

Women's Rights and Public-Private Partnerships in Sierra Leone's Agro-Energy Sector: A Case Study of Addax Bioenergy Sierra Leone Ltd (ABSL)

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Introduction

The near-total destruction of Sierra Leone's ailing infrastructure during the country's civil war was a stumbling block in the nation's post-war development. The Government of Sierra Leone (GoSL) put the restoration of the infrastructure sector as one of the pillars of its post-war development agenda. The aim was to move the country from post-war humanitarian assistance to socio-economic development and poverty reduction. To achieve this goal, the GoSL sought counsel from the World Bank's Public-Private Infrastructure Advisory Facility (PPIAF) in 2009¹. The PPIAF provided technical assistance to support public enterprises entering into long-term contractual arrangements with private sector service providers, and to develop minimum standard and regulations governing private-public partnerships (PPPs) contracts². Their effort resulted in the inclusion of PPP as a funding mechanism for Sierra Leone's infrastructure development in the 'Agenda for Prosperity', the country's third generation poverty reduction strategy (PRS) (2013-2018)³.

Since then, the PPP financing model has been operationalised and several projects have been instituted. Even though the main actor pushing Sierra Leone's PPP agenda, the World Bank Group, is promoting gender equality in PPPs, Sierra Leone's PPP legal framework is gender insensitive. In order to understand the issues of gender equality and PPPs in Sierra Leone, this paper will be divided into two broad sections. The first section provides background context on the concepts, the infrastructure sector, the PPP regulatory framework and the energy and agriculture sectors. The second section focuses on Addax Bioenergy Sierra Leone Limited (Addax/ABSL), the case study for this report looking at women's rights, resistance and struggles against Addax Bioenergy, the social and economic impacts of ABSL and the downsizing of the addax and the transfer to Sunbird energy.

Gender Equality and PPPs

The discourse on PPPs and gender equality is dominated by two perspectives: the first view is promoted by donor governments and international financial institutions (IFIs) on one hand, and on the other hand, is the position of social justice campaigners such as gender equality and women's rights activists, civil society organisations (CSOs) and Trade Unions, criticising the viewpoints of the former. The IFIs led by the World Bank Group (WBG) and their cohorts are pushing for PPPs to be the instrument for financing the Sustainable Development Goals (SDGs). In furtherance of their agenda, they are assisting countries to develop PPP regulatory frameworks to provide advice and finance for PPP projects⁴. In the case of Sierra Leone, the WBG, through its various agencies, has been instrumental in shaping the nation's PPP agenda. Although the country's PPP framework is gender insensitive, the World Bank has developed a robust argument making the case for gender

¹ World Bank (2011), **PPIAF Assistance in Sierra Leone**, <http://documents.worldbank.org/curated/en/188111468167372625/pdf/758740PPIAF0As00Box374359B00PUBLIC0.pdf>

² Ibid:1

³ GoSL (2013) **Agenda for Prosperity** <http://www.sierra-leone.org/Agenda%204%20Prosperity.pdf>, p.154

⁴ Eurodad (2018), **History REPPeated: How Public-Private Partnerships are Failing**, <https://eurodad.org/files/pdf/1546956-history-reppeated-how-public-private-partnerships-are-failing-.pdf>, p.4

mainstreaming in PPP programmes and projects by advancing the development of infrastructure that reduces poverty while promoting gender equality and women's empowerment in the long term⁵.

On the other hand, CSOs, trade unions, women's rights organisations, and other social justice entities have pointed out that it is impossible to use the PPP framework to promote social development not only because it undermines it, but also because it is flawed. These flaws are obvious in relation to their impact on gender equality: the lack of data on the positive impact of PPPs, particularly on women; the narrow approach of PPPs to gender equality; and the way in which the success of PPPs is measured⁶. Furthermore, they argue that PPPs and social development, including gender equality and women's rights are diametrically opposed to each other because the former is based on achieving profit from the provision of service, while the latter's goal is to attain long-term change⁷. This paper will use the perspective of social justice organisations in analysing the Addax case study to highlight how Addax Bioenergy Sierra Leone Limited (ABSL) has undermined women's rights and social development in its area of operation.

Overview of Sierra Leone's Infrastructure Sector

Sierra Leone's horrendous civil conflict between 1991-2002 unleashed untold misery on its citizens, and in tandem, the country's social, economic, and physical infrastructures were destroyed. It is estimated that over 75,000 lives were lost, about 4,000 young men abducted into the rebel fold and nearly half of the population were internally displaced or became refugees in neighbouring countries⁸. In the infrastructure sector, the transport subsector, about 75% of privately operated vehicles were burnt or destroyed, several boats were sunken in the coastal areas, feeder roads were dug out, and bridges damaged by the rebels⁹. Also, many water facilities in rural and urban areas¹⁰, as well as fishing infrastructures, were destroyed¹¹. Concerning the power and energy sector, electricity generation declined drastically from its peak of around 196 GW hours in 1984 to about 25-30 GW hours in 2000¹². Also, the total electricity from the National Power Authority (NPA) declined from 117 GWH in 2002 to 29 GWH and 28 GWH in 2006 and 2007, respectively¹³. At the same time, the electricity generation in the provincial headquarters of Bo and Kenema in the southern and eastern provinces, respectively almost collapsed¹⁴.

⁵ WBG (2019) **Gender Equality & PPP**, <https://ppp.worldbank.org/public-private-partnership/ppp-sector/gender-impacts-ppps/impacts-ppps-gender-inclusion>

⁶ Eurodad & FEMNET (2019), **Can Public-Private Partnerships Deliver Gender Equality**, <https://eurodad.org/files/pdf/can-public-private-partnerships-deliver-gender-equality.pdf>, p.5

⁷ Ibid:2

⁸ Government of Sierra Leone (GoSL) (2003), **Sierra Leone Vision 2025: "Sweet-Salome"**, https://unipsil.unmissions.org/sites/default/files/vision_2025.pdf, P.32

⁹ GoSL (2001), op cit: P.23

¹⁰ GoSL (2005), op.cit:P.41

¹¹ Ibid:34

¹² GoSL (2003), op cit: 31

¹³ GoSL (2008a), **An Agenda for Change: Second Poverty Strategy Reduction (PRSP 11) 2008-2012** https://unipsil.unmissions.org/sites/default/files/agenda_for_change_0.pdf, 48

¹⁴ Ibid:48

The nation was ranked among the bottom six countries on the African Infrastructure Development Index (AIDI)¹⁵ between 2006 and 2009¹⁶. Despite significant investment in the sector since 2009, the country's average of 7.4 on the AIDI for 2009-11, is half of the continental average of 14.8 over the same period¹⁷. Its standing on the AIDI between 2016-2018 has been among the bottom ten countries¹⁸. Also, Sierra Leone has one of the lowest penetration rates for public utility services and some of the highest costs on the continent¹⁹. Besides, its infrastructure deficit worsened due to the high rate of urbanisation²⁰. The Millennium Challenge Corporation's diagnostic study states that the nation's most binding constraints stifling growth are linked to its huge infrastructure shortfall in energy and road transport, which if not adequately addressed, will restrict private sector growth²¹.

Following the end of the war in 2002, the GoSL prioritised its development goals to focus on "conflict resolution; restoration of security; democracy and good governance... physical infrastructures that would lay the foundation for achieving sustainable growth and poverty reduction"²². In relation to infrastructure, the GoSL's aim was to improve energy supply, road and transport network and building Information Communications Technology (ICT)²³. As mentioned earlier, the government introduced the idea of using private sector funding for public sector projects in the country's water, power, roads, ports, airports, and telecommunication sectors through the use of public-private partnerships (PPPs)²⁴. As per the government "PPP will also be explored to ensure that environmental issues are taken on board in the implementation of projects. Government will ensure that the national environment is conducive to private sector participation through reviewing relevant legislation"²⁵.

Public-Private Partnership (PPPs) in Sierra Leone: Institutional, Legal and Regulatory Frameworks

¹⁵ Energy, Telecommunication, road, social infrastructure, and access to sanitation

¹⁶ AfDB (2011), **Infrastructure and Growth in Sierra Leone**, <https://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/Infrastructure%20and%20Growth%20in%20Sierra%20Leone.pdf>, P.45

¹⁷ AfDB (2015), **Development Effectiveness Review 2015-Sierra Leone Country Review**, [https://www.afdb.org/fileadmin/uploads/afdb/Documents/Development Effectiveness Review In Sierra Leone/CDER Sierra Leone En_Level 1.pdf](https://www.afdb.org/fileadmin/uploads/afdb/Documents/Development%20Effectiveness%20Review/In%20Sierra%20Leone/CDER%20Sierra%20Leone%20En%20Level%201.pdf), P.18

¹⁸ AfDB (2018), **The African Infrastructure Development Index 2018**, [https://www.afdb.org/fileadmin/uploads/afdb/Documents/Publications/Economic_Brief - The Africa Infrastructure Development Index.pdf](https://www.afdb.org/fileadmin/uploads/afdb/Documents/Publications/Economic_Brief_-_The_Africa_Infrastructure_Development_Index.pdf), P.9

¹⁹ Ibid: 46

²⁰ Ibid:46

²¹ AfDB (2013), **Sierra Leone Country Strategy Paper 2013-2017**, [https://www.afdb.org/sites/default/files/documents/projects-and-operations/2013-2017 - sierra leone country strategy paper 01.pdf](https://www.afdb.org/sites/default/files/documents/projects-and-operations/2013-2017_-_sierra_leone_country_strategy_paper_01.pdf), P.5

²² GoSL (2005), op.cit: 57

²³ GoSL (2008b), **Sierra Leone Poverty Reduction: Progress Report 2005-2007**, <https://www.imf.org/external/pubs/ft/scr/2008/cr08250.pdf>, P.19

²⁴ GoSL (2013), **The Agenda for Prosperity: Third Generation Poverty Reduction Strategy (PRSP) 2013-2018**, [https://www.undp.org/content/dam/sierraleone/docs/projectdocuments/povreduction/undp sle The%20Agenda%20for%20Prosperity %20.pdf](https://www.undp.org/content/dam/sierraleone/docs/projectdocuments/povreduction/undp_sle_The%20Agenda%20for%20Prosperity%20.pdf), P. 154

²⁵ Ibid: 154

Sierra Leone's PPP journey followed the usual trajectory of implementing the World Bank and International Monetary Fund's (IMF) free-market agenda, the structural adjustment programme (SAP) in the 1980s, the PRS in the 2000s and later the PPP platform in the 2010s. Following the GoSL's request to the PPIAF for technical assistance to establish an enabling policy and legal framework for PPP operation in the country²⁶ several laws were enacted, agencies were streamlined, and permanent improvement made to the country's business environment. For instance, the Companies Act brought Sierra Leone in line with international standards²⁷. Additionally, the PPP framework and the Institutional Development Plan for the Central PPP Unit were submitted to the government in November 2009²⁸. As a result of these initiatives, Sierra Leone's rank on the World Bank's Doing Business Index improved by 20 places between 2006-2011²⁹.

Private sector investment in public infrastructure in Sierra Leone started about 20 years ago, but, it was not undertaken within a PPP legal framework³⁰. Instead, the Privatisation Act 2005, the Public Procurement and Disposal Act 2005 and the Companies Act 2009 were used as the implementing frameworks³¹. The process to create a legal platform for private investment in public infrastructure development started with the publication of the PPP Regulations under the Public Procurement and Disposal Act (PPDA 2005) in 2009 and culminated in the adoption of the PPP Policy in 2014³². The PPDA outlined the GoSL's commitment to PPPs as a priority mechanism to address the country's infrastructure budget shortfall as well as providing a pathway for the enactment of a law for PPP delivery³³.

The GoSL recognised PPPs as having the potential to mobilise both funding and expertise for infrastructure development and was willing to work with private investors to share the costs, benefits, and risks of infrastructure development through PPPs³⁴. Sierra Leone's PPP agenda was buoyed up by the government's Private and Financial Sector Development (PFSD) project. The project was to support the country's effort to improve investment, generate more foreign and local investment and build government capacity to engage in sustainable and beneficial public-private partnerships³⁵. The United Nations Development Programme's (UNDP) technical assistance for the PFSD was to ensure that the GoSL achieved its development goals. To push its PPP agenda further, the government undertook policy, legal and institutional reforms to create frameworks for appraising and managing PPPs to develop major infrastructure projects in the country. This resulted in the

²⁶World Bank (2011), PPIAF Assistance in Sierra Leone, <http://documents.worldbank.org/curated/en/188111468167372625/pdf/758740PPIAF0As00Box374359B00PUBLIC0.pdf>, P.1

²⁷ Ibid:1

²⁸ Ibid:2

²⁹ Ibid: 2

³⁰ GoSL (ND), Legal Framework, <https://ppp.gov.sl/legal-framework/>

³¹ Ibid

³² Ibid

³³ Ibid

³⁴ Solution Africa (2019), **Private and Financial Sector Development Project**, <http://www.southsouthworld.org/component/k2/46-solution/2400/private-and-financial-sector-development-project>

³⁵ Ibid

submission of the PPP Act for parliamentary approval in 2013³⁶. The enactment of the PPP Act. No. 11 2014, institutionalised the process in Sierra Leone.

The PPP architecture includes the Policy, the Act, and the Regulation³⁷. The PPP Policy adopted in 2014 outlines the government's commitment to PPP as a priority mechanism to address the country's infrastructure budgetary deficits and tap into private sector efficiencies in developing and maintaining infrastructure³⁸. It also provided the basis for the passing of the PPP Act³⁹. In broad terms, the Act set the standards for PPP procurement, based on delivery of service, risk transfer, and good governance process⁴⁰. It also paved the way for the establishment of the PPPU. The major categories of PPPs in Sierra Leone include Management Contracts, Service Contracts, Lease Contracts and Concession Contracts⁴¹. PPPs are further sub-categorised into Build-Operate-Transfer (BOT) contracts, Build-Operate-Own-Transfer (BOOT) Contracts, Build-Operate-Own (BOO) Contracts, and Design-Build-Operate-Maintain (DBOM)⁴².

The Public-Private Partnership Unit

The establishment of the PPPU was funded by the African Development Bank (AfDB), the International Finance Corporation (IFC), the United Kingdom's Department for International Development (DfID), and the World Bank. The funding was to establish, support and build capacity within the PPPU⁴³. The World Bank and IFC supported the GoSL in the drafting of the PPP Bill to ensure international best practice⁴⁴. The GoSL, African Development Bank and UNDP provided resources to the tune of £2,140,000 over two years 2013-2015. A breakdown of support is outlined in Table 1 below.

Table 1- Donor Support for the Establishment of the Public-Private Partnership Unit

Item	Funder	Amount
Staff salaries and running costs	GoSL	£490,000
International PPP Advisor	UNDP	£250,000
Financial and legal advisors and training	AfDB	£200,000
Equipment, technical assistance, and studies	DFID	£1,200,000
Total		£2,140,000

Source: DfID Annual Review Summary Sheet 2014

Although the PPPU has been in existence since 2011, it was formalised after the adoption of the PPP Act in 2014. Apart from the 'President's Priority Projects', the PPPU is solely in charge of all PPPs in the country. The PPPU staff have been capacitated with skills in economic viability analysis,

³⁶ Ibid

³⁷ GoSL (ND), Legal Framework, op.cit

³⁸ Ibid

³⁹ Ibid

⁴⁰ Ibid

⁴¹ https://ppp.gov.sl/wp-content/uploads/2019/12/PPP_BROCHURE.pdf, P. 15

⁴² Ibid:15

⁴³ DfID (2014), **Annual Review-Summary-Sheet**, <https://devtracker.dfid.gov.uk/projects/GB-1-203819/documents>

⁴⁴ Ibid **Business Case and Intervention Summary**, <https://devtracker.dfid.gov.uk/projects/GB-1-203819/documents>

best practices in procurement and effective negotiation strategies⁴⁵. Four staff members of the Unit were trained in Ghana's African Institute of Management Science in 2018, on identifying and appraising PPP projects and developing PPP policies⁴⁶. As a result of their training, they were deployed in the implementation of two-solar and hydro-power projects⁴⁷. Finally, it has been argued that the PFSD support resulted in improvement in the preparation of tender documents by procurement staff of participating ministries, department and agencies, better management of the procurement process and greater participation in negotiations⁴⁸.

The PPPU's mandate is to promote, facilitate, and streamline the inception, negotiations, and implementation of all PPP agreements between public entities and private partners⁴⁹. The Unit's functions include providing technical and legal support to the PPP process to line ministries, departments, agencies, and local councils in working with the private sector to deliver public services⁵⁰. It includes project identification, execution of feasibility studies to help determine a project's viability and manage the PPP procurement process for the selection of a private partner to implement and deliver on agreed project⁵¹. It is also responsible for ensuring that all PPPs arrangements comply with the Act and this includes the development of selective PPP procedures and matters incidental thereto⁵².

Sierra Leone's Public Private Partnership Landscape

The country's PPPU works in the energy, agriculture, fisheries, transportation, health, and education sectors. The current PPP landscape consists of four projects in the energy sector, and one each in the transportation and fisheries sectors (see Annex 1-Table 2 for details). The ongoing PPPs in the energy sector include Bumbuna Phase 11 Hydro Power Project, Western Area Generation Project (Kissy HFO Project)⁵³, Solar era, and 25 MW Betmai Hydro, listed in Table 1, Addax Bioenergy Sierra Leone/Sunbird, Planet Core Solar, and UNOPS⁵⁴. Table 3 details (see Annex 1 for details) 12 PPP opportunities in the country comprising of five opportunities in transport, two in health and one each in the energy, housing, City Council, tourism and water sectors.

Situating the Emergence of Addax Bioenergy Sierra Leone Within Sierra Leone's Development Agenda: The Energy and Agriculture Sectors

Addax straddles Sierra Leone's energy and agriculture sectors. The African Development Bank, one of the Addax's investors, states that the project is aligned to the GoSL's social, investment and

⁴⁵ Solution Africa, op. cit

⁴⁶ Ibid

⁴⁷ Ibid

⁴⁸ Ibid

⁴⁹ GoSL (ND), **The Public-Private Partnership Unit (PPPU)**, <https://ppp.gov.sl/ppp-unit/>

⁵⁰ World Bank (2020), **The Public-Private Partnership Unit (Sierra Leone)**, https://library.pppknowledge.org/documents/3924?ref_site=kl

⁵¹ GoSL (ND), **The Public-Private Partnership Unit (PPPU)**, op.cit

⁵² Ibid

⁵³ Includes the capital city Freetown and the entire peninsula

⁵⁴ See Annex 1 for details

development objective policy as outlined in its second-generation Poverty Reduction Strategy ‘the Agenda for Change’ 2008-2012⁵⁵. Moreover, it was stated that the project is fully aligned with the Sierra Leone investment policy because it is a large agriculture and industrial project that:

- i) Will provide job opportunities for Sierra Leoneans at all skills level;
- ii) Provide significant foreign direct investment;
- iii) Is export-oriented;
- iv) Makes extensive use of local raw materials;
- v) Will ensure the development and transfer of a variety of skills and technology;
- vi) Will produce a surplus of electricity for commercial purposes; and
- vii) Makes use of renewable energy renewable resources⁵⁶.

Furthermore, the project was also touted for being in line with the nation’s “National Sustainable Agriculture Development Plan (NSADP)”, including the nation-wide initiative “Smallholder Commercialisation Programme (SCP), a sector-wide framework for achieving the objectives of the “Agenda for Change”⁵⁷.

The Energy Sector

The immediate post-war energy sector was characterised by inadequate production capacity, a non-integrated transport system, and a distribution system with only 35,000 connections⁵⁸. As a result, the PPIAF was called upon to assist in reviewing available options on the financing, ownership, and operation of the power sector and to produce a report on the viability of private sector participation in the sector⁵⁹. The outcome of the PPIAF’s engagement was a PPP Diagnostic Report and Recommendations for the Energy Sector in 2002⁶⁰. In a nutshell, the PPIAF recommended a combination of government facilitation with private resources and international community assistance as the gateway to increasing the rate of access to energy in the country⁶¹. The funding was used to review the performance of the two power operators in the country, the National Power Authority (NPA) and the Bo-Kenema Power Service (BKPS). Subsequently, the 2005 NPA Act amended the 1982 Act to allow private sector participation in the energy sector, thereby repealing the NPA’s monopoly over the generation, transmission, supply, and related matters⁶². Furthermore, the GoSL’s paper entitled “The Sierra Leone Energy Sector: Prospects and Challenges” accepted many of the PPIAF recommendations that “private sector financing or public-private partnerships for the establishment of solar home systems (for lighting, water pumping, and so on), for the implementation of biogas digesters (for cooking, lighting, and motive power applications), and the establishment of

⁵⁵ AfDB (2009), *Executive Summary of the Environmental, Social, and Health Assessment of the Addax Bioenergy Project*, <https://www.afdb.org/fileadmin/uploads/afdb/Documents/Environmental-and-Social-Assessments/Addax%20Bioenergy%20-%20ESHIA%20summary%20-%20Final%20EN.pdf> 3

⁵⁶ Ibid:3

⁵⁷ Ibid:3

⁵⁸ World Bank (2011), *PPIAF Assistance in Sierra Leone*, <http://documents.worldbank.org/curated/en/188111468167372625/pdf/758740PPIAF0As00Box374359B00PUBLIC0.pdf> op. cit:2

⁵⁹ Ibid:2

⁶⁰ Ibid:3

⁶¹ Ibid:2

⁶² Ibid:2

windmills (for lighting, water pumping, among others) should be vigorously pursued for homes, schools, hospitals, community centres, among others across the country⁶³.”

Following the repeal of the 2005 Act, the 2011 Electricity Act was passed by parliament to unbundle the country’s energy sector. The NPA was divided into two agencies to be supervised by the Ministry of Energy (MoE), the Electricity Generation and Transmission Company (EGTC) and the Electricity Distribution and Supply Company (EDSA), and both institutions became operational in January 2015⁶⁴. The EGTC is tasked with generation and transmission at high voltage levels (161kV), and the EDSA is responsible for sub-transmission and electricity distribution (33kV and below)⁶⁵. The Electricity and Water Regulation Commission (EWRC) has the responsibility to determine and review tariffs⁶⁶. Additionally, the Electricity Sector Reform mapped out an implementation of reform activities over thirteen-years:

- Recovery period (up to mid-2018): completion of the implementation of the Electricity Act, development of a procurement framework, development of off-grid licenses, and a review of procedures for collecting revenue and managing electricity theft within EDSA.
- Transition period (mid -2018-2020): sector prepares for financial stability but continues to operate under an incomplete commercial framework and without an adequate financial flow from contractual agreements. Decisions must be taken regarding the necessary qualifications of individuals before they are entrusted with the following: construction, erection, repair, or alteration of any installation or apparatus; the responsibility of any installation; the operational control of an apparatus; the development of a mini-grid regulation to create an enabling environment for off-grid energy production.
- Delivery period-mid-term (2021-2025): sector policy objectives are delivered. The sector’s institutional and organisational structure prepares itself to deliver the long-term (2026-2030) objective for universal access to electricity. One of the key conditions to effectively attaining this vision is to focus on raising awareness and building capacity among the institutional players in the electricity sector⁶⁷.

During this period, old projects will continue, and new ones will be initiated.

While the country’s electricity situation has improved, it is still abysmal. For instance, the country has one of the lowest electricity access rates in the world⁶⁸. The electricity access rate is about 16%, with about 90% of the 172,000 customers located in the urban parts of Freetown⁶⁹. Also, only five of the 16 district capitals are partially supported by a combination of small diesel units and mini-hydropower plants⁷⁰. Finally, the electrification rate in rural areas is almost non-existent⁷¹. To achieve

⁶³ Ibid:3

⁶⁴World Bank (2016), **Western Area Generation Project**, <http://documents.worldbank.org/curated/en/223741467993762150/pdf/AB7825-PID-P153805-Initial-Appraisal-Box396261B-PUBLIC-Disclosed-5-25-2016.pdf> P.2

⁶⁵ Ibid:2

⁶⁶ Ibid: 2

⁶⁷GIZ (2018), **Sierra Leone Diagnostic Study of the TVET Sector-Final Report**, <https://www.giz.de/en/downloads/giz2018-de-Diagnostic%20Study%20of%20the%20TVET%20Sector%20in%20Sierra%20Leone.pdf>, P. 41

⁶⁸ World Bank (2019a), **World Bank Helps Sierra Leone Improve Operational Performance of the Energy Sector**, <https://www.worldbank.org/en/news/press-release/2019/05/17/world-bank-helps-sierra-leone-improve-operational-performance-of-the-energy-sector>

⁶⁹ Ibid

⁷⁰ Ibid

⁷¹ Ibid

the objective of universal access to electricity in the country, the GoSL is using various energy platforms such as hydroelectricity, thermal generation and solar to provide power across the nation. A host of development partners, including the World Bank, Japan International Cooperation Agency (JICA), the DfID, and several PPP arrangements are being used to promote energy for all in the country.

The Agriculture Sector

Sierra Leone's agriculture agenda promotes foreign investment and a market-led approach for private sector development of commercial agriculture. The strategy is premised on the belief that private sector drives the organisation of value chains that bring the market to smallholders and commercial farms, a concept known as Agriculture for Development, or "A4D" as per the World's Bank 2008 Report⁷². The strategy was adopted in the NASDP signed in 2009⁷³. The overall objective of the NSADP is to "increase the agriculture sector's contribution to the national economy by increasing productivity through commercialisation and private sector participation"⁷⁴. The programme's focus is on agriculture products as commodities, and the Plan aims to facilitate access to markets and value addition for a selected range of agricultural commodities such as rice, cassava, palm oil, cocoa, fisheries and non-timber forest products (firewood, charcoal, rattan, raffia)⁷⁵. The emphasis on large-scale commercial agriculture is credited to the electoral victory of the All people's Congress (APC) in 2007⁷⁶.

The Sierra Leone People's Party (SLPP), the party that ruled from 1996-2007 prioritised food security and the right to food as part of its development agenda⁷⁷. The SLPP encouraged smallholder agriculture as a valid component of the country's overall development strategy⁷⁸. It is worth noting that the SLPP is currently the ruling party (2018-2023) and has continued with the PPP model of financing infrastructure projects.

The APC government discarded the SLPP's food security agenda and promoted large-scale commercialisation of agriculture in the country. It must be noted that the industrial-scale agriculture projects are in contradiction to the government's SCP. The SCP is a \$400 million five-year 2010-2015 promoted by the GoSL ⁷⁹. The initiative aimed to empower the rural poor to increase their food security and income on a sustainable basis in order to lead to long-term economic development and

⁷²Oakland Institute (2011), **Sierra Leone Land Investment Report**, https://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/OI_SierraLeone_Land_Investment_report_0.pdf, P.11

⁷³ Ibid:11

⁷⁴ Ibid:11

⁷⁵ Ibid:11

⁷⁶ Ibid:11

⁷⁷ Ibid:9

⁷⁸ Ibid:9

⁷⁹ Ibid:15

poverty reduction⁸⁰. However, the hidden message in the government's campaign promoting the SCP is the notion that family farming is inefficient and unproductive⁸¹.

On the other hand, critics of the "new agriculture" note that "the agribusiness framework will benefit only traders and retailers while transforming smallholders into out-growers within the global division of labour, rather than sustaining the ecological and cultural integration of small-scale farming"⁸². ABSL is part of the GoSL's industrial-scale agriculture programme or what civil society organisations have termed as land grabbing. According to the 2015 National Land Policy, land grabbing refers to as "an act of claiming ownership of a piece of land without following appropriate procedures recognised by statutory or customary law in Sierra Leone"⁸³

A host of institutions were established to further the government's agenda of commercialisation of agriculture. SLIEPA, the point guard in promoting the agenda, was created by an act of parliament in 2007 to replace the Sierra Leone Export Development and Investment Corporation. Its operation commenced in May 2008 as the country's "official agency to assist and inform investors and exporters" on conducting business in Sierra Leone. The agency was established with direct assistance from the WBG's International Finance Corporation (IFC) and its Foreign Investment Advisory Services (FIAS), DfID, and the International Trade Centre (ITC), in both financial and capacity-building terms. IFC also provides foreign consultants ("technical assistance" or "advisory services") to promote investment opportunities in sugar and palm oil, the raw stock for agrofuels⁸⁴. SLIEPA promotes these large-scale agriculture projects with mouth-watering incentives to attract investments to the country. These include exemptions from import duties on agricultural equipment, machinery, agro-chemical and other inputs, corporate tax holidays, complete foreign ownership, and full repatriation of profits⁸⁵. Additionally, investors are offered guidance on possible locations for oil palm and sugarcane plantations and how to lease land in the country⁸⁶. SLIEPA advertises Sierra Leone as a prime location for agricultural investments, touting the extremely low rural labour rates by comparing them to higher rates in other agricultural investment destinations, such as Brazil, Thailand, and Indonesia⁸⁷. The website states:

"Sierra Leone is ideal for resources, a tropical climate, rich soil, and lowland and high land area. A current base of production in staple food (rice, cassava, vegetables), cash crops (sugar, cocoa, coffee, ginger, and cashew) and tree crops (oil palm, coconut), [Sierra Leone] has potential for significant expansion. A communal/chieftdom land tenure system and strong government make land easy to obtain in most agricultural areas through secure long-term leases⁸⁸."

⁸⁰ IFAD (2013), **Smallholder Commercialisation Programme Under the Global Agriculture and Food Security (SCP-GAFS)**, <https://operations.ifad.org/documents/654016/10873b9e-3811-4328-9bc5-ca34b8e099b8>, p.1

⁸¹ Christian Aid, 2013, op. cit:13

⁸² Ibid:12

⁸³ GoSL (2015) **Final National Land Policy of Sierra Leone**, <http://extwprlegs1.fao.org/docs/pdf/sie155203.pdf>, P. xii

⁸⁴ Ibid:13

⁸⁵ Ibid:14

⁸⁶ Ibid:14

⁸⁷ Oakland Institute, op.cit:13

⁸⁸ Ibid:13-14

The key points used by the agency to attract potential investors include:

- Agricultural labour cost ranges from USD 2 to USD 3 per day, on par with other African countries, and considerably less than alternate locations in Asia or Latin America.
- Labour regulation is relatively flexible, with productivity-based payments widely applied.
- Leases on good agricultural land range from USD 5 to USD 20 per year (compared to USD 100+ in Brazil, USD 450+ in Indonesia and USD 3,000+ per ha in Malaysia).
- Currently, there is no charge for the utilisation of water resource.
- Electricity rates are high, but it is expected that palm oil producers will generate their own power and sell to the grid-so high rates are beneficial.
- Tax rates are very attractive, with 0 per cent, corporate income tax 0 per cent on imported inputs for qualified investors⁸⁹.

Other WBG initiatives to promote land commercialisation and privatisation include SLIEPA's Agribusiness Investment Task Force (AITF), the Investment Climate Facility (ICF)⁹⁰ land registration in the Western Area where land is freehold⁹¹, and the IFC's programme to Remove Administrative Barriers to Investments (RABI). The AITF introduces investors directly to communities and local authorities to access land⁹². The ICF project aims to digitise all land holdings and issue a deed to landowners⁹³. The SLBF (with SLIEPA) was established under the RABI framework as the primary vehicle for public-private dialogue on improving the business environment⁹⁴. In addition, investors in Sierra Leone are protected under accords with two World Bank-affiliated risk agencies-the African Trade Insurance Agency⁹⁵ and MIGA. Both entities provide various types of insurance to protect their investment, including political risks⁹⁶. Due to the pro-investment climate in the country, foreign direct investment (FDI) increased from USD 8 million per year between 2000-2005 to USD 81 million in 2007⁹⁷.

Women's Land Rights in Sierra Leone

Sierra Leone was bequeathed a dual land tenure system by the British colonial government at independence because the country was ruled as two separate entities- the Colony and the Protectorate. The Colony constitutes Freetown, the capital city and its environs, where landownership is based on freehold, which means that land can be freely bought and sold. On the other hand,

⁸⁹ Ibid:14

⁹⁰ Ibid: 15 ICF is a WBG entity which receives funding and expertise from the IFC. It is a "public-private partnership" backed by several of powerful sponsors, including Anglo American, Coca Cola, Shell Foundation, SAB Miller, Unilever, and Standard Bank.

⁹¹ Ibid:15 Absolute and permanent tenure in which land can be bought and sold freely.

⁹² Ibid:15

⁹³ Ibid:15

⁹⁴ Ibid:15

⁹⁵ Ibid: 15 Created in 2001 with financial and technical assistance from the world Bank

⁹⁶ Ibid:15

⁹⁷ Ibid:15

landownership in the rest of the country is based on leasehold⁹⁸. Land within this legal system is viewed as the “property” of the indigenous land-owning families known as “natives” with usufruct land rights⁹⁹. As per the 1927 Protectorate Land Act, Land leases in Provinces cannot exceed 50 years for non-natives (including Krios, foreigners, foreign companies, and even missionary churches), with possible extensions of up to 21 years¹⁰⁰.

Even though women are the primary producers and farmers in the society, they are discriminated against and denied ownership, access to or control of land¹⁰¹. As such, they operate in an informal and precarious system without any legal titles to land¹⁰². Their access to land is hindered by customary law on one hand, and on the other hand, by legal barriers in the constitution. In the case of the former, women are discriminated against even when they are members of landowning families. The discriminatory practices include insensitive laws; poor or non-allocation of desirable land to women by male heads of families or chiefs; lack of definition of rights under communal and family ownership resulting in women being left out of transactions involving family land; rights of inheritance and succession related to land under customary law; inadequate representation of women in land-related decision making at various levels ; and lack of avenues for redress or holding male heads of families and chiefs accountable for decisions that adversely impact women’s rights¹⁰³. Regrettably, women cannot seek recourse within this formal legal system because it exempts customary law from the non-discrimination provision in Section 27 (1) of the constitution. Also, Section 76 of the Courts Act of 1965 includes certain restrictions on the application of customary law in civil matters within the formal court system where it would be repugnant to natural justice, equity and good conscience, also the application of gender discriminatory customary laws and practices outside of formal court system is not monitored¹⁰⁴. It is based on these discriminatory acts against women that the National Land Policy (NLP) of 2015 called for a Constitutional amendment and the repeal, modification, or elimination of all prejudiced laws, policies, customs, and practices against women¹⁰⁵.

⁹⁸ Oakland Institute, op.cit:18

⁹⁹ Ibid:18

¹⁰⁰ Oakland Institute, op.cit:18

¹⁰¹ FAO (2016), **Securing Land Rights for Women Farmers**, <http://www.fao.org/in-action/securing-land-tenure-rights-sierra-leone/en/>

¹⁰² Ibid

¹⁰³ Conteh, S. and Thompson, E. (2019), **Toward a Customary Land Bill in Sierra Leone: A Review of Law and Policy**, Namati, Freetown, Sierra Leone, pg8.

¹⁰⁴ Ibid:9

¹⁰⁵ Ibid:9

Land reform advocates have demanded equity for women, all marginalised groups, and “non-natives” to end the inherent discriminatory practices in the leasehold system. Land reform is also championed by international financial institutions such as the WBG to improve investor’s access to land¹⁰⁶. Their efforts led to the enactment of the long-awaited NLP and the incorporation of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forest (VGGT)¹⁰⁷ into the policy. The yet to be implemented policy has provisions to individualise land, end the distinction between “native and non-native” rights to land, strengthen women’s access and control over land, create a binding framework for responsible large-scale investments in land, situates land management structures at community level and bring certainty to land transactions with the introduction of compulsory title registration system¹⁰⁸. Additionally, the Policy proposed eight strategies to promote women’s rights to land and property.

The Food and Agriculture Organization (FAO) provided technical assistance to ensure that the land policy embodies the principles and best practices from the VGGT. UNDP provided financial support to the policy development team, and the World Bank was the sole financier of the Land Governance Assessment Framework¹⁰⁹. The World Bank has also offered \$10 million to the GoSL to support the land policy implementation process¹¹⁰. Namati, a global network of grassroots legal advocates working on land and environmental justice in Sierra Leone, drafted two land bills in 2020 that are gender-sensitive, and promote women’s land rights and participation. The Model Customary Land Bill aims to give legal effect to provisions in the 2015 NLP which protects land rights under customary law for all citizens. It covers wide-ranging issues including non-discrimination, ownership, administration and management of customary land, gender equality, investment, and dispute resolution¹¹¹. One of the outstanding proposals of the bills is the provision to stop land grabbing in Sierra Leone. The Model Customary Land Bill set out a land size limit of 5000 ha for large-scale acquisitions with provision for extension based on guidelines¹¹². Terms on which the 5000 ha can be exceeded are detailed in the Model Land Commission Bill (See Annex 5). The provisions and the stringent terms for expansion if approved by the GoSL will be the beginning of the end of exploitation of landowning families by multinational corporations, IFIs, local authorities and the GoSL. Hopefully, this will put an end to the issue of land grabbing that is rampant across large-scale projects in rural Sierra Leone.

In relation to gender equality, the proposed bill states that the right to make decisions

¹⁰⁶ Oakland Institute, op.cit:18

¹⁰⁷ Namati (2015) op.cit

¹⁰⁸ Namati (2015), Namati Welcomes Sierra Leone, <https://namati.org/news-stories/namati-welcomes-sierra-leones-progressive-new-national-land-policy/>

¹⁰⁹ Awoko Newspaper (2017), **Sierra Leone’s New Land Rights Policy Contributes to Poverty Reduction**, <https://awokonewspaper.com/sierra-leone-news-land-rights-policy-contributes-to-poverty-reduction/?amp>

¹¹⁰ Ibid

¹¹¹ Namati (2020a), **Summary Model Customary Land Bill**, Namati, Freetown, pg.1

¹¹² Namati (2020b), Model Land Commission Bill

concerning family land should be taken by a supermajority of 75% of female and male members, 18 years old and over, and that all transactions on family land that is not approved by the super majority is illegal. It also prohibits anyone (male or female) acting as head of the family from taking decisions about sale or lease of family land by themselves. It also states that men and women in the family have the same rights and powers in relation to the family's land¹¹³. Additionally, the bill guarantees equal rights to both women and men to own, hold, use, transfer, inherit and succeed to land under customary law, and guarantees the right of women to act on behalf of their family on land issues¹¹⁴.

The objective of the Model Land Commission Bill is to establish the National Land Commission and other land administration bodies in Sierra Leone in line with the 2015 NLP. The bill includes provisions for the registration of title to private land, a modern national land title registry, modern land surveying and mapping, guidelines for national land use planning, a land taxation regime, and co- management of foreshores¹¹⁵. The bill includes a requirement that not less than 40% of women should be institutional members of the Board, Land Commissioners, district-level Commissioners, Chiefdom Land Committee and Town/Village Area Land Committee¹¹⁶. If Namati's proposals are accepted, they would not only lead to women's land rights in their entirety but also transparency and inclusivity in all land deals in the country. However, it is not going to be an easy task as the Minister of Lands, Country Planning, and the Environment did not participate in the virtual presentation of the Model Land Commission Bill to Parliament in May 2020.

Background to Addax Bioenergy Sierra Leone (ABSL)

Although ABSL became operational prior to the commencement of Sierra Leone's PPP programme, however, it is being classified as a PPP project because a private sector entity in partnership with Development Finance Institutions (DFIs) went into partnership with the GoSL to generate electricity, a utility by a private sector entity.¹¹⁷ ABSL became operational in 2011 after a three-year negotiation between the GoSL, local leaders in the project areas and officials of Addax. The company is a fully owned subsidiary of the Swiss-based Addax and the Oryx Group Limited (AOG). AOG, the parent company, was formed in 1987, as an oil, gas and bioethanol exploring and trading company, and a key player in Africa's energy industry¹¹⁸. Its activities include Upstream; Downstream supply; storage distribution; Bioenergy, capital investments and real estate¹¹⁹. The company is incorporated in Malta, a European tax haven¹²⁰.

¹¹³ Ibid:1

¹¹⁴ Ibid:2

¹¹⁵ Namati (2020b), **Summary of Model Land Commission Bill**, Namati, Freetown, pg.1

¹¹⁶ Ibid:1-2

¹¹⁷ https://www.brot-fuer-die-welt.de/fileadmin/mediapool/2_Downloads/Fachinformationen/Analyse/Analyse_64_en-The_Weakest_Should_not_Bear_the_Risk.pdf, p.37

¹¹⁸ Ibid

¹¹⁹ Ibid

Since Malta offers a high level of anonymity and privacy, the financial report of AOG is not in the public domain¹²¹.

Addax was established in 2008 to create a sustainable investment model for biofuels in Africa¹²². The project was to develop a Greenfield integrated agricultural and renewable energy product to produce fuel ethanol and electricity¹²³. It was expected to produce about 90,000m of ethanol per annum, for the European Union (EU) market and 32 MW of nominal electrical power for the ethanol refinery, of which 15 MW will be sold to Sierra Leone's national grid through a Purchasing Power Agreement (PPA) with NPA¹²⁴. The project aimed to assist in halting the EU's dependence on fossil fuels and reduce greenhouse gas (GHG) emissions¹²⁵. The EU's Renewable Energy Directive (RED) of 2009 establishes that 10% of fuels from renewable sources should be added to all fossil fuels in the community to improve its carbon footprint and bring Europe closer to its GHG reduction objectives paved the way for a secure market for ABSL's bioethanol¹²⁶.

The project is located in the Chiefdoms of Makari Gbaniti and Bombali Sheboro in the Bombali District and Malal Mara Chiefdom in Tonkolili District both in the Northern Province of Sierra Leone¹²⁷. The project area is surrounded to the west and south by the Rokel River from where the project will draw water for irrigation¹²⁸. It is estimated that 2% of water from the Rokel River will be used for irrigation by ABSL¹²⁹. Even though lands were leased in 2010, cane cultivation started earlier, and ethanol and electricity production commenced in 2014¹³⁰. Addax leased a total of 57,000 hectares of land, which is more than the net needs of the project¹³¹. However, the lease includes a relinquishment clause allowing ABSL to give up lands that are not needed for its operations with a 5-year grace period until lands are either developed or given up, farmers are free to continue their operations¹³². The project used 14,300 ha of land constituting 10,000 ha of irrigated sugarcane estates, land for the project's infrastructure including an ethanol factory, a power plant, resettlement areas, roads, and irrigation infrastructure and supporting infrastructure such as a power line connecting the power plant to

¹²⁰ Bread for the World (2016), <https://brotfueralle.ch/content/uploads/2019/03/2016-The-weakest-should-not-bear-the-risk.pdf>, P. 25

¹²¹ Ibid:25

¹²² Business Wire (2011), **Addax Bioenergy Signs Loan Agreement for 258 Million Renewable Energy Project in Sierra Leone**, <https://www.businesswire.com/news/home/20110617005346/en/Addax-Bioenergy-Signs-Loan-Agreement-%E2%82%AC258-Million>

¹²³ AfDB (2009), **Executive Summary of the Environmental and Social and Health Impact Assessment of the Addax Bioenergy Project in Sierra Leone**, <https://www.afdb.org/fileadmin/uploads/afdb/Documents/Environmental-and-Social-Assessments/Addax%20Bioenergy%20-%20ESHIA%20summary%20-%20Final%20EN.pdf>, p. 1

¹²⁴ Ibid:2

¹²⁵ Business Wire op.cit.

¹²⁶ Ibid:12

¹²⁷ AfDB 2009, op. cit:1

¹²⁸ ActionAid (2013), **Broken Promises: The Impacts of Addax Bioenergy on Hunger and Livelihoods**, https://www.actionaid.org.uk/sites/default/files/publications/brokenpromises_0.pdf, P.5

¹²⁹ Swedwatch (2017) https://swedwatch.org/wp-content/uploads/2017/11/86_Sierra-Leone_171108.pdf

¹³⁰ Bread for the World, op.cit:13

¹³¹ AfDB, op.cit:2

¹³² Ibid:2

the national grid¹³³. Additionally, approximately 2,000 ha was developed as part of the Farmer Development Programme (FDP). The FDP was developed in conjunction with the FAO to secure the per capita food baseline in the project area¹³⁴. The FDP is expected to positively impact on food availability beyond current levels¹³⁵. A further 1, 800 ha was used for ecological corridors and buffer areas to protect existing pockets biodiversity¹³⁶. The land for the irrigation pivots was chosen based on the criteria of agricultural sustainability, proximity to the factory and water sources, and various sustainability criteria such as the avoidance of villages, forests and food-producing areas, with the aim of minimising economic and physical displacement¹³⁷.

The land lease is for 50 years with the possibility of a further 21 years renewal. Rents from the annual rental fee of USD 12 per ha was divided among the different stakeholders as follows: 50% to landowners, 20% to Chiefdom and District Councils and 10% to the national government¹³⁸. Addax's employment figures vary depending on the source. While the Memorandum of Understanding (MoU) states that 3,000 people will be employed in the first phase of production (2010-2013), increasing to 4,000 in phase two of production (2013-2015)¹³⁹, the ABSL website notes that more than 2,000 "direct jobs" without outlining the characteristics of "direct jobs". The ABSL's ESHIA put the employment figure at 2,200 permanent and 2,500 seasonal workers, locally recruited.

The presidential adviser on private sector development described the project as the country's "flagship" investment¹⁴⁰. His statement was bolstered by the President who travelled to the project area with Mr Gandur, the Swiss owner of AOG to sign the MoU on February 9, 2010¹⁴¹. The President's open support for the project was not only because he was the Head of State, but because the site is in his area of origin. However, the opposition SLPP expressed concern that the use of land to produce bioenergy consumes lands that should be used for food production, and that food security is at risk. This notwithstanding, the APC and its ally in Parliament, the People's Movement for Democratic Change (PMDC) party supported the MoU, and the Sierra Leone Parliament passed it on November 10, 2010¹⁴². The MoU has a stabilisation clause that states "Addax shall be exempt from any law that comes into effect or is amended, modified, repealed, withdrawn or replaced, that has a material adverse effect on Addax (or its contractors or shareholders)"¹⁴³. This means that future governments and generations are

¹³³ AfDB 2009, op.cit:1

¹³⁴ Ibid:1

¹³⁵ Ibid: 1

¹³⁶ Ibid:1

¹³⁷ Ibid:1

¹³⁸ Oakland Institute, op.cit:24

¹³⁹ Ibid:24

¹⁴⁰ Ibid:24

¹⁴¹ Ibid:24

¹⁴² Ibid:25

¹⁴³ Christian Aid, op.cit:15

locked into the terms of this MoU, and presumably the actual lease, until 2060¹⁴⁴. Also, Clause 7 (i) states that “ All disputes shall be referred to and finally resolved by arbitration in London before three arbitrators under the Rules of Arbitration of the International Chamber of Commerce from time to time”¹⁴⁵. This amounts to the denial of justice to the landowners as they cannot afford to travel to seek justice¹⁴⁶.

While Addax was granted very favourable tax exemptions that will allow it to save \$135 million on its tax bill over the next ten years¹⁴⁷, the GoSL introduced a new levy of 15%, the “Goods and service” (GST) starting in January 2010 to increase the domestic revenue base. The use of tax incentives to attract FDI has been widely criticised. As per the IMF, tax incentives could “result in a loss of current and future tax revenue, encourage rent-seeking, attract footloose firms, be outside the budget and non-transparent, and in the case of tax holidays, constitute a particularly ineffective way of promoting investment”¹⁴⁸. As Table 4 below shows, in addition to the general exemptions for all companies, Addax enjoyed extra concessions by the government.

Table 4: Tax Incentives for Agribusinesses and Addax

Standard Rate For All Companies	Incentives for All Agribusinesses	Special Deal For Addax Bioenergy
Corporate Income Tax	Exemption for 10 years	Special Deal: Exemption up to 31 st December 2022 (13 Years)
Import Duty on Raw Materials/Agricultural inputs 3%	Exemption	Same
Import Duty on Plant/Machinery Equipment 0% for 5 Years	Same	Same
Withholding Tax on Interest 15%	Same	Special Deal: 5%
Withholding Tax on Dividends 50% Exemption	Same	Same
Profit from Leasing Property:	Same	Special Deal: Lease Rents are

¹⁴⁴ Oakland Institute, op.cit: 25

¹⁴⁵ Christian Aid, op.cit:14

¹⁴⁶ SiLNORF & BfA (2014), Annual Monitoring Report on the Operations of Addax Bioenergy by Sierra Leone Network on the Right to Food, <https://brotfueralle.ch/content/uploads/2019/03/2014-Monitoring-report-SiLNORF.pdf>, P.9

¹⁴⁷ Sierra Leone Network on the Right to Food (SiLNORF) & Bread for All (BfA) (2012), Monitoring Report 2012, <https://sites.google.com/site/silnorf/news-1/monitoring-report-july-2012>, P.2

¹⁴⁸ Christian Aid, op.cit:65

Tax Deductible Allowance of 20%		allowable reduction not subject to withholding tax
Other		Special Deal: other bona fide business payments and expenses are deductible against tax and not subject to withholding tax

Source: Christian Aid, Who is Benefitting?

AOG mobilised two African Development Finance Institutions and six European Development Finance Institutions (EDFIs) to fund ABSL. The Netherlands Development Finance Company (FMO) and the Emerging Africa Infrastructure Fund (EAIF) were the co-lead arrangers for € 142 million provided by the DFIs¹⁴⁹. The following DFIs invested in the project: the German Development Company (DEG- Deutsche Investitions-und Entwicklungsgesellschaft mbH), the Belgian Investment Company for Developing Countries (BIO), EAIF, FMO, the AfDB, the South African Industrial Development Corporation (IDC) and the Canadian Cordiant-managed ICF Debt Pool. Sweden's development finance institution Swedfund and FMO joined Addax and Oryx Group as equity partners¹⁵⁰. The amount for the total investment has conflicting figures ranging from € 257 million, €267 million, €400 million to €455 million (See Annex 3)¹⁵¹.

ABSL adopted a slew of environmental and social standards and safeguards to show its commitment to managing various social and environmental risks. These include the South African Industrial Development Corporation's "Code of Ethics", the AfDB's "Integrated Safeguard System", the "Equator Principles", the "Guiding Principles on Business and Human Rights" and several in-house standards of the DFIs¹⁵². In 2009, all the 16 EDFIs adopted the "Principles of Responsible Finance" which is based on the "United Nations (UN) Declaration of Human Rights", the "ILO-Core Conventions" and more specifically the IFC-Performance Standards (IFC-PS), which became the reference standards for all other standards and safeguards¹⁵³. All DFIs except the IDC and AfDB adopted the IFC-PS, and they were conditional to the contractual relations of the other all DFIs with Addax¹⁵⁴. Addax's association with the DFI's played a role in the company receiving the first African Certification by the Roundtable for Sustainable Biomaterials (RSB)¹⁵⁵. The certification in February 2013 will enable the entry of Addax's biofuels onto EU markets

¹⁴⁹ Cordiant (2011), **Development Finance Institutions Announce Financial Close of Pioneering Addax Bioenergy Project in Sierra Leone**, http://intranet.cordiantcap.com/press_release/development-finance-institutions-announce-financial-close-of-pioneering-addax-bioenergy-project-in-sierra-leone/

¹⁵⁰ Ibid

¹⁵¹ Bread for the World, op.cit:27

¹⁵² Bread for the World, op.cit:19

¹⁵³ Ibid:19

¹⁵⁴ Ibid: 19

¹⁵⁵ Swedwatch, op.cit:20

when production started in 2014, as it would have satisfied the EU's requirement that all biofuels that count towards its renewable targets to have a certificate of sustainability verification¹⁵⁶. Moreover, the company became the first operation in Sierra Leone to be registered as a Clean Development Mechanism project of the UN Framework Convention on Climate Change¹⁵⁷.

Local and international non-governmental organisations (NGOs) have contradicted Addax's glowing portrayal of itself as an environmentally sustainable project that will create a win-win situation for all stakeholders, ensure food security, and protect livelihoods, among others. On the contrary, they showed that Addax's operation violated the Roundtable on Sustainable Biomaterials (RSB) criteria by its negative impact on food security, the principle of free prior and informed consent, and involuntary settlement¹⁵⁸. Furthermore, they noted that project disregarded the land rights of local communities and threatened their livelihoods¹⁵⁹. Consequently, they demanded the withdrawal of ABSL's RSB certification for not only flouting the criteria, but also that the audit process was weak and not adequate to assess biofuels projects¹⁶⁰. In response to its critics, not only did Addax quashed their observations, it went on to state that its objective is to develop a comprehensive business model which integrates environmental and social programmes, innovative land acquisitions processes, transparency, disclosure, stakeholder engagement and mitigation efforts¹⁶¹. Addax Bioenergy further states that it is "fully aware of the debate around land-related investments in Africa and is committed to demonstrating that private investment can lead to a virtuous circle of responsible and sustainable development"¹⁶².

Women's Rights and Gender Equality in Addax's Operational Site

Unlike other parts of the country, the Northern Province where Addax is operating is known for its strict adherence to the customary practice of denying women access to and ownership of land¹⁶³. ABSL has followed this practice of discrimination against women by failing to establish a quota guaranteeing female employment in the company:

"Several women said they wished for more opportunities to work with ABSL, and company decision-makers would like to employ them because they are more reliable and conscientious machine operators. However, they also reported that employing women had often caused

¹⁵⁶ ActionAid, op.cit: 5

¹⁵⁷ Ibid:20

¹⁵⁸ SiLNORF and Bread for All (2013), **RSB Complaint 2013**, <https://sites.google.com/site/silnorf/news-1/rsb-complaint-september-2013>

¹⁵⁹ ActionAid (2013), op.cit:3

¹⁶⁰ SiLNORF and Bread for All (2013), op.cit

¹⁶¹ Havnevik, K. (2014), **Responsible Agricultural Investments in Developing Countries: How to Make Principles and Guidelines Effective**, Uppsala: Sweden p. 33

¹⁶² Ibid:33

¹⁶³ Sesay, 2015 op.cit

problems with husbands and speculated that many women were likely barred by their husbands from seeking jobs with ABSL¹⁶⁴.

Given this reality, it is unsurprising that the share of female employment with Addax stood at a dismal 6% as of May 2015¹⁶⁵. Addax's reluctance to rock the boat is unsurprising because the DFIs did not include the promotion of women's rights as a one of the values the company should abide by. What is most surprising however, is that AfDB, one of the DFIs, has a minimum 30% quota on all its funded projects with its Member Countries but failed to advocate for its application in ABSL.

Some of the outcomes from Addax's operation on women include displacement, and loss of access to fertile land used for food production, food insecurity, among others. Although women do not own land, their access to farmland, a valuable resource diminished with ABSL's presence. For instance, as most of the farmlands are under long lease, women farmers lost their livelihoods due to overlapping areas with their fields. Addax's presence made access to farmlands for female farmers difficult due to the stiff competition for land as sugarcane, unlike jatropha (a non-food crop for ethanol) cannot be grown on marginal lands¹⁶⁶. Furthermore, ABSL's activities such as land clearance and blockages of the river decreased the water quality, and the chemicals used by company contaminated water in the raining season¹⁶⁷. Also, fish stock in the Rokel river decreased because of Addax's activities, and fishing in the streams stopped due to the levelling and drainage of the land. As a result, women travelled to either Makeni or Freetown to buy fish¹⁶⁸. The extra time spent on these chores reduced women's participation in productive activities, cut into their leisure and relaxation time and increased fatigue.

Also, life became challenging for most female farmers as they struggled to support their families including paying for their children's education¹⁶⁹. Some women were also displaced from their agricultural land due as they changed from bush fallowing farming (long fallow period which can only be done if there is large tract of land available) to shifting cultivation or intensive farming with short fallow period¹⁷⁰. Shifting cultivation has low productivity in terms of output per hectare¹⁷¹. Female farmers' cost of production, labour, fertilizer, and farm tools increased, making life unbearable for them as they have to pay more for everything¹⁷².

¹⁶⁴ SEI (2015), Agricultural Investment <https://mediamanager.sei.org/documents/Publications/Climate/SEI-PR-2015-09-Makeni-Project.pdf>

¹⁶⁵ SILNORF & BfA, (2016), **Final Monitoring Report on the Scale Down of Addax Bioenergy in Makeni, Sierra Leone (July 2014-June 2016)**, <https://brotfueralle.ch/content/uploads/2019/03/2016-Monitoring-report-Silnorf.pdf> p.7

¹⁶⁶ Ibid: 43

¹⁶⁷ Stockholm Environment Institute (2015), **Agriculture Investment and Rural Transformation : A Case Study of the Makeni Bioenergy Project in Sierra Leone**, <https://mediamanager.sei.org/documents/Publications/Climate/SEI-PR-2015-09-Makeni-Project.pdf>, p.32

¹⁶⁸ SILNORF & BfA (2016), op.cit:34

¹⁶⁹ Ibid:43

¹⁷⁰ Ibid:48

¹⁷¹ Arifin, B, and Hudoyo. A (1998), **An Economic Analysis of Shifting Cultivation and Bush-Fallow in Lower Sumatra**, <http://old.worldagroforestry.org/sea/Publications/files/workingpaper/WP0019-04.pdf>, p.2

¹⁷² SILNORF & BfA (2016), op.cit:48

Reporting on this situation, a female farmer notes that, “Addax has not made our lives better since they occupy our farmlands”¹⁷³.

In response to the shortage of farmlands and the high cost of living, some women farmers took to charcoal burning as a survival strategy to make ends meet. According to a female farmer, “These days, I have no access to farmland because Addax took over our family land. I can’t pay my children’s school fees, except I engage in charcoal burning, which is still inadequate to address my family’s needs”¹⁷⁴. Charcoal burning is not only detrimental to the environment because of the GHG it emits, but it also causes deforestation and biodiversity loss and respiratory health problems. The women also stated that the company’s activities have resulted in the scarcity of firewood and complained about the gruelling time spent on gathering fuelwood. However, another group of women were pleased that the company allowed them to collect the stumps from the field it has cleared¹⁷⁵.

Addax’s appropriation of a large swathe of fertile lands (bolilands) and the failure of its social programmes to mitigate against the impact on food security, resulted in food insecurity in its operational area. For instance, rice yields within the project’s location are lower at 170 kg/ha compared to 250 kg/ha outside of the project area¹⁷⁶. Also, food (vegetable and fruits) that were previously available for free around the bushes and fields prior to Addax’s arrival became scarce and are being sold. This made the diets of children, in particular, less diverse¹⁷⁷. Food insecurity in the area is characterised by more regular (up to five days a week) reduced food intake by adults, the absence of buffer stock of pulses to last throughout the year, the rationing of food portion for children because of falling supplies and the consumption of a lower variety of food¹⁷⁸. The effects of ABSL’s operation on food security is captured by a female farmer thus:

“I was farming rice with other tuber crops. When the produce was too much to be kept for ourselves, we sent some to our brothers and sisters in the city. I processed gari (a local flour produced from grated cassava) to send the children to school... I am suffering now, always hungry. My children have been sent out of school because I cannot pay their fees”¹⁷⁹.

Measures such as the Village Vegetable Garden (VVG) have not improved the situation of female folks in the area. The programme was introduced in 2013 to contribute to the diversification of food to create healthier diets because the FDPs focus was on the production of rice¹⁸⁰ which is distinctly bias towards male farmers. Women were the primary beneficiaries of the VVG as they are leading vegetable growers in the area as in other places of the country. The

¹⁷³ Ibid:48

¹⁷⁴ Ibid:48

¹⁷⁵ SEI, op.cit:32

¹⁷⁶ SiLNORF & BfA, (2016), op.cit: 34

¹⁷⁷ Ibid:P.4

¹⁷⁸Yengoh and Armah (2015), “**Effects of Large-Scale Land Acquisition on Food Insecurity in Sierra Leone**”, Sustainability, 7: 9521,

¹⁷⁹ Ibid:9521

¹⁸⁰ SiLNORF& BfA (2016) op.cit:33

VVG growers included cassava and groundnuts to boost food production. Even though the land lease is for 50 years, Addax only offered a one-year free enrolment to participants in the programme. Participants were encouraged to register Farmer-based Organisations (FBO) at the end of the programme¹⁸¹. Registering as an FBO comes with both costs and benefits. Registered groups can access governmental aid to build up and cultivate their plots¹⁸². However, many participants reported that the programme was badly organised as they were supplied with wrong, rotten, or pest-infested seeds. For instance, they were given carrot and cabbage seeds instead of sweet potato and hot pepper. Participants with fields that were close to the river complained of flooding, others of the non-profitability of the programme and the loss of the lands they used for planting¹⁸³. However, a few participants benefitted from the VVG as they sold some of their produce in the market.

Overall, Addax's impact on women lives was poorly rated as the women had more grievances than positive impacts:

"Women reported a total of 117 grievances compared to 16 positive remarks. The most frequent grievances were, too short employment (19 grievances), no access to land (17), the salary is too low (13), rice planted by the smallholders gave poor harvests (12) and promises about schools, development of the local community have not been fulfilled (11). The positive features of Addax according to the views of the interviewed women were that women could do business with workers on the project (3), the salary from working in the project could be used to build a house (2) or to buy rice (2)"¹⁸⁴.

Resistance and Struggles Against Addax

Over 2,000 local staff at the Addax Estates at Mabilefu and Rokel in Malal Mara Chiefdom in Tonkolili District protested the poor working conditions in the company in June 2013. Their grievances include among others "disrespect and violation of the human rights of local staff; disregard for Sierra Leone's labour laws; interference in staff union activities; failure to deliver on promises; falsification of information; and dispensation of expired drugs through the company doctor"¹⁸⁵. The workers stated further that they "no longer find pleasure in working with Mr John Moul, the General Manager and his inner circle"¹⁸⁶ and "they will not enter into any negotiations until we receive irrevocable confirmation of his departure"¹⁸⁷. They also wanted the "number of expatriates to be cut down considerably... to minimise cost"¹⁸⁸.

Masethale, a small village in the Malal Mara chiefdom objected to its entire land space of 2796 acres been leased out to Addax by the chiefdom council because they were dissatisfied

¹⁸¹ Ibid: 16

¹⁸² Ibid: 16

¹⁸³ Ibid: 33

¹⁸⁴ Havnevik, K. (2014), op.cit: 36

¹⁸⁵ Politico SL (2013), **Addax Bioenergy Under Fire in Sierra Leone**, <https://www.politicosl.com/node/1319>

¹⁸⁶ Ibid

¹⁸⁷ Ibid

¹⁸⁸ Ibid

with both the lease agreement and the lack of consultation prior to its finalisation¹⁸⁹. Addax paid a fixed rent of \$3.60 per acre, and in a bid to make the lease more palatable to the communities, ABSL introduced ‘acknowledgement agreements’ directly with representatives of landowning families¹⁹⁰. Under these agreements, an additional \$ 1.40 per acre was paid to landowners who acknowledged Addax’s lease agreement of 50 years signed with the chiefdom councils¹⁹¹. The Mashele community did not accept its allotted share of the rent paid by ABSL to the chiefdom council because as a female resident states “the council should have asked us if we wanted to lease our entire village to Addax, but they didn’t, and we don’t want to give all our land to Addax”¹⁹². The community was steadfast with their demand and remained resolute even when pressure was applied from above¹⁹³.

Addax’s insistence on its right to the entire village under the lease agreement and the community’s resolve to hold on to their land led to a gridlock which lasted over two years¹⁹⁴. In late 2012, Namati with support from SiLNORF started representing the community in negotiations with Addax to reach an acceptable agreement between both parties¹⁹⁵. In the end, it was agreed that the Addax’s leasehold title would cover 626 acres instead of the entire village land of 2,796 acres¹⁹⁶. Thus, Addax would pay rent and other proceeds only for the land under sugarcane cultivation. The signing of the agreement on 8th March 2012, was the first time the company signed an acknowledgement agreement for an area smaller than their original leased lands¹⁹⁷. In addition, Woreh Yeamah and Woreh Wanda’s communities opposition to Addax’s use of their lands were resolved in 2013¹⁹⁸.

Social and Economic Impacts of ABSL’s in Northern Sierra Leone

Even though ABSL aimed to become a model for sustainable large-scale agriculture investment in Africa and committed to following a wide-ranging social and environmental criterion, the project has been found wanton in fulfilling these obligations. These failings include the casualisation of labour, failure of social programmes, violation of the principle of free prior and informed consent (FPIC), among others. Addax’s national workforce was dominated by casual workers who were daily wage earners, without social entitlements such as annual and sick leave, and redundancy benefits. As of March 2015, only 132 (3.4%) persons of Addax’s workforce of 3,850 were permanent staff with fixed monthly salaries. The others, 1,472 (38.2%) employees were permanent staff, but their salaries were daily rated, subject to the number of

¹⁸⁹ Sierra Express Media (2013), **Masethele Village in Important Land Renegotiation with Addax Bioenergy Sierra Leone Limited**, <https://sierraexpressmedia.com/?p=53981>

¹⁹⁰ Ibid

¹⁹¹ Ibid

¹⁹² Ibid

¹⁹³ Ibid

¹⁹⁴ Ibid

¹⁹⁵ Ibid

¹⁹⁶ Ibid

¹⁹⁷ Ibid

¹⁹⁸ <https://brotfueralle.ch/content/uploads/2019/03/2014-Monitoring-report-SiLNORF.pdf>, P.16

working days in a month. The remaining 2,246 (58.%) were casual, temporary workers employed on fixed-term contracts ranging from 3 to 6 month in a year¹⁹⁹.

The project violated FPIC rights of landowners who claimed they were duped by both Addax and the local authorities who enticed them with juicy promises that were not forthcoming to handover their lands. They also stated that the rent was not negotiated but imposed by the government and Addax. The landowners noted further that they agreed to rent out degraded and marginal lands to the project, not their entire villages including residential areas, road, forest, among others. It is because of this landgrab that they are requesting a renegotiation of the lease²⁰⁰.

Based on the annual monitoring reports between 2011-2015, by the Sierra Leone Network on the Right to Food (SiLNORF) and Bread for All (BfA), and other critics of large land-scale investments in Sierra Leone, Addax's presence in the project area had both beneficial and adverse impacts. On the positive side, it was observed that Addax Bioenergy was open for dialogue with its stakeholders, paid the land lease and acknowledgement fees, provided an Ebola treatment and prevention centre, increase in household incomes, infrastructure improvements, provision of skills training for a significant number of workers, and fulfilment of employment obligations. The company's social programmes, such as the FDP, encouraged farmers to grow more rice, and the VVG was established to improve women's livelihoods and food security. Also, liaison committees and a formal grievance mechanism to receive communities' grievances and concerns and facilitate their resolution were established. Additionally, a multi-stakeholder forum (MSF) administered by the University of Makeni as a platform for discussing concerns among various stakeholders and civil society groups was also established. It was also tasked with monitoring the project and its development²⁰¹.

However, the adverse impacts outweigh the positives in Addax's operation. They range from increased poverty and food insecurity, youth out-migration, alcoholism, domestic violence, among others²⁰². Furthermore, poor employment opportunities, the failure of FDPs, to inadequate compensation of all Addax land leasers strengthen the case of critics against ABSL's affects ²⁰³. The RSB certification of Addax for its biofuel project was deemed improper because it was awarded without a thorough audit. Also, it was observed that the RSB's definition of sustainability is inadequate as it focused only on GHG, ignoring the other two pillars of

¹⁹⁹ SiLNORF & BfA (2016), **Final Monitoring Report on the Scale Down of Addax Bioenergy in Makeni, Sierra Leone**, <https://brotfueralle.ch/content/uploads/2019/03/2016-Monitoring-report-Silnorf.pdf>, P.13

²⁰⁰ SiLNORF & BfA 2013b, op.cit

²⁰¹ Swedwatch (2017), **No Business, No Rights**, https://swedwatch.org/wp-content/uploads/2017/11/86_Sierra-Leone_171108.pdf, p.24

²⁰² SiLNORF & BfA (2014) **Annual Monitoring Report 2014**, <https://brotfueralle.ch/content/uploads/2019/03/2014-Monitoring-report-SiLNORF.pdf>

Swedwatch, op.cit

Christian Aid, op.cit

²⁰³ Approdev (2013), **Policy Brief: The Role of European Development Finance Institution in Land Grabs**, https://actalliance.eu/wp-content/uploads/2016/04/aprodev_policy_brief_dfi_and_landgrabs_final_may2013.pdf

sustainability-social equity and long-term economic profitability for all stakeholders²⁰⁴. It was noted further that the certification should not have been awarded to a company that is evolving rapidly and has not started production²⁰⁵. Finally, the company violated RSB's three criteria of food security, free prior informed consent (FPIC) and involuntary resettlement²⁰⁶.

The production and provision of electricity was one of the selling points by Addax to convince the national government, the local government and community residents to accept their proposal of building an ethanol factory in Sierra Leone. Critics who challenged the entire project and the notion of electricity provision were decied as anti-development agents²⁰⁷. Although electricity was provided in November 2014, SiLNORF and BfA observed that:

"In reality, the production of electricity lasted a few weeks. It is still not public knowledge as to the exact timing, and how much electricity was produced and supplied to the national grid... The production of electricity is a total failure on the part of Addax not only to communities but the nation as a whole. We are still grappling with the fact that Addax was unable to produce enough sugarcane for processing of ethanol and bagasse necessary to generate electricity for the national grid"²⁰⁸.

The Downsizing of Addax and the Transition to Sunbird Bioenergy

ABSL scaled-down its activities on 1st July 2015, five years after signing the 50 years land lease. The DFIs exited the project in December 2015, and a new owner, Sunbird Bioenergy came on board in September 2016. As per ABSL, the project goals were not met because of low sugarcane yields, low production of ethanol, and theft and sabotage from the local communities²⁰⁹. The undisclosed cost overrun of about €150 million also contributed to Addax's demise²¹⁰. These challenges were compounded by the fall of the EU price for ethanol by almost 27 percent in 2013, and the unexpected outbreak of the Ebola Virus Disease (EDV) in Sierra Leone in 2014²¹¹. One of the most affected areas in the country included Addax's operational site. The EVD outbreak resulted in considerable delays as most ABSL's contractors declared "force majeure" and were evacuated²¹². The company provided support towards the containment of the spread of the disease by building Ebola isolation and treatment units and donating vehicles and equipment²¹³. The following DFIs supported Addax's effort to contain the

²⁰⁴SiLNORF & BfA (2013a), **Analysis of RSB Certificate March 2013**, <https://sites.google.com/site/silnorf/news-1/analysis-of-rsb-certificate-march-2013>

²⁰⁵ SiLNORF & BfA (2013b), **Roundtable on Sustainable Biomaterials (RSB): Inadequate and Weak Certification Process Leads to Greenwashing**, <https://sites.google.com/site/silnorf/news-1/rsb-complaint-september-2013>

²⁰⁶ Ibid

²⁰⁷ Ibid:22

²⁰⁸ Ibid:22

²⁰⁹ Bread for the World (2016), op.cit:30

²¹⁰ Ibid:30

²¹¹ Swedwatch (2017), No Business, No Rights, https://swedwatch.org/wp-content/uploads/2017/11/86_Sierra-Leone_NY.pdf, p.26

²¹² Ibid:26

²¹³ Ibid:26

spread of the EVD - the Austrian Development provided €274,000, FMO €160,000 and PIDG gave \$60,000²¹⁴.

While AOG repaid the debt financing to the DFI lenders who supported the project, Swedfund and FMO sold their shares in ABSL back to AOG²¹⁵, local employees lost their jobs. The DFIs were denounced for not conducting human rights due diligence (HRDD) in line with the UN Guiding Principles on Business and Human Rights (UNGPs) before exiting the ABSL project as it resulted in lack of transparency as dialogue with local communities deteriorated and made it harder to hold the company accountable for its impacts²¹⁶. Approximately 100 staff were retained to oversee and maintain the company's facilities, more than 1,000 permanent workers were placed on garden leave with 45% of their monthly salaries, which is insufficient to live on, and over 2,000 short-term employees (casual) were retrenched²¹⁷. The scale-down also affected all ABSL's social programmes- the FDPs, VVGs, the Famer, Field and Life School (FFLS), the construction of VIP latrines, the health and sanitation projects and the provision of water wells²¹⁸. The programmes were first scaled down, and later disappeared as activities were later discontinued²¹⁹. Overall, the winding down of Addax affected all sectors of society. The loss of income and the end of the mitigation measures resulted in increased food insecurity, school dropout rates, and societal problems such as gender-based violence, alcoholism, and child abandonment²²⁰.

The closure of ABSL was finalised on 30th September 2016, with the transfer of 75.1% ownership to a group of investors led by Sunbird Bioenergy Africa Limited (Sunbird Bioenergy Group), with AOG holding maintaining 24.9%²²¹. Sunbird Bioenergy describes itself as “an energy company with a portfolio of sustainable biofuel projects in sub-Saharan Africa, that takes a comprehensive approach to biofuel projects, which includes fair agricultural land leases, sustainable farming and feedstock production, world-class biorefineries as well as inclusive community development and improved livelihoods”²²². However, the glowing picture painted by Sunbird was debunked by critics who brought to light the company's intricate financial and ownership structure:

“Sunbird Bioenergy belongs to NoCOO LDT. NoCOO's Business Director is the British national Mr. Richard Antony Bennett and the company had a capital with a nominal value of 1,000 GBP on 31.12.2014. Sunbird Bioenergy details on its website (www.sunbirdbioenergy.com) plans to install and operate biofuel productions in 19 African and Asian countries three of which are

²¹⁴ Bread for the World, op.cit:32

²¹⁵ Swedwatch (2017) op.cit:26

²¹⁶ Ibid

²¹⁷ SiLNORF & BfA, 2016, op.cit: 1

²¹⁸ Ibid:33

²¹⁹ Ibid:33

²²⁰ No Business, No Rights (2017), op.cit:34 &35

²²¹ Sunbird Energy (2016), **AOG Transfers Ownership of Pioneering Bioethanol and Green Electricity Operation in Sierra Leone to Sunbird Bioenergy**, <https://www.sunbirdbioenergy.com/2016/09/30/aog-transfers-ownership-of-pioneering-bioethanol-and-green-electricity-operation-in-sierra-leone-to-sunbird-bioenergy/>

²²² Ibid

currently under development in Zimbabwe (talks with the government), Nigeria (feasibility study) and Zambia (obtained licence to invest USD 150 million) (Sunbird, 2013). Richard Bennett is at the same time a Non-Executive Director of China New Energy Limited (CNEL) with whom Sunbird cooperates closely. CNEL has a market capitalisation on the London Stock Exchange of GBP 4,64 million and since its IPO on 27.5.2011 saw its share price dropping from 10 GBP to 1 GBP on July 8, 2016 (CNEL, Shares). In its financial report as of 31.12.2015, the group of companies under China New Energy report “that the capital structure at year end was in an insolvent situation and indicated the Group’s trading as non-going concern unless there is extenuating circumstance. The Group incurred a net loss of RMB 25.6 million (€ 3.6 million) during the year ended 31st December 2015 and is incurring losses, the Group had net liabilities of RMB 5.7 million (€ 803,000) at end of year” ²²³.

The failure of ABSL and its sale have not gone unnoticed as it was advertised as the beginning of a new era in large-scale agriculture investment on the African continent. Critics have questioned how a high-profile project with participation by several DFIs failed? Moreover, the burning question that has been asked is why the GoSL allow the sale of Addax to a company with dubious financial history and lacks the financial wherewithal to re-operationalise the project to move it forward?²²⁴.

Concluding Remarks

The application of a social justice perspective in the discussion of PPPs as a funding instrument in Sierra Leone contradicts the narrative being touted by the IFIs and governments of PPPs as the funding instrument for social development programmes. ABSL failed to provide sustained electricity as promised despite the robust financial investment from eight DFIs, including two African DFIs development banks, and tax incentives from the GoSL show that PPPs are not the vehicles to promote social development as they are purported to be. Instead of a better life, with food security, decent work with good conditions and wages, the inhabitants in Addax’s operational area were left more impoverished than they were before the company’s arrival.

Concerning gender discrimination, ABSL encouraged gender the promotion of the culture of discrimination against women as it refused to implement a gender quota to advance women’s employment in its operation. Hopefully, the operationalisation of the provisions of the NLP in the two model Bills by Namati will enhance women’s rights in all sectors of Sierra Leone’s rural economy. Furthermore, the robust provisions of the Bills including provisions to promote responsible investment especially the curtailment of land acquisitions to 5000 hectares at the initial phase of investment will positively impact the ongoing land grabbing phenomenon across rural Sierra Leone and protect the rights of landowning families including women.

²²³ Bread for the World (2016), op.cit:33

²²⁴ Ibid:33

DRAFT for discussion

ANNEX 1

Planet Core Solar

IFC is supporting the Planet Core Solar through a \$ 40 million funding to generate 50 MW of electricity within one or two years. A 25 MW power plant will be built in Makarie Gbanti, Bombali District, 195 KM from Freetown, the capital city. The remaining 25MW will be produced from several mini-hydro plants in Kambia, Port Loko, Kamkewi, Kono, Mile 91, Moyamba, Pujehun, Bo, Kailahun and Bonthe. The energy will be sold by EDSA for onward distribution to customers²²⁵.

United Nations Office for Project Services (UNOPS)

The Rural Renewable Energy Project is funded by the UK's DfID and implemented by UNOPS. The project represents a drive for clean energy access, together with the sustainable growth of the country's energy capacity. The £ 345 million project is expected in several phases over a period of four years. The first phase, which was successfully completed in July 2017 involved

²²⁵ Afrik 21 (2019), **Sierra Leone: IFC Finances 50 MW Solar Project**, <https://www.afrik21.africa/en/sierra-leone-ifc-finances-50-mw-solar-project/>

the installation of solar power in community centres. The second phase extended access to electricity to houses, schools, and businesses in 50 rural villages by installing distribution networks in each village. This will create 50 independent mini grids. Additionally, the project has been opened up to private sector companies, which were invited to tender their services to run power supply network in each village through a competitive selection process. It is projected that private sector involvement will generate £ 5.7 million (approximately \$7.5 million) worth of co-investment into the final phase, developing larger mini grids in additional 40 villages. The project is set to complete by the end of 2020²²⁶.

ANNEX 2

Table 2-CURRENT PPP PROJECTS

Project	Brief Description	Status
Bumbuna Phase II Hydro Power Project	Joule Africa, an internationally renowned developer, demonstrated interest in Bumbuna II hydro-electric project that will provide additional 146MW. Joule has completed feasibility studies and subsequently conducted value engineering work that enhances affordability of the project. The PPA and IA have been negotiated and signed. The Bumbuna Phase II power project will complement the existing 50 MW Bumbuna Phase I project and it is a strategic action to achieving the Sector's sustainable energy strategy for all	The Power Purchase Agreement (PPA) another project document approved by cabinet and subsequently ratified by Parliament
Kissy HFO-Power Project (128MW)	GoSL through EDSA partnered with TCQ of UAE and Globeleq of UK to conclude a 20 years Build-Operate-Transfer (BOT) Independent Power Purchase	The Power Purchase Agreement (PPA) and other project documents approved by Cabinet and subsequently ratified by the House of

²²⁶ UNOPS (ND), **Access to Energy: Giving Sierra Leone the Power to Change Lives**, <https://www.unops.org/news-and-stories/stories/access-to-energy-giving-sierra-leone-the-power-to-change>

	(IPP) arrangement that will deliver 128MW in three phases. Phase I will generate 57MW and 39 MW each for Phases II and III. This project reached commercial close in 2016 and has attracted many big global financiers including the World Bank Group IFC, African Development Bank. FMFM and Globeleq. The project will be located at Kissy Dock Yard and negotiations are in progress to each financial close	Parliament
Solar ERA	GoSL through EDSA has an IPP agreement with Solar Era for development of a solar power generation project- 25 MW with a 1" phase 5MW and that is to be constructed in Bo District. The PPA and IA have been negotiated and signed and the Developer is working on obtaining financing to incept construction	Financial Close. Developers are sourcing finance for the Project
25MW Betmai Hydro	Sewa Energy Resources, a company incorporated in Sierra Leone, conducted a feasibility study (undertaken by CEMMATS Group SI Ltd.) on a run-off-river close to Magbogba village in the Saunda Futowusu Chiefdom. Tonkolili District. The PPA is	Power Purchase Agreement (PPA) and Implementation Agreement approved through Executive Clearance and subsequently ratified by Parliament

	completed awaiting concurrence from the Attorney General and MoFED	
Fish Harbor and Industrial Processing	Sierra Leone is concluding on several work streams to ascertain EU certification for exporting of marine products. This project will enhance the marine industry by developing a docking facility and processing platform for the local market and exporting purposes	Concept note developed and the Unit in collaboration with the Ministry of Fisheries are sourcing funding for the feasibility
Transshipment Container Part (TIDFORE Project)	The PPP Unit partnered with the Ministry of Transport and Aviation in the development of a Transshipment container Port on a 25-year BOOT PPP arrangement. Sky Rock Management Limited and National Port Development formed an SPV Concessionaire and contracted TIDFORE on an EPC contract basis to construct the new part in accordance with the specified design. The financing is provided by ICBC Bank of China	Concession Agreement and other Project documents were approved by Cabinet and Subsequently ratified by Parliament

Source: *Handbook for Public-Private Partnership in Sierra Leone*

Table 3-PPP OPPORTUNITIES IN SIERRA LEONE

Project	Current Stage	Sector
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Freetown Water Rehabilitation Project	Project in Planning	Water
Transmission & Rural Electrification	Project in Planning	Energy
Road Rehabilitation, Maintenance, including secondary Roads	Project in Planning	Transport
Deep Seaport & Rail	Project in Planning	Transport
Solid Waste Management	Project in Planning	Health & Sanitation
National Diagnostic Center and Multi-purpose Health Facility	Project in Feasibility Stage	Health
King Jimmy Business Park & Market	Project in Feasibility Stage	Social & City Council
Freetown Estuary Transport for Sea Taxis, hover crafts & light aircraft for interior transportation	Project in Feasibility Stage	Transport
Freetown Lungi Toll bridge and Lungi Industrial park	Project in Planning	Transport
Development of a resort and recreation park in the Peninsula Tourist Beaches	Project in Planning	Tourism
Mass Transit and Light Rail	Project in Planning	Transport
Mass housing for Low, middle- & high-income earners	Project in the development Stage	Housing

ANNEX 3- Addax's DFI Partners

The Netherlands Finance Company (FMO)

FMO is the Dutch development bank. It supports developing and emerging markets by investing in ambitious entrepreneurs. FMO believes a strong private sector leads to economic and social development, empowering people to employ their skills and improve their quality of life. FMO focusses on four sectors that have high development impact: financial institutions, energy, housing, and agribusiness. With an investment portfolio of EUR 5 billion, FMO is one of the largest European bilateral private sector development banks.

Emerging Africa Infrastructure Fund (EAIF)

EAIF is a public private partnership able to provide long-term USD or EUR denominated debt or mezzanine finance on commercial terms to finance the construction and development of private infrastructure in sub-Saharan Africa. EAIF provides loans to projects across a wide range of sectors including telecoms, transport, water, and power, amongst others. The fund is advised by Frontier Markets Fund Manager (FMFM) a division of Standard Bank. FMFM also advises GuarantCo, a guarantee fund which credit enhances local currency debt issuance by private municipal and parastatal entities for infrastructure projects in lower income countries around the world.

African Development Bank (AfDB)

The AfDB Group's mission is to help reduce poverty, improve living conditions for African and mobilise resources for the continent's economic and social development. With this objective in mind, the institution aims at assisting African countries-individually and collectively-in their efforts to attain sustainable economic growth. To this end, the Bank seeks to stimulate and mobilise internal and external resources to promote investments as well as provide its regional member countries with technical and financial assistance.

BIO

BIO is a Development Finance Institution (DFI) established in 2001 in the framework of the Belgian Development Cooperation in support private sector growth in developing and emerging countries. BIO finances the financial sector, enterprises, and private infrastructure projects. Endowed with a capital of EUR 465 million, BIO provides tailored long-term financial products (equity, quasi-equity, debt and guarantees) and finances technical assistance programmes and feasibility studies. BIO also encourages its business partners to implement environmental, social and governance standards. BIO operates as an additional partner to the traditional financial institutions and looks for projects with a balance between return on investment and development impact. BIO is a member of EDFI (European Development Finance Institutions).

Infrastructure Crisis Facility Debt Pool (ICF-DP)

ICF Debt Pool addresses the continuing restricted availability of financing for emerging market infrastructure caused by the retraction of major commercial institutions from emerging markets as they continue to re-focus their lending on their lending activities on their home markets. The ICF-DP is a 500 million fund of loans supported by the German government and funded by KfW Entwicklungsbank under a guarantee from the German government. The ICF-DP was launched in October 2009 and is managed by Cordiant Capital Inc, a manager of emerging markets fund management and their demonstration of the highest ethical and regulatory standards. Cordiant is a signatory to the UN Principles for Responsible Investment.

Swedfund International AB

Swedfund International AB offers risk capital and know-how for investments in Africa, Asia, Latin America, and Eastern Europe (non-EU members). Swedfund's vision is to contribute to the development of viable business thereby stimulating sustainable economic development in its investment countries. Swefund is specialised in the field of complex investment environments with a high level of country risk. With a broad spectrum of financial solutions, combined with knowledge and experience. Swedfund enables its partners to invest more successfully.

Industrial Development Corporation (IDC) of South Africa Limited

The IDC is a self-financing South African national development finance institution whose primary objectives are to contribute to the generation of balanced, sustainable economic growth in Africa and its economic empowerment of the South Africa population, thereby promoting the economic prosperity through the building of competitive industries and enterprises based on sound business principles. The IDC's mission is to be a primary driving force of commercially sustainable industrial development and innovation to the benefit of South Africa and the rest of the African continent.

ANNEX 4

Table 4: DFI Co-financing of Addax Bioethanol Sierra Leone

DFI	Debt as per 16. 6. 2011* percent	Per 31.12.2015 Additional Finance** Million Euro	Equity= 44.4 percent*** million Euro	Cash Million Euro
AfDB	25			
DEG	20			
PIDG: ICF-DP	21	USD 27,70		
PIDG-EAIF	20	USD 31.31		
IDC	22			
FMO	25***			
BIO	10			
DFI 2011 debt, total	147,23			
Swedfund			10	
FMO			25	
Addax Bioenergy			72.1	19.76
Total various quotes	258/267/400/455	493	107,1	19.76

(* (Cordiant, 2011by *** (PIDG, Data 2), *** as informed by AfDB letter dated 20.6.2016, available with Bread for the World**** shown in different documents both as loan and equity

ANNEX-5 Terms on which Land Exceeding 5000 Hectares May Be Acquired

1. should not be in breach of its lease agreement with the communities or in breach of any of its licence conditions from the Environment Protection Agency, the National Minerals Agency, or any other government regulator.
2. The investor shall draft and submit a business case for additional land setting out the following:
 - (a) The reason/s for the additional land and the amount of land required.
 - (b) The available funds to be invested in the additional land.
 - (c) The likely impact of the additional acquisition on land supply within the community or communities hosting the investment.

- (d) Timeframe for the utilisation of the additional land.
 - (e) Likely impact of the additional acquisition on the sources of water across the communities.
 - (f) Alternative methods of achieving its business aims without additional acquisition of land.
3. The investor should provide evidence of initial discussion with communities on the additional acquisition and “in principle” consent from the community.
 4. The investor should have been supporting a robust out-grower scheme within its area of operation.
 5. The investor should undertake additional environmental, social and health impact assessment in respect of the additional acquisition.

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