of a conflict that was fought over a territory. (iii) Disagreement between conflicting parties over what constitutes a legitimate authority impedes mutual acceptance of possible solutions presented by third parties. This led the conflict to come to a stalemate prior to the Addax project. (iv) When the company made its entry in the area, the village head man was appointed as a central point of contact in the community. Given the fact that his authority was contested, Addax contributed to exclusion by showing respect for local (land) governing actors, (v) Addax's signatory system has led the company to be perceived as a legitimate land governing authority in the area, (vi) the implementation of CoC recommendations, such as stakeholder engagement has contributed to the resurgence of the conflict, rather than providing a platform where all stakeholder could equally participate and present their concerns. In addition, both the CoCs and the ESHIA display a reliance on the legitimacy of traditional and other governance actors, whereas this

case indicates that their legitimacy might well be contested, which in turn may result in failure to resolve a conflict.

Addax brought major changes for the community in Komarobai. Not only will it be affected in terms of loss of land, but the land conflict that divided the community for 7 years flared up again. Addax found itself to validate contested power relations and enforcing exclusion, following the company's standard procedure based on respect for culture and tradition. When the company was urged by the protesting family and governmental actors not to rely on village chief's vision, the tension on the side of the Bangura family increased. From then on, it became apparent that although the company had tried to stay neutral, the consequences of its actions would not be perceived as such. This precarious situation Addax found itself in, can be attributed to the dynamic that started when Addax started implementing its signatory system and that developed itself throughout the Komarobai conflict: the company vested its position as a land governance actor.

Whereas the IFC-PS and the RSB-SS are supposedly intend to "help avoid, mitigate, and manage risks and impacts" (IFC, 2012: i), they proved to be inadequate in effectively guiding the company to deal with such a situation. Although it is advised not to use land that is under dispute, the recommendation to "consult legal bodies" (RSB, 2011:30) may prohibit actors pursuing LSLAs to look beyond legality and find governance actors who are considered to be legitimate authorities. In addition, CoCs include no warning for the possibility that companies end up enforcing contested power relations, they barely consider social dynamics that prevent non-elites from effectively participating in stakeholder engagement, and they do not consider the possibility that companies might end up to be considered legitimate authorities themselves and have to act accordingly.

Although the developments in CoCs over the last few years, have demonstrated an increasing awareness of the difficulties of land acquisitions and customary tenure systems, they still lack detail in terms of establishing inclusive stakeholder engagement and guidance in culturally sensitive decision making processes. This case has shown that a socially responsible LSLA in a customary land tenure system entails more than acknowledging that landowners and land users will both experience negative consequences and that stakeholder engagement will provide information on how to mitigate and neutralise these. It illustrates that "community meetings" do not ensure effective stakeholder relations, in which stakeholders are supposed to speak their mind freely. It demonstrates that is difficult if not impossible for an external actor to maintain a neutral image in conflict situations. It stresses

the need for differentiated measures, so that people who might be silenced by their superiors, have their right to speak freely guaranteed.

Despite recent improvements in CoCs as to the acknowledgement of customary rights, Borrás and Franco's (2010) critique on the assumption that negative side effects of Land Acquisitions can be mitigated by formalistic and legalistic measures still stands. In addition, regarding Peters' (2004) critique on the stance of scholars and international (aid) agencies, a more serious issue arises: over-reliance on the adaptability and socially embeddedness of customary land tenure systems may enforce social differentiation and deepen social divisions. It is therefore important for companies pursuing an LSLA to recognise that their actions have consequences beyond the obvious and frequently mentioned consequences for food security, landlessness, and changes in employment opportunities and acknowledge their potential for changing local power relations and land governance processes.

Regarding the efficacy of CoCs: the question arises whether or not the risks studied in this thesis can be properly addressed. The current stakeholder engagement mechanism, without differentiated measures that guarantee fair participation for people from all strata of the population, increases the risk that people with lower social status are further disadvantaged. The logical recommendation would be to pursue a more differentiated stakeholder engagement, which might be able to bring changing power relations to the company's attention. This proposal seems however quite impracticable, and it still does not guarantee the participants' right to speak freely.

Since there does not seem to be a panacea that ensures negative consequences of LSLAs to be effectively mitigated or neutralised, companies involved in large-scale land acquisitions should look beyond the CoCs and determine for themselves to what extent the recommendations are relevant to the environment they wish to conduct business in. At the same time, it is advised to these companies to be highly aware of local problematic circumstances, or as a former Addax manager concluded: "where customary land tenure exists, one needs to know the various land claims and historical situations in a lot more detail before starting the land use process." (July 2013)

There is thus more to LSLA than food security and landlessness. A company that wishes to lease land in territories under customary land tenure inevitably engages in a complex social structure where land is used as a means to acquire power and power is used as a means to acquire land. Given the unpredictable and dominant nature of these social structures and their embeddedness in land governance, it can be concluded that a company

pursuing an socially responsible large-scale land acquisition is moving itself into a potential minefield.

Epilogue

Because this research ended before the conflict in Komarobai was settled, local perceptions on this process and the final outcome could not be included in the thesis. During the writing process some questions on the company arose and I decided to contact an Addax manager, so that Addax's side of the story would be - to some extent - included. Although it would not be covered in the thesis, I decided to ask how the company managed to settle this conflict, given the parties' persistence not to give in. This was the answer:

"The key to all of these negotiations is to find out and understand who the influencers and decision-makers actually are. Once this is understood one needs to understand what is necessary to get them to believe in change. It was ultimately quite evident that [the older brother to the village headman], who resided in Freetown was the major decision maker whose opinion needed to change. The question was how. The first thing [we] had to do was gather enough support amongst people who could influence him. To do this, we had to get the wider stakeholders, the chiefdom council, the provincial government, central government, and the civil societies and the landowning community to understand how critical the Komarobai land was for the project. I did this by explaining and making an appeal to all of the members of the multi-stakeholder forum. This was followed up by a letter to the provincial government explaining the critical nature of the Komarobai land and how important it was to have this land dispute resolved amongst the community members. The provincial government escalated the issue by involving the President, who had been at school with the Rev Bangura. With this information, the President called all of the disputing parties to meet with him on a Sunday morning. His challenge to them was to present him with a solution, failing which he would have to make a decision. At the meeting with the President all parties agreed that they would forgive each other for past disputes transgressions and arguments and cooperate with each other by permitting the inclusion of representatives of all of the family groups as signatories to the bank accounts. They further agreed on the establishment of a village committee representing all of the families that would deliberate on, and decide on the use of the money the village received from land lease income. I am sure there are many squabbles to come but the principle is in place." (Former Addax Manager, July 2013)

While Addax had initially attempted to mediate in the conflict, it was successfully brought to an end because of the determination of governmental actors to resolve the

conflict. Interestingly, the multi-stakeholder forum - one of the stakeholder engagement mechanisms - was instrumental in escalating the problems to the President. Whereas undifferentiated stakeholder engagement - being a recommendation from the CoCs - exacerbated the situation previously, it proved to be valuable in resolving the Komarabai conflict.

The way the conflict was settled emphasises the problematic relations between the people and the state: governmental actors were not capable to persuade the conflicting parties, but the President - because of his personal relation to the key decision maker in the Bangura family - was. Additionally, the manner in which the conflict was resolved leads to another consideration: without the determination of the governmental actors involved to achieve an agreement among the conflicting parties, the conflict might have been gone unnoticed or worse: it might have escalated further.

This story gives a more positive outlook on the effect of a socially responsible LSLA: whereas the company initially contributed to the conflict's resurgence by seemingly supporting the village chief and his family, the final outcome of its interference was a more inclusionary sharing of the land lease benefits. This shows that effects of an LSLA on social differentiation are not necessarily negative and that the attention of external actors might also lead to disrupt processes of social differentiation and exclusion. It should be stressed here, however, that the successful outcome of this conflict must be attributed to all actors involved and could have easily had a different outcome.

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Appendix I: Map of Sierra Leone & Location of the Addax Project Area



Appendix II: Overview of Respondents

Pseudonym	(Est.) Age	Education	Profession	Place of Residence	Member of Family	Language of Interview
Pa Mohamed Kabia Sesay	80 yr	Illiterate	Farmer	Komarobai (resides in Makeni)	Kabia Sesay	Temne
Pa Bunting Bangura	83 yr	Illiterate	Farmer	Komarobai	Bangura	Temne
John Bangura	75 yr	Illiterate	Farmer	Komarobai	Bangura	Temne
Samuel Bangura	45 yr	Primary	Driver	Komarobai	Bangura	Temne
Pa Mohamed Mansaray	82 yr	Islamic Studies	Farmer	Komarobai	Mansaray	Temne
Umaru Kamara	42 yr	Primary	Farmer	Komarobai	Mansaray	Temne
Joseph Mansaray	19 yr	Senior Secondary	Student	Komarobai	Mansaray	Temne
Pa Bunting Conteh	75 yr	Illiterate	Farmer	Komarobai	Conteh	Temne
Daniel Bangura	52 yr	Senior Secondary	Farmer	Komarobai	Conteh	Temne
Issa Conteh	42 yr	Junior Secondary	Farmer	Komarobai	Conteh	Temne, eventually Krio/English
Pa Turay	48 yr	Illiterate	Petty trader	Makeni	Turay	Temne
Alie Bangura	42 yr	Teacher's College, Northern Polytechnic	Teacher	Komarobai	Independent	English
Charles Koroma	54 yr	Illiterate	Tailor	Komarobai	Independent	Temne

Court Chairman	74 yr	Unknown	Farmer	Mabasi	External Actor	Krio
Abu Bakarr Carew	-	-	Senior District Officer	Makeni	External Actor	English

Appendix III: Interview Guide

All interviews started with the question: can you tell me what the conflict is about?

Questions I sought answers to during the interviews were:

- What is the conflict about?
- Why has the conflict not been resolved?
- What does it take for the conflict to be resolved?
- What actors have tried to settle the conflict and how?
- How did they and their actions change the course of the conflict?

Executive Summary

Large-scale land acquisitions (LSLAs) are the subject of a heated debate among academics, non-governmental organisations (NGOs), and development institutions. Given the risks these acquisitions bring with them, some international institutions have proposed Codes of Conduct (CoCs) for companies that wish to pursue a socially responsible LSLA. Many critics find these CoCs to be ineffective in sufficiently protecting affected communities from LSLA related risks, such as food security and landlessness. There are, however, other ways in which an LSLA affects communities: they are likely to induce local renegotiation of land governing authorities and the legitimacy of those authorities. This may especially be problematic in post-conflict societies, where relations between people and authorities may be ambiguous or contested. An LSLA may worsen these relations and may even enforce exclusion and social tensions.

It is thus important to look beyond the question whether or not a CoC guided LSLA is desirable as development tool and to assess how an LSLA affects land governance processes. This research focuses on how Addax Bioenergy SL Ltd. - a company that pursues a presumably socially responsible LSLA in Sierra Leone's Northern Province - affects social dynamics and local land governance processes in Komarabai, a village in their project area. By doing so, the aim of this study is to contribute to the debates on CoCs by exploring what the International Finance Corporation - Performance Standards (IFC-PS) and the Roundtable on Sustainable Biofuels - Sustainability Standards (RSB-SS) are lacking and whether and how overlooked effects of LSLAs can be better addressed in these CoCs.

Qualitative research conducted in July-September 2012 found that (i) land governance in Sierra Leone is organised through strict social hierarchies, that are based on narratives of descendancy. This causes both land governance and the social hierarchies to be prone to disagreements and thus conflict. (ii) Competing visions on social hierarchies created a conflict over authority in Komarabai. This conflict over authority formed the basis of a conflict that was fought over a territory. (iii) Disagreement between conflicting parties over what constitutes a legitimate authority impedes mutual acceptance of possible solutions presented by third parties. This led the conflict to come to a stalemate prior to the Addax project. (iv) When the company made its entry in the area, the village head man was appointed as a central point of contact in the community. Given the fact that his authority was contested, Addax contributed to exclusion by showing respect for local (land) governing actors, (v) Addax's signatory system has led the company to be perceived as a legitimate authority in the area, (vi) the implementation of CoC recommendations, such as stakeholder

engagement has contributed to the resurgence of the conflict, rather than providing a platform where all stakeholder could equally participate and present their concerns. In addition, both the CoCs and Addax's project design display a reliance on the legitimacy of traditional and other governance actors, whereas this case indicates that their legitimacy might well be contested, which in turn may result in failure to resolve a conflict.

These conclusions lead to the notion that there does not seem to be a panacea that ensures negative consequences of LSLAs to be effectively mitigated or neutralised. Companies involved in large-scale land acquisitions should therefore look beyond the CoCs and determine for themselves to what extent the recommendations are relevant to the environment they wish to conduct business in. At the same time, it is advised to such companies to be highly aware of local problematic circumstances, because the example of Addax Bioenergy indicates that marginalisation and social tensions can be triggered accidentally.