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Land tenure and its implications on Local Land Governance in Sierra Leone: A case study of Bombali District

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There exists a dual land tenure system in Sierra Leone. A freehold tenure regime operated in Western Area, co-exists with a customary land tenure that covers the provinces. The freehold system facilitates development of a cash economy; the customary system has been identified to inhibit the modernization of the large rural agrarian economic landscape. International development organizations strongly advocate land policy reforms to address such circumstances in Africa. Whilst some countries have made appreciable strides in that regard, Sierra Leone has not. A sound knowledge and exposition of the existing nature of customary land tenure system is imperative for appropriate policy re-orientation. The primary objective of this paper is to make a contribution to that need. It does so by exploring and identifying the structural features of the system at the various levels of governance in Sierra Leone. The situation in Bombali District gives a reflection of the local level circumstances. Information was sourced through unrefined search using keywords through JSTOR, Google Scholar, and Research gate as well as the KNUST research repository that yielded results from journals, book chapters, research papers and reports. The customary land tenure system, dominated by powerful autocratic traditional authorities, is an impediment to land access for investment in infrastructure, farm and non-farm economic activity. The difficult access is worse for women who constitute the bulk of the population. The consequences include food insecurity, unemployment and various elements that manifest in poverty. Land reforms are indispensable for development progress in Sierra Leone.

Key words: Land, land tenure, Sierra Leone, land governance

INTRODUCTION

The land covers the actual properties of the world's surface which can be seen, that is, water, trees, grass, crops, and uncovered soil (Williams and Obredola-

Davies, 2006; Turner et al., 1994). Land use alludes to the financial purposes that land (or water) is overseen, such as brushing, lumber extraction, protection, water

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system, cultivating and mining (Turner et al., 1994). The land is a monetary asset and a significant thought for the arrangement of individual and aggregate character, and inside the everyday association of social, cultural and religious life. It is an endless political asset that characterizes power relations between and among people, families and networks, under set up frameworks of administration (Ogendo, 2006).

The World Bank in 2005 led an examination of land approaches in 73 nations somewhere in between 1960 and 2000 shows that nations with the more fair initiative of land distribution accomplished development rates a few times past those where land appropriation was less evenhanded (Deininger, 2003). Decrease in urban and rural poverty (Khan and Ickowitz, 2002) acclaim the change in China, inside the last part of the 1970s and mid-1980s, and has added to the most significant and quickest pace of rural poverty decrease in recent times (Ogendo, 2006). In rural social orders, the landless or close landless and people with unreliable residency privileges commonly establish the least fortunate and most minimized and weak groups. The privileges of those groups which joins those of Bombali district in Sierra Leone will, in general, be auxiliary, once in a while stretching out past use freedoms; and are regularly unprotected and feeble, particularly for women (Griffin et al., 2002). Not claiming farming areas does not consequently address a circumstance of an impediment for rural families (IFAD, 2001). Rural livelihoods are reliant upon different pay sources. Nonetheless, for the very poor and food unreliable rural families, crops, domesticated animals, and woods assets under normal property systems assume a genuine part in their financial and business lives (Deininger, 2003). As far as they might be concerned, land access and residency security are among the first factors affecting their choices and possibilities. They address a steady premise of food security and pay during a set of restricted, occasional and somewhat unremunerated rural work markets. The impact is the degree to which farmers are ready to require traction in enhancements underway, economic administration, and reception of ongoing advances and promising developments.

Communities are assessed to hold as much as 65% of the world's land area through customary, community-based residency frameworks (Alden, 2011). Notwithstanding, public legislatures just perceive formal, lawful privileges of native people groups and local communities which are just a little part of those lands. Secure community tenure adds to the financial turn of events and local area income, preservation of biological systems and biodiversity, and decreases in fossil fuel byproducts from deforestation (Stevens et al., 2014). Lands represented under local community-based tenure frameworks regularly have grounded institutional establishments and practices for the stewardship of natural assets.

Statement of problem

The World Bank (2021) reports that the entire land space of the world is around 510.072 million sq km, it incorporates a total acreage covering 148.94 million sq km, 361.132 million sq km of water; consequently, the Coastline covers 356.000 km. The water body is 70.9% of the globe and 29.1%-Island (World Bank, 2021). Persistently, there has been contestation over who possesses the world's land might be a significant imperative to advance on an enormous scope of improvement objectives upheld by local people, public legislatures, and accordingly the worldwide community (Rights and Resources Initiative, 2014). While progress to date inside the acknowledgement of rights offers trust, future advancement relies on the deliberate activity and backing of the spread of public and worldwide demographics. Where community land rights are regarded and perceived in public laws, communities can consider moving into associations with the private sector to determine dependable, secure, and feasible speculations. By advancing community land privileges, reciprocal and global improvement accomplices can build up empowering platforms to reduce poverty, gain ground toward the Sustainable Development Goals, battle environmental change, and advance peacebuilding (FAO, 2018). Africa represents one-fifth of the earth's complete land area. Generally thought to be the support of human advancement, in 2021, Africa was home to more than 1,380,702,687 individuals (UN and World Bank, 2021).

The continents' populace has gone through extraordinary change over the long haul. While ecological change is not new, one change has sped up because it has in numerous different regions of the planet. Africa populace is approximately 16.72% of the entire world populace. The entire land region is 29.648.481 Km² (World Bank, 2021; UN, 2021). At present Africa is the second most crowded landmass after Asia (UN, 2021). Africa might be a customary society that relies upon agrarian or pastoral, contingent straightforwardly upon the climate to satisfy individuals' day by day needs from what they will develop, raise, catch or assemble. Three-fifths of African farmers stay alive by straightforwardly using the natural asset. Two-thirds (75%) of the number of inhabitants in Sub-Saharan Africa (SSA) lives in rural regions (World Bank, 2000), thus, relies upon the natural assets base more than individuals in the other region of the planet (FAO, 2005). Africa's natural assets are quickly changing and now and again contracting, because of changes in land cover, land use and land usefulness (FAO, 2004).

Sierra Leone, like other previous British African nations, features a dualistic land framework. A forced British frontier freehold tenure framework in the Western region exists together with a conventional customary tenure system inside the rest of the country (Tamba et al., 2009). The customary lawful right is a yield of the nearby

socio-cultural association upholding the various levelled customs of the family relationship of the indigenes with the rejection of women (Djiré, 2005). In Africa, the customary tenure is coupled with the direct means of agro-based economies and the connections of the relationship of the land users. It is communal in structure without huge business value (Mugambwa, 2007; UN organization, 2009). It does not guarantee farmers' security to the land they work on and as such does not energize benefit spurred speculation. Under this method, land cannot be utilized as a guarantee for monetary credit. Albeit some African countries have taken considerable steps towards the reorganization of their customary tenure, Sierra Leone has not. It has been the situation of global backing specialists which incorporate the World Bank, the African Union, and subsequently the International organization for Economic Commission that the customary tenure change in African nations incorporates an urgent job to carry out inside the accomplishment in Sustainable Developments Goals. The change is expected to push agrarian turn of events, wealth creation, poverty decrease, and ignite on the whole financial interaction and improvement. At the instance of this paper, the reform, regardless of the case, is to search out a balance between the needs of Sierra Leoneans within the traditional sector and also the emerging cash economy in the least levels of government. The aim here is to contribute towards the supply of an understanding of the customary tenure situation not only at the macro (nationally) but also at the meso (provincial) and micro (district or local levels).

The overall objective of this paper is to describe the present nature of the tenure system in Sierra Leone and its implication for local land governance for development. In that regard, the attendant specific objectives are as follow: to describe the statutory and customary land systems in Sierra Leone generally and Bombali district in particular; to examine the institutional framework for land governance in Sierra Leone and the way it manifests in Bombali district, local level entity; to identify the on-the-ground challenges of land governance in Bombali district emanating from tenure; and to provide purposeful land tenure sensitive information for policy orientation regarding local land governance. The intention here is not to instantly present answers to the problems identified.

LITERATURE REVIEW

What, then, at that point, are the premier speculations that are useful in grasping the fundamental issues in tenure, and to gauge alternative actions towards their answer? The farm tenure issues in Africa by large and Sierra Leone especially can best be perceived inside the light of two significant theories: the "family farm theory and the farm business theory" with pertinence to particular tenure conditions. Albeit both are established

inside the essential philosophy of humanitarian-democratic values, they contrast inside the rankings appointed to changed arrangements of more explicit convictions (Deininger, 2011). The definitions investigated make respect to a few parts of family cultivating, particularly as far as setting and reason. Be that as it may, ideas of size, family work use and the executives remain characterizing attributes. Berdegué and Fuentealba (2011) have seen that actors and authors such as CEPAL (1982), Lipton (2009), and the World Bank (2007), have produced an incredible agreement that family cultivating is portrayed by little small farms that are family-worked, and make no or restricted utilization of non-family employed work. The speculations both bearing on the right build the adaptability to unwind different issues in various occasions and better places (Moore, 1991). The centre of this material is that the conduct of individuals with importance to land as property, as a type of revenue, as a neighbourhood of home and day to day life. Tenure conditions should be evaluated to keep with how well they address the issues of individuals. Unmistakably, individuals envision specific standards or objectives toward which they endeavour, and need the tenure framework to assist them with getting these (IFAD, 2004). Legitimate right issues cannot be talked about without reference to some arrangement of social qualities, some arrangement of thoughts concerning moral standards inside which people accept and toward which they situate their conduct. These social qualities are reflected inside the foundations of the general public and inside the objectives that people and groups seek after. From these overall suggestions, a progression of more explicit sub-recommendations is determined. The fundamental theories pertinent during this conversation, accordingly, are: "family farm theory and farm business theory". To see the value in these standards of a positive farm tenure framework, it's a need, as indicated by this hypothesis, that: to present-day proponents of family farm tenure framework, this last point is adequate to legitimize a family cultivate strategy on socio-political grounds.

Family farmers are independently employed owners not exposed to being recruited and terminated, and foster business ventures with its orderly characteristics of self-control, obligation, and confidence (Platteau, 1996; IFAD, 2004). They are experts with a cosy relationship to their work, which is variegated and requires regular series of administrative and specialized choices, adjusting the different errands to the climate, seasons, and development cycles of plants and creatures, and to cost and economic situations. Family farm communities are saved from the strains and class clashes that detachment of the executives and work has dropped at a particularly larger than usual measure of business communities (IFAD, 2004). The theory in present-day terms is that, for these and related reasons, family farm tenure conditions are more helpful for democratic lifestyles than are

occupancy and huge tenure conditions.

The most commonly referred to the meaning of family farming is that by Gasson and Errington (1993). The author focused on six components with regards to the connection between the farm and the family, featuring family and territory ties also to family work and the management: i) business possession is joined with administrative control inside the hands of business chiefs; ii) these administrators are connected by kingship or marriage; iii) relations (counting these business directors) give funding to the business iv) relations including business administrators accomplish farm work; v) business proprietorship and administrative control are moved between the ages with the progression of time; and vi) the family lives on the farm.

Social convictions during which the farm business hypothesis is established are those of a free enterprise theory. The market instrument, "free" from government obstruction, the "law of supply and demand," is considered as a presence working for the beneficial thing about humankind. Defenders of this theory accept that the regular business report appoints to every individual his legitimate spot, in sync alongside his gifts and endeavours, and subsequently augments the government assistance of society as a full (Millar, 2015). Most present-day government financial assistance specialists alter their position just to the degree that administration obstruction with the market makes certain individuals happier without aggravating anybody off (Morris et al., 2011).

Inside some random arrangement of institutional plans, the extent of state capacities inside the limitations of this government assistance basis is naturally extremely thin, particularly in the short-run point of view. Convictions cannot be checked equitably. The undertaking of the social researcher is to notice equitably what convictions are held by what groups, and to what theories they offer ascent. The experimental result of the battle between clashing convictions is set essentially by the socio-political request of society, by the general force places of the separate groups. Regardless of whether real occasions in Africa agriculture will move inside the heading of the family farming or the farm business tenure theory will rely to a great extent on the overall force of the two groups holding these clashing convictions, inside the definition of public strategy influencing tenure (World Bank, 2007; FAO/UNEP, 1997; Palmer, 2000).

There are wide spaces of viable tenure issues where arrangements could likewise be tracked down that fit into the two speculations. For instance, expanding the assets of under-size farming units into bigger, more effective family farmers meets the necessities of both tenure speculations, regardless of whether this lessens the number of farmers. The family farm theory does not concern the pre-eminent significant conceivable number of farms independent of their living levels, however, accommodates some proficiency standards inside the

recommendation that family farms should be sufficiently huge to yield the family a fitting living (Palmer, 2000). The farm business theory does not call only for enormous scope production lines inside the area or grouping of the management in proficient organizations, however places just that asset ought to be utilized as effectively as could be expected. As family farmers become more proficient producers, their tenure status is viable with the farm business tenure theory. The two theories stress business venture, one produces to its results upon character improvement and social perspectives, the option due with its impact upon production proficiency. Any upgrades in tenure conditions that advance the administrative extension and execution of family farmers follow the overall suggestions of the two theories.

Classifications of property rights in land

There are four fundamental classifications of property rights in land: none (or open access), communal property, holding, and state (or crown) property (UN-HABITAT, 2008). Under open access, rights are left unassigned. The deficiency of any restrictiveness infers the lack of an impetus to moderate, and consequently regularly winds up in debasement of scant assets. Under communal property, elite rights are doled out to a gaggle of people. Under state property, the management of the land is under the authority of the general public sector. In private property, a private individual is assigned the rights (World Bank, 1991; Berker et al., 1989). On the off chance that the group holding restrictive communal rights are sufficiently huge, the distinction between collective property and open access becomes disputable. If individual rights seem not as being legitimate or do not appear to be enforced enough, de jure personal estate becomes genuine open access.

In many parts of Sub-Sahara Africa, land and tree tenure are discrete (Feder and Noronha, 1987). Land privileges might additionally determine the conditions under which different assortments of moves could likewise be made. Rights even have a short measurement. The institutional plans incorporate components for illustrating and authorizing property rights; that is, they incorporate both the conventional strategies and social traditions and perspectives concerning the authenticity and acknowledgement of these rights (Taylor, 1988). In the beginning phases of agricultural development, land rights are furthermore parted among people and the local communities (FAO, 2004). People are allotted use rights (which are frequently long haul and inheritable), albeit the option to sell land or move the utilization right to non-beneficiaries is held by the local community (Bugri, 2008). Social turmoil might arise when people lose their property rights, particularly to non-individuals from the local community, making a landless class. At the point when innovation

progresses, nonetheless, and benefits of work and other useful resources contrast among families, the deficiency of adaptability of property rights may unfavourably influence efficiency. Proficiency contemplations consequently rouse changes both inside the sacred request and institutional plans addressing land rights (Platteau, 1996).

The matter of loaning is intrinsically unsafe. The use of insurance on advances decreases vulnerability and misfortune issues for leasers. Guarantee is more important the more stationary and verification against harm. And the land has customarily been an ideal insurance resource in regions where land is scant (Binswanger and Rosenzweig, 1986). The development of benefit propelled credit exercises (regardless of whether formal or casual) among specialists inside and outside set up communities is usually a significant component in prompting institutional change concerning land rights. Land's convenience as insurance depends on the shortfall of vulnerability and unbalanced data concerning the rights (specifically, transfer rights) of the administrator occupier. A moneylender, for the indistinguishable reasons which concern a potential purchaser or leaseholder, would adore being guaranteed that the borrower-administrator has without a doubt the option to lose the land by deal or transfer or the option to transfer use rights (an obvious arrangement of utilization rights throughout an adequately extremely significant time-frame period incorporates a promoted value which can work as collateral). The accessibility of land as security, and documentation of land rights which make such insurance believable, influence the readiness of banks to make advances (Feder et al., 1988). Hence, the indistinguishable institutional plans that increment impetuses for useful utilization of land likewise work with a more effective credit market.

Institutional system for land governance

Sierra Leone's legitimate system for land inside the regions perceives customary tenure collective rules and norms that oversee local community allocation, use, access, and transfer of land and other natural assets inside the regions. Customary land law is unwritten, differs across chiefdoms and had progressively developed over the long run. The legal system for the organization of land rights inside the territories is given by the Provincial Land Act of 1961 which radiated from the Protectorate Ordinance of 1927 and along these lines the Tribal Authorities Ordinance of 1938. The law makes specific land held under customary tenure inside the regions the property of native land-possessing families which Paramount Chiefs or traditional rulers appear to be land proprietors yet work as trustees of such family property. Because of varieties in customary land law practices among various ethnicities, there is no single,

reasonable and integrated prerequisite to get property rights inside the areas: that is, right to responsible land administration exercises which incorporate the option to access and utilize; right to oversee; right to concoct pay; land allotment; development, and transfer rights (Moyo and Kamara, 2009). Indeed, even the right to pay compensations, requesting exclusive standards of morals, trustworthiness and responsibility is inadequate. Accordingly, albeit the legitimate system asserts customary land inside the regions cannot be purchased or sold, it does not give any shield components, no defensive oversight and no redress/grievance instruments for tending to infringement.

Land right is integral to the feasible management of natural asset and may be characterized because of the way biodiversity and the overall climate (FAO, 2004). The fundamental rules of tenure characterize how property rights (use, control, and transfer) are to be apportioned inside social orders, and are typically spatial and temporary measurements, in this, the principles can fluctuate geologically and after some time a wellspring of safety (Platteau, 1996). Without clear and for the most part acknowledged arrangements political elements (World Bank, 2014; FAO, 2004). In many emerging nations, tenure frameworks are examples of land dispersion from the colonial era (Palmer, 2000). Sound natural resource management inadequacy account is taken of land access and tenure issues, the actual frameworks can turn into a part of the matter and undermine needy individuals' admittance to land and tenure security, for instance, resources and to social contentions (World Bank, 2008). Keeping away from these unseen side-effects has been confounded. They can be either formal or casual: legal or customary; lawfully perceived or resulting. The response to something like one group's property issue might mark the start of troubles for another. Individual land rights are not generally the pre-eminent successful answer for poor rural individuals. Most nations of the sub-region, including Sierra Leone, have seen expansions in segment development, changes inside the political scene, economic development and social changes that have driven them to generally dispatch land changes. The hypothetical and exact explicitness of those changes relies upon the setting of the nation and what stands apart because of the nation's need. This often corresponds to the advanced level that happens in every country inside the field of land administration and subsequently the presentation of land proprietorship. This mind-boggling change process speed up during the 1990s and altogether affected how natural resources are socially seen and utilized (SAH/D, 2006). Land systems have shown to be just fairly advancing. In every setting, they incorporate full arrangements of norms, rules, dynamic systems and organizations that control land management, administration and use in every particular geological setting. They are firmly affected by the colonial

legacy and mix customary and legal frameworks on proprietorship, access, control and utilization of natural resources, address (local) struggle, and backing agrarian development (SAH/D, 2006).

Sierra Leone's Constitution of 1991 (Gov.SL, 1991) recognizes the predominant double illegal right situation (Customary law and Statutory law). It underwrites the right to property and preserves the rights and opportunities of the individual, including the insurance from seizure without installment or satisfactory pay, and ensures the assurance from deprivation of property including necessary possession. During the colonial period, some chiefdoms in the country were amalgamated to frame units to suit the comfort of colonial indirect principle. From 217 chiefdoms, there are presently 149 chiefdoms. Components that supported the de-amalgamation of these chiefdoms at this point do not hold. In 2017, six affected chiefdoms de-amalgamated in Bombali District were covered, which include: Tambakha, Magbaimba Ndohwahun, Gbendembu Gowahun, Paki Masabong, Makari Gbanti and Bombali Shebora.

Chiefdom councils and paramount chieftaincy

Chiefdom Councils were set up after Independence in 1961 as managerial bodies in the 210 chiefdoms all through the provinces and were previously called Tribal Authorities during the colonial period. Furthermore, to Paramount Chief, a Chiefdom Council incorporates the ensuing office-holders: Chiefdom Speaker, who supports the obligations of the Paramount Chief; Section Chief, the heads of a Section; Ceremonial Chief, who directs functions; and Member of Parliament. Aside from these officeholders, a Chiefdom Council additionally contained "various Chieftain Councilors, each representing every twenty citizens in the chiefdom" (Chieftaincy Act, Article 4).

The greater part of the everyday chiefdom administration is directed through the Chiefdom Committee, which comprises of just a few individuals, led by a Paramount Chief. What should be noted concerning customary tenure in the provinces is that the undeniable truth that, to some extent just in name, all lands in the chiefdom are "claimed" by the Chiefdom Council. Among the composed law with regards to land in the provinces is the Provinces Land Act, which expresses that all lands in the regions are vested in the Chiefdom Councils serving as custodians of such lands for and in the interest of the local communities. Aside the Paramount Chief, every chiefdom is further headed by a variety of other traditional leaders including a Regent Chief, Ceremonial Chief, Section Chief, and a town Headman. While a Section Chief is beneath the Paramount Chief who deals with the land in their part within the customary way, as does the Headman in his town or village, these subordinate customary traditional rulers are, obviously, intermediaries of the Paramount Chief, from whom all of their power as

administrators of the lands is essentially determined. Likewise, while examining the jobs of traditional leaders in Sierra Leone's customary system of land rights, it is proper to draw a differentiation between the Paramount chiefs and each different chief who is subordinate to them.

Courts and traditional rulers

Customary tenure works in the provinces where Paramount Chiefs apply rules of specific ethnic or ancestral groupings that administer the control, management, use and transfer of land. Within the Freetown area, the land is represented by principles of common law and rules with individual freehold rights of exclusivity use and transfer. Following the construction of the tenure framework, there's a dualistic arrangement of land questions resolution. Under customary tenure, land-related debates are fundamentally settled by traditional authorities, though courts play the most dispute resolution job under the formal legal framework (Manning, 2009).

Proprietorship and custodianship of customary land

While Paramount Chiefs have come to be viewed as the customary supervisors of chiefdom lands, neither they nor the Chiefdom Councils is the specific landowners. In the Provinces, at least three varying kinds of land right plans are perceived under customary law; family tenure, communal tenure, and individual tenure (Hanson-Alp, 2005). Of these, family tenure is the most widespread (Renner-Thomas, 2010). Much of the time, lands now under family tenure were officially ownerless territories occupied by different kingship groups like families, clans or heredities; were wild areas spread out by these groups, or were the prizes or rewards gotten by a gaggle that had crushed another during fights. Today, lands having gone under family tenure through such historic cycles are rarely transferred or conceded into the responsibility for families. Barring community-owned lands characterized by customary law and government-claimed lands characterized by commons-based law (Renner-Thomas, 2010), the greater part of provincial land is privately owned by the extended family, and during this sense, they have been considered as private lands (Figure 1).

LEGAL LAND RIGHT SYSTEM

Lands that establish the Western Area of Sierra Leone are likely to 'general law' and are settled by 'English-type' courts (Renner-Thomas, 2010). This legal 'general law' framework presented freehold and leasehold tenure frameworks in the Western Area (Freetown) as another to

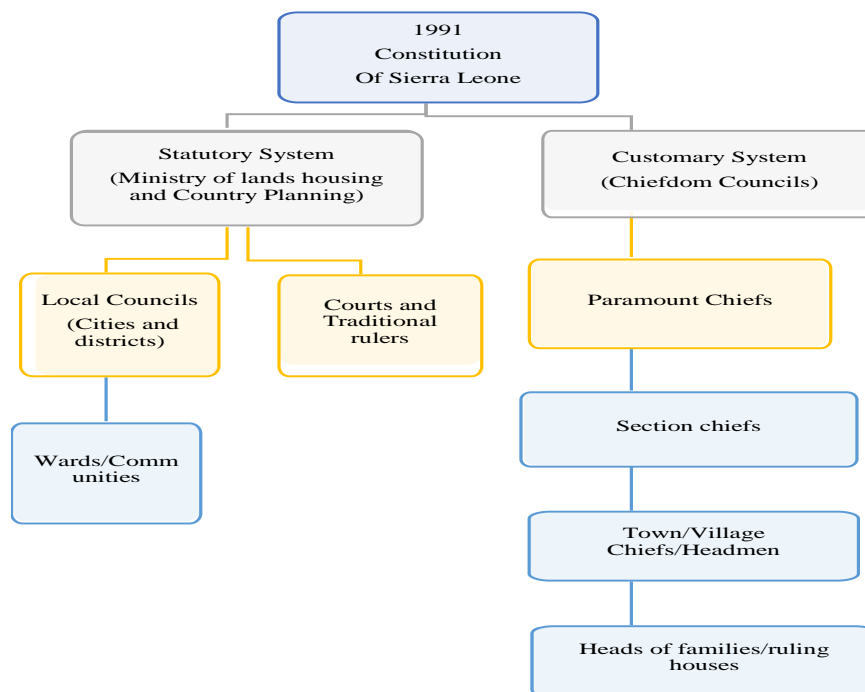


Figure 1. Organogram of land administration in the customary system of Sierra Leone. Data Source: Turay, 2021.

the customary frameworks of administration that had prevailed before colonization. Land must be obtained through State Land designation (freehold and leasehold), purchase on freehold premise (private land), or inheritance (family and individual land). In Sierra Leone, current land laws are established in colonial times, when land in the Western Area was declared as lands belonging to the Crown (Crown lands), governed by Chapter 118 (ordinarily called CAP 118). In 1961, after independence, all landed estate was pronounced State land.

Inheritance

Under customary law, an individual can allot parts of his/her lands under family tenure to an alternate individual from the family while still alive, however, he/she has no option to delegate the main successor to his/her properties after his/her demise. In principle, any individual from the family unit might be a likely replacement for the lands of a deceased under family tenure and therefore, the choice is dependent upon the family head and his/her advisors. Renner-Thomas maintains that paying little mind to anything with regards to the situation with women that might have worked on under customary law as of late, given the patrilocal example of society, a woman remains an alien to her husband's tribal families and will much of the time not guaranteed an interest in the lands.

Generally, it is accepted that community leaders would not be alright with women securing land all alone through inheritance which that fact family members of the spouse will be upset or challenge widows if they will assume control over the lands under family tenure.

MATERIALS AND METHODS

The study consisted of a combination of data collection and synthesis of existing secondary literature using content analyses of land policies, land rights and land reforms across Africa. An unrefined search using keywords through JSTOR, Google Scholar, Research Gate, and KNUST database yielded search results of journals, book chapters and research reports on the subject. This was restricted to the utilization of accessible resources which include: books, articles, international land reforms instruments as web materials hence drawing on sources from different scholastic disciplines performing an area audit (Table 1).

In all data analysis, regardless of whether it is within a positivist or naturalistic research tradition, the purpose is to organize and elicit meaning from the data collected and draw realistic conclusions (Polit and Beck, 2006). In a review of the literature, different opinions on the use of concepts, procedures and interpretation in the content analysis are presented. However, there are similarities in the way the researchers explain the process: either they do it by using different distinguishing stages, (Burnard, 1991; Downe-Wambolt, 1992), or in running text (Berg, 2001, Catanzaro, 1988). As a method, content analysis is unique in that it has both a quantitative (Krippendorff, 2004, Neuendorf, 2002) and a qualitative methodology (Berg, 2001; Burnard, 1991; Catanzaro, 1988; Downe-Wambolt, 1992), and it can be used in an inductive or a deductive way. The materials collected were

Table 1. Analyses of data sources from the unrefined search results.

Thematic Areas	Book Chapters	Journals	Research Papers/Reports
Statutory land tenure system	7	4	5
Customary land tenure system	6	14	10
Institutional framework for land governance in the provinces of Sierra Leone	4	5	4
Total	17	23	19

Data source: Turay, 2021.

Table 2. Showing themes, sub-themes and sources of data.

Themes	Sub-themes	Data sources
Statutory land tenure system	-Classifications of property rights in land	Land tenure in Sierra Leone: the law, dualism and the making of a land policy (Renner-Thomas, 2010),
	-Legal land right systems	One Country, Two system: the dualistic tenure system in Sierra Leone and the need for reforms (Kabba and Li, 2011); National Land Policy , 2015) Sam Moyo And Mohamed Foray Kamara. Key Land Tenure Issues And Reform Processes For Sierra Leone. Technical Report September, United Nations Development Programme, Freetown, 2009.
Customary land tenure system	-Chieftom councils and Paramount Chieftaincy	Sierra Leone customary family law
	-Courts and Traditional Rulers	Marriage and divorce regulation and recognition in Sierra Leone (Lisk, I. , Williams, B. 1995)
	-Proprietorship and Custodianship of customary lands	Land policy reform, customary rule of law and the peace process in Sierra Leone (Unruh, 2008), Hanson-Alp (2005) Understanding customary land tenure systems in Sierra Leone: who has control of the land. CARE.
Institutional framework for land governance in the provinces of Sierra Leone	-Inheritance	Marriage, Divorce, and Inheritance Laws in Sierra Leone and Their Discriminatory Effects on Women, Human Rights
	-Institutional system for land governance	Implementation of the Voluntary guidelines on responsible governance of tenure in the land legislation of Sierra Leone: analytical assessment report
	-Land tenure and local land governance in Bombali district	FAO, 2015), Gender and natural resource management: Gender and land compendium of country studies (IFAD, 2005) etc., Land Policies for Growth And Poverty Reduction (World Bank and Oxford University Press, 2003)
	-Administration of land rights	
	-Local land tenure fragmentation	

Data source: Turay, 2021.

sourced using keywords through JSTOR, Google Scholar, Research Gate and the KNUST database focus on the study objectives. Data was grouped under thematic areas and further sub-divided into sub-themes which were sources of journals, book chapters, and research reports according to the various authors. These data were then used to identify and interpret the arguments on the main thematic areas and sub-themes of the study by the various authors. The key concepts derived from these authors were categorized into thematic and sub-thematic areas as follows; Statutory Land Tenure System, Customary Land Tenure System, and Institutional framework for land governance in the provinces of Sierra Leone in line with the study objectives. The interpretations that were made was to meaningfully understand the various arguments and information that were reviewed to establish the unfolding position of relevance to the topic; land tenure and its implications on local land governance in Sierra Leone (Table 2).

THE STUDY AREA

The land is an essential wellspring of work for a greater

part of Sierra Leoneans. Sierra Leone is situated in West Africa between Latitudes 70° and 100° North, and Latitudes 10°.50° and 13°.180° West. Sierra Leone is neighbored by North-West and North-East by the Republic of Guinea and on the South-East by the Republic of Liberia, on the West and South-West by the Atlantic-sea (Figure 2). The greater part of Sierra Leone's populace lives in rural areas and its total national output (GDP) is fundamentally upheld by agriculture (IFAD, 2014; UN office 2014). The three primary work activities reviewed in the 2015 population and census enumeration are crop cultivating, animal husbandry and fishery, which rely generally upon access to and ownership of land (Statistic SL, 2015; Gov. SL, 2016). Smallholder farmers for the most part develop rice, cassava, cocoa, coffee, cashew, groundnut, palm oil, vegetables and other natural product trees (IFAD, 2001). Sierra Leone's 7.6 million people (Statistic SL, 2015) possess 71.600 square



Figure 2. Location of Sierra Leone in West Africa.

kilometres of land, of which 40% is farming, 39% is forested, and 4% is protected. The populace is 62% provincial and 38% urban (Statistic SL, 2015). The country's GDP is anticipated to reach the US \$3.91 billion before the finish of 2021 (World Bank, 2020). The gross domestic product comes from the farming (43%), administration (33%), and industrial (24%) sectors. In the financial sector, mining contributes around 20% of the business sector's commitment to the GDP. Sierra Leone's land area is approximately 121 million hectares and around 5.4 million hectares or 74% of the entire land is considered appropriate for development, albeit practically 80% of farmers cultivate 10% of that land, a circumstance which could be attributed to several factors including the poor governance of land tenure.

Land tenure and local land governance in Bombali District

Bombali District which is the selected district for the case study in the context is one among the nine essential decentralized political and administrative units of administration in the Northern region of Sierra Leone. It has an area of 7,985.00 sq.km³ and a populace of 368,621 (Statistic SL, 2015). Bombali district is divided into two administrative local councils (City and District council). The local government Act of 2004 (Gov.SL, 2004) concerns local councils that award them the ability to amass and hold land with liability regarding the development, improvement and the management of human settlements (Under area 20 (2) (d) of the Act). Likewise, subsection (e) additionally gives that local councils will draw up and execute advancement plans. The Act additionally gives that local councils shall

approve the annual budgets of the chiefdom council. The local government Act makes a proposed period for the decentralization process of the surveying of lands from the central government. The proposed period specifies that by 2008 the surveying unit ought to be a move to the local councils. This might incorporate training, setting up land registration units and initiation of registration and information assortment for land use arranging will be given over by 2007. This provision in the local council Act has not been implemented to date.

Bombali District is the second biggest district in Sierra Leone and its capital and biggest city is Makeni. It is also, the biggest city in the North region. It includes thirteen chiefdoms (Figure 3). The number of inhabitants in Bombali district is ethnically assorted, albeit the Temne and Limba formed the biggest ethnic groups (BDC, 2015). During the conflict (1991-2002), Bombali District was the main base for previous revolutionary fortification and experienced considerable dislodging, obliteration, and injury as a consequence of the conflict. While progress has been made since the end of the conflict, especially in the rebuilding of state authority, the measure of social administrations and economic recovery remains unsatisfactory throughout the district. The provincial significance of Makeni is conversely, with its absence of essential services, like water and power supply. The poor road network and huge distances in the district have implied that limited intervention has been made in chiefdoms outside of the Makeni area, particularly within the far North. The nearby and large savannah forest's management is restricted; bush fires affect around 200,000 hectares of savannah forests every year in the Bombali district (BDC, 2015). This zone is portrayed by open-bush and grasslands. Rice, cassava and yams are the staple food crops while groundnuts, pepper and

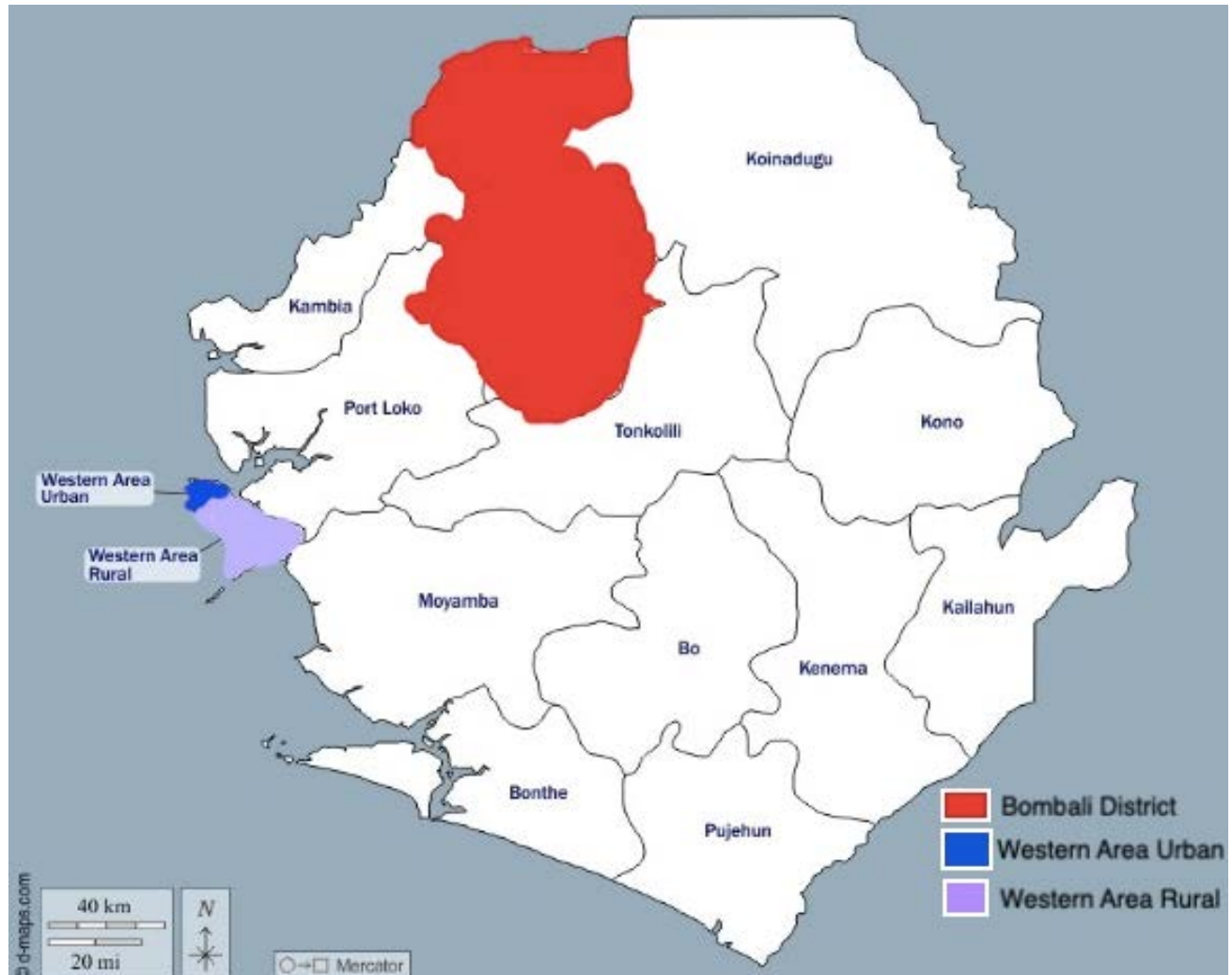


Figure 3. Location of Bombali District in Sierra Leone.

tobacco contain the most money/non-staple crops. While the land is suitable for animal breeding, burglary during the conflict has ruined the continuation of this job. In 2014-2015 in the communities directly affected by the Ebola episode, food utilization was somewhat worse than in those non-affected, farmers reduce rice production in light of the decrease of the farm labour force brought about by regulation measures put in place by the government (Gov. SL, 2015). The full number of people's food insecurity in Bombali district is around 132,322 and therefore the level of family food insecurity (serious and moderate) is 25.5% (WFP, 2011). A genuine institutional change that will assist with releasing the huge financial capability of Bombali district in the tourism industry, agriculture and industry are that the change of its customary tenure framework. Such a change would need to deal with issues that allude to customary law itself, because of the subject of 'Statutory strangers' presented in the 1927 Protectorate land statute.

LOCAL LAND TENURE AND GOVERNANCE IN BOMBALI DISTRICT

Administration of land rights

The Sierra Leone constitution endorses the property right and preserves the rights and freedoms of the individual, including the protection from expropriation without payment or adequate compensation, and guarantees the protection from deprivation of property including compulsory possession. The legal framework for the administration of land rights within the provinces is provided by the Provincial Land Act of 1961 which emanated from the Protectorate Ordinance of 1927 and therefore the Tribal Authorities Ordinance of 1938 (Renner-Thomas, 2010). The law makes certain land held under customary tenure within the provinces the property of indigenous land-owning families which Paramount Chiefs or traditional rulers do not seem to be

landowners but function as trustees of such family property. There are variations in customary land law practices among different ethnicities in Bombali District. There is no single, coherent and integrated prerequisite to secure property rights within the district: that is, the right to responsible land governance activities which include the right to access and use, the right to manage, the right to get income, land allocation, development, and transfer rights (Moyo and Kamara, 2009). Even within the right to compensation, demanding high standards of ethics, integrity and accountability is lacking. Thus, although the legal framework affirms customary land in Bombali District, it cannot be bought or sold, it doesn't provide any safeguard mechanisms, no protective oversight and no redress/complaint mechanisms for handling violations.

Boundary disputes between chiefdoms

Most of the confusion and contradictions dominating the typology of land issues within the provinces and for that matter in Bombali District emanates from the overall absence of well-established cadastral boundaries (Moyo and Kamara, 2009; FAO, 2018). Boundary disputes between Chiefdoms, between communities, between communities and personal individuals or investment corporations, and between extended families and individual households, within families are a number of the foremost frequent sources of conflict. Another category of issues includes situations where community land rights in addition to property rights of men and women and perceptions of property rights between one or more claimants conflict (IFAD, 2018). This is often complicated by corruption, mismanagement and gender-based discrimination. Similarly, challenges because of uncertain ownership and access rights by adjacent communities with historical claims to protected areas, and also the occupation of family property by long-term migrants also pitches customary tenure rights against public policy in Bombali District.

Local land tenure institutional fragmentation

Obligation regarding tenure, the management and administration is spread all through a few legislative establishments and traditional rulers which make it difficult to appropriately arrange their activities and keep away from covers. Moreover, those administration activities are underfunded most of the time and need resources for essential functional necessities and it irritates things considerably further. Accordingly, there is a prominent gap between the predominant lawful arrangements and genuine circumstances inland right, the management and administration in Bombali District. The primary establishment working in the land sector is

the Ministry of Lands, Housing and Country Planning, but it cannot facilitate with local leaders and enforce compliance. The 2004 local government Act awards local councils the option to store up and hold land, and it gives them the obligation to frame Development Plans. The Chieftaincy Act of 2009 states that the Paramount Chiefs are responsible for collection and for the advancement of further developed land administration intended for guaranteeing an improvement at the local level. Notwithstanding introductory assumptions that local councils will take over different elements of Land Administration, the forces of dynamic and control stays within the Ministry of Lands, Housing and Country Planning and Paramount Chiefs in Bombali District. The local government Act of 2004 (Gov.SL, 2005) concerns local council (both city and District Councils) and awards them the ability to amass and hold land with liability regarding the development, improvement and the management of human settlements (under Sec, 20 (2) (d) of the Act). The Act likewise incorporated a top to bottom schedule for the management of the decentralization process by moving capacities from the central government to the local councils. It expressed that the Ministry of Lands, Housing and Country Planning will get around land surveying over by 2008, survey units in the local councils are set up beginning 2006, training will initiate in 2007, actual surveying by 2008. That activity has not been accomplished to this point at either the town or District councils of Bombali District.

Non-functioning of chiefdom councils

Chiefdom Councils were set up after independence in 1961 as authoritative bodies in the 210 chiefdoms all through the regions. Bombali District constitute 13 chiefdoms which were recently called Tribal Authorities during the colonial period (Figure 4). Also, the Paramount Chief, a Chiefdom Council incorporates the officeholders: Chiefdom Speaker, who carries out the obligations of the Paramount Chief. Aside from these officeholders, a Chiefdom Council is additionally contained "various Chiefs, Councilors, each addressing each twenty citizens in the chiefdom" (Chieftaincy Act, Article 4). The majority of the everyday chiefdom administration is assumed to be directed through the Chiefdom council in each district, which comprises of just a few individuals, led by a Paramount Chief. What should be noted corresponding to customary tenure in Bombali District is that the unquestionable truth that, to some extent just in name, all land in the chiefdom is "owned" by the Chiefdom Council.

Proprietorship and custodianship of customary land in Bombali District

While Paramount Chiefs have come to be viewed as the

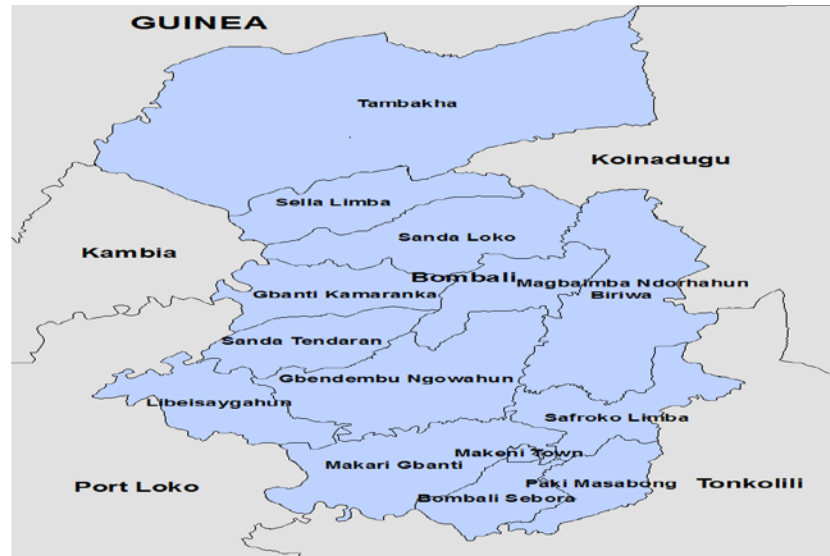


Figure 4. Chiefdoms in Bombali District before De-amalgamation.

customary administrators of chiefdom lands in Bombali District, neither they nor the Chiefdom Councils is the specific landowners. As a rule, lands now under family tenure were officially ownerless territories occupied by different kingship groups like families, clans or ancestries: were wild areas spread out by these groups, or were the prizes or rewards got by a gaggle that had crushed one another in fighting. Today, lands, as have gone under family tenure arrangements through such recorded cycles, are rarely transferred or conceded into the responsibility for other families in Bombali District.

So, individuals living under the customary arrangement of tenure in Bombali District are generally, incapable to embrace any official land exchanges or authoritatively register any land-related documents without the endorsement of the traditional administration, especially, that of the Paramount Chiefs. Paramount Chiefs likewise usually get cash and gifts proportionally for supporting the exchange of lands or when marking or appending their stamp to land-related documentation. Foremost Chiefs convey a major measure of power and impact over all parts of land management and double-dealing in their Chiefdom and assume an indispensable part in an extremely large variety of settings related to the administration of land. For instance, they frequently transfer or loan local community lands belonging to the Chiefdom Council on their circumspection alone, arrange the accessibility of lands for improvement.

In this manner customary tenure in Bombali District-North of Sierra Leone, while extensively perceiving customary ownership rights, likewise gives wide-ranging powers of land management to the Paramount Chiefs. The land and the management rights of Paramount Chiefs additionally overshadow the ownership rights of individuals. The tight limitations put on the latter have

implied that the extension to make choices around one's land (that is 'Customary private land') in Bombali District is undeniably more restricted contrasted with is normally found in the Western Area of Sierra Leone. This is regularly however the most unpleasant outline of the arrangement of customary land right, to which Paramount Chiefs are focal, found in the Provinces of Sierra Leone today. After giving an unpleasant outline of the customary tenure, here it ought to be seen that, as odd as it might sound, there is, truth to be told, nothing 'customary' even the slightest bit about Sierra Leone's arrangement of customary land right especially that of Bombali District.

SYNOPSIS OF FINDINGS

Land rights in Bombali District

The effectiveness of dualism permitted customary tenure frameworks to coincide with presented European tenure in Sierra Leone. Subsequently, statutory tenure in the Western Areas and customary tenure applicable in Bombali District are compartmentalized and were not permitted to join. Paramount Chiefs are the overseers of all communal lands in Bombali District with an illustrated boundary of a chiefdom. These lands are held in common but internally contain different sections or groups of towns that are occupied as family tenure by different ancestry decent groups. In this manner, truly, a significant part of the customary land, albeit not officially delineated or enlisted, has been individualized de-facto in the names of heredities, families, and individuals. Be that as it may, because Paramount chiefs hold the land in trust for those extended families or heredities joined to the chiefdoms no huge land-related decision is final until the paramount

chief endorses (Turay, 2006).

Customary land administration in Bombali District

Compelling customary land administration and land access dissemination are constrained by Section chiefs and family heads who deal with the land-access rights to extended families and distributions among individuals from the family separately. The principles through which customary land is dispersed, allotted to families and people in the extended family and who takes part in deciding these guidelines is administered by traditional norms, customs and practices which consistently oppress women. These hindrances are in the prevailing ethnicities in Bombali District, showed methodically through customary paternalistic authority, institutions and governance arrangement that winds up in the higher intellectual cycle. They regularly are believed to be only male, with women consigned to quiet spectators in both the overall population and domestic circles. Notwithstanding, requests might be heard by the Section Chief and in case unsettled, are frequently moved to the Chieftom Council for final resolution.

Right to access, use, transfer and sell of land in Bombali District

The option to sell customary land is typically restricted to deals inside the family or community and do not appear to be recorded. Under the current laws of Sierra Leone, the offer of customary land to non-family or non-community individuals is precluded. In certain areas individuals from outside the chieftom, including transients, inhabitants, and outsiders (altogether alluded to as "strangers"), establish 20-40% of the chieftom populaces (USAID, 2008). Landowning families in Bombali District rent lands to outsiders who are required to pay an ostensible measure of the harvest yield or lease to the family on a yearly premise. Such customary leasehold courses of action confine outsiders from establishing trees and enduring yields as an update that they need no drawn-out interest inside the land. Some heredity plunge land is moreover held as collective land to be utilized by all individuals from the community (Williams, 2006). In this manner, albeit the legitimate structure certifies customary land in the regions cannot be purchased or sold, it does not give any shield components, no defensive oversight and no review/grievance systems for overseeing infringement. Because of the varieties in customary land law practices among various ethnicities in Bombali District, there is no single, reasonable and coordinated prerequisite to get property right in the district: that is, right to manage, right to induce income, land allocation, exploitation, and transfer rights. Even in the right to compensation, demanding high

standards of ethics, integrity and accountability is lacking.

Land and gender rights in Bombali District

The Constitution of Sierra Leone forbids segregation based on sexual orientation and accommodates equivalent rights for all or any chances and advantages upheld merit. The constitution likewise accommodates a woman's right to acquire her husband's property if he dies without a will and orders support for an enduring life partner and any offspring of the deceased. In any case, the Devolution of Estates Act does exclude property held mutually by a few individuals from the family or property held altogether by a community and is hence unimportant to most rural lands in the provinces (Gov. SL, DEA, 2007). Notwithstanding these arrangements in the formal law supporting women's rights, prevailing customary practices keep on denying most rural women the right to have land voluntarily. Women in Bombali District do not reserve the right to acquire land and are denied the option to lease a plot in urban areas. Local traditions can likewise keep women from exercises that make rights to land, like tree planting; however, they will even be constrained out from their marital home at the passing of their spouses. Nevertheless, individuals from the Limba ethnic group in Bombali district perceive women's right to acquire land in specific situations. Among the Temne ethnic group, women's rights will in general be stronger. There are a report of acquiring land and forming cooperatives to accomplish and hold admittance to land for development, lodging and business exercises (FAO, 2021; Green Scenery, 2020; FAO, 2018).

Tenure insecurity in Bombali District

The predominant utilization of customary laws in Bombali District tenure weakness, is energized by the absence of codification and ad-hoc decisions by land authorities; emotional understanding of the ad-hoc and guidelines relevant to land transfer; the shortfall of a solid record of landholdings; trouble getting assent among a larger than an average number of relations with an interest in an extremely single landholding; and culture of overlooking concurred terms of land rents, pledges and gifts. Different sources of instability incorporate customary tenure preclusions against establishing tree crops or long haul creation improving capital speculations by outsiders, an inclination for one-year leases, and accordingly the shortfall of tenancy arrangements upheld contract rents or other monetary arrangements (FAO, 2018).

CONCLUSION AND RECOMMENDATION

Customary tenure in post-colonial Africa is considered to

be subjectively not the same as that before colonization. Catherine (2014) draws a transparent differentiation between pre-colonial and later frameworks of customary tenure in Africa, depicting the past as 'customary' and the latter as "neo-customary" as some way of focusing on the many degrees of distinction between the two (Boone, 2014). It's neither a copy of the customary tenure practices of traditional society before the Protectorate, nor is it an establishment leftover from that period rather, customary legitimate right in Bombali District could be a framework set up as a piece of a course of late state-building since the establishment of the Protectorate. This strategy was assembled and refined as a political gadget for the aberrant control of regions situated a ways off from the central point of state power both during the colonial time (for example the Protectorate) and following independence (the Provinces) that utilizes traditional authority structures. This is not to say that customary land directly in Sierra Leone is completely unrelated to customs and traditions. However, it is a framework predicated and kept up with by the presence of the modern state, and subsequently, a line ought to be drawn among it and customary tenure in traditional society before the appearance of the Protectorate, which did not rely upon the presence of the popular state.

The more vulnerable variations of the disparities will in general smooth tenure security, lessen land use, and compromise the food security of those stricken by the land for survival. Bombali District appears to have general high tenure security due to a great extent to the Chieftaincy strength; however, it is not adequate for economical improved livelihood and sustainable rural poverty reduction. Enabling policies are needed beyond the national level to cater to issues like migration, pastoralism and conflicts that cut across chiefdom boundaries and even districts, and want multi-stakeholders or national approaches. The right motivation for land rights reform is to turn up with institutional arrangements that enable, as far as possible, each parcel of land to be put to its most economically valuable use at any time. The target is to verify that the foremost productive users of land have access to land, which all users of land make efficient use of. Legal certainty implies that rights are going to be protected against the unlawful acts of others, and the results of such legal actions are easy to forecast.

CONFLICT OF INTERESTS

The authors have not declared any conflict of interests.

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