



The Land Laws of Sierra Leone

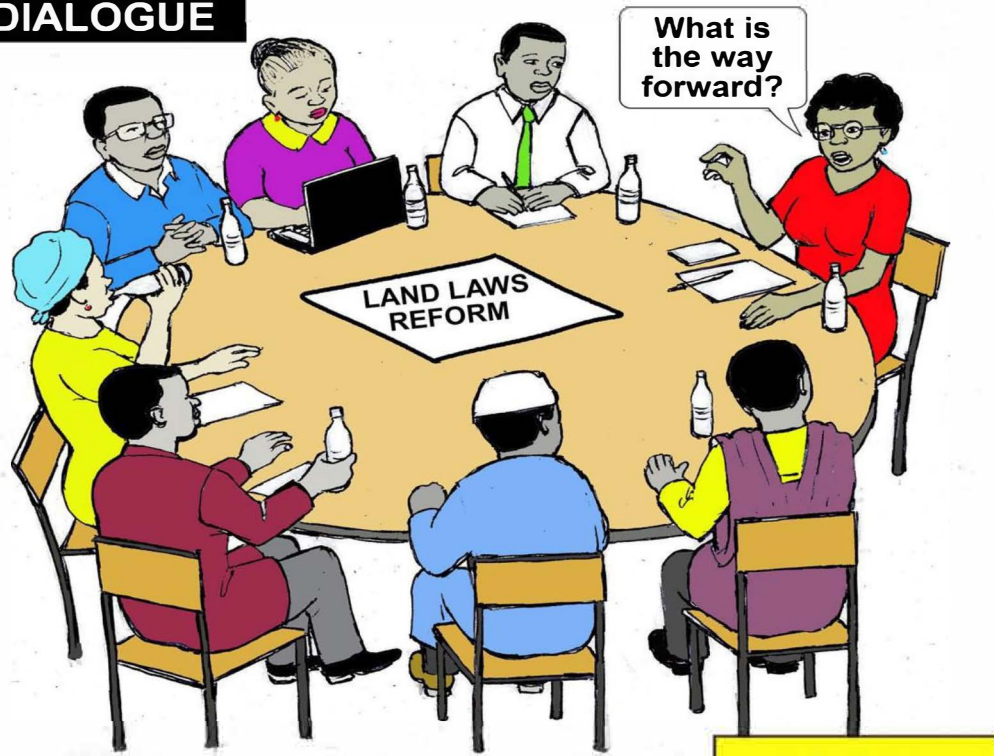
Made Simple

Version 2:

This book contains a brief history of Sierra Leone and contents of the **Customary Land Rights Act** and the **National Land Commission Act of Sierra Leone 2022**.

Simplified to support the legal empowerment of communities, so they can use the understanding of the laws to access and protect their land rights and to promote their food security.

DIALOGUE



LEGAL REFORM PROCESS

NATIONAL LAND POLICY



INTRODUCTION

Sierra Leone has made progress in making its land laws better – with the aim to promote development and foster peace in communities.

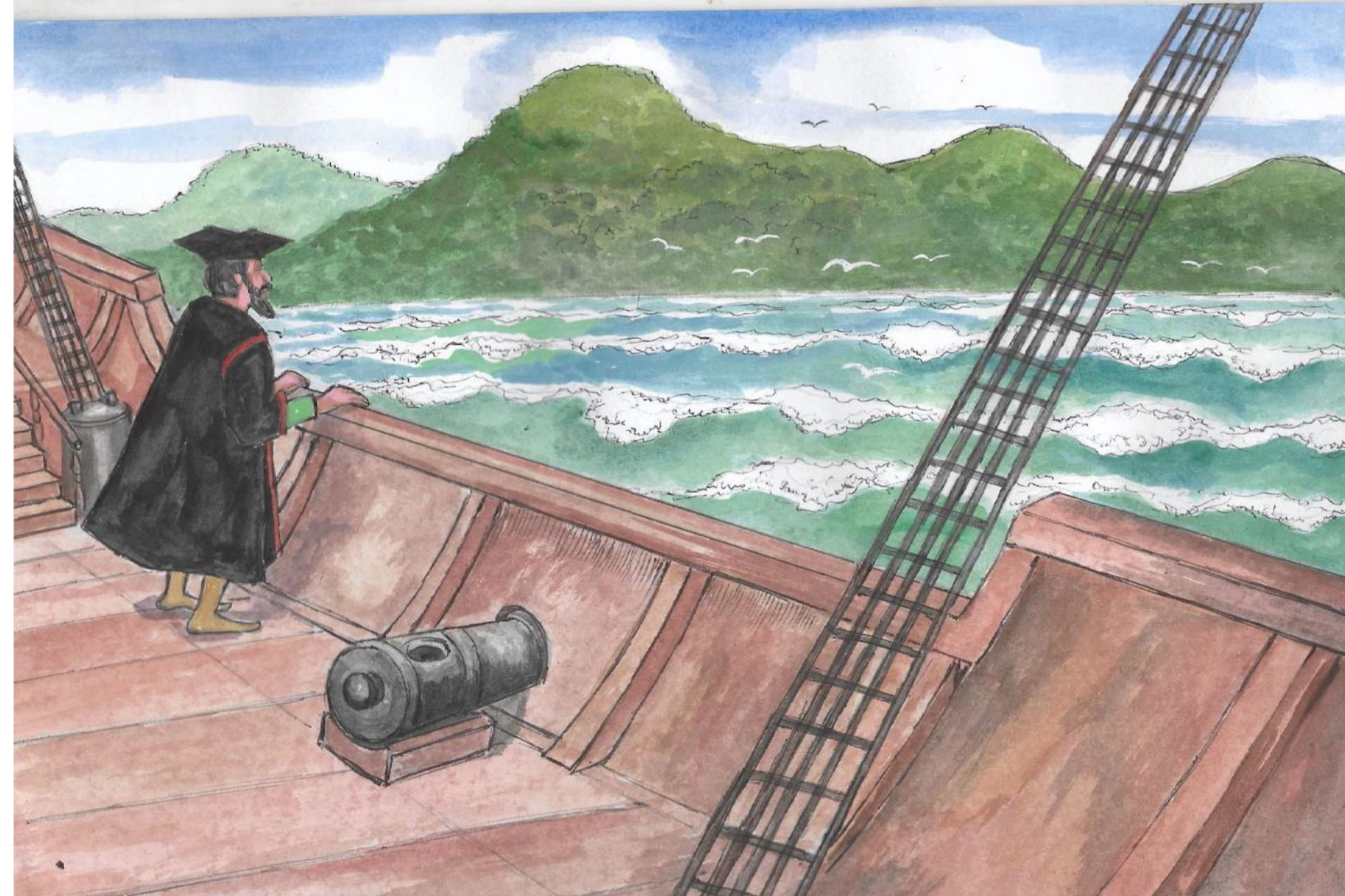
Since the end of the Civil War, and based on learnings from the impact of that war, there has been a resolve within government and the people to consolidate democracy, strengthen human rights and promote economic development through good laws and policies.

Based on that national resolve, several good laws have been enacted to govern people and natural resources.

The Customary Land Rights Act and the National Land Commission Act were enacted in 2022 with the aim to improve on the land governance framework of the country.

This simplified booklet is produced to enhance people's understanding of these two laws.

Sierra Leone got its name from a Portuguese Sailor, Pedro de Sintra



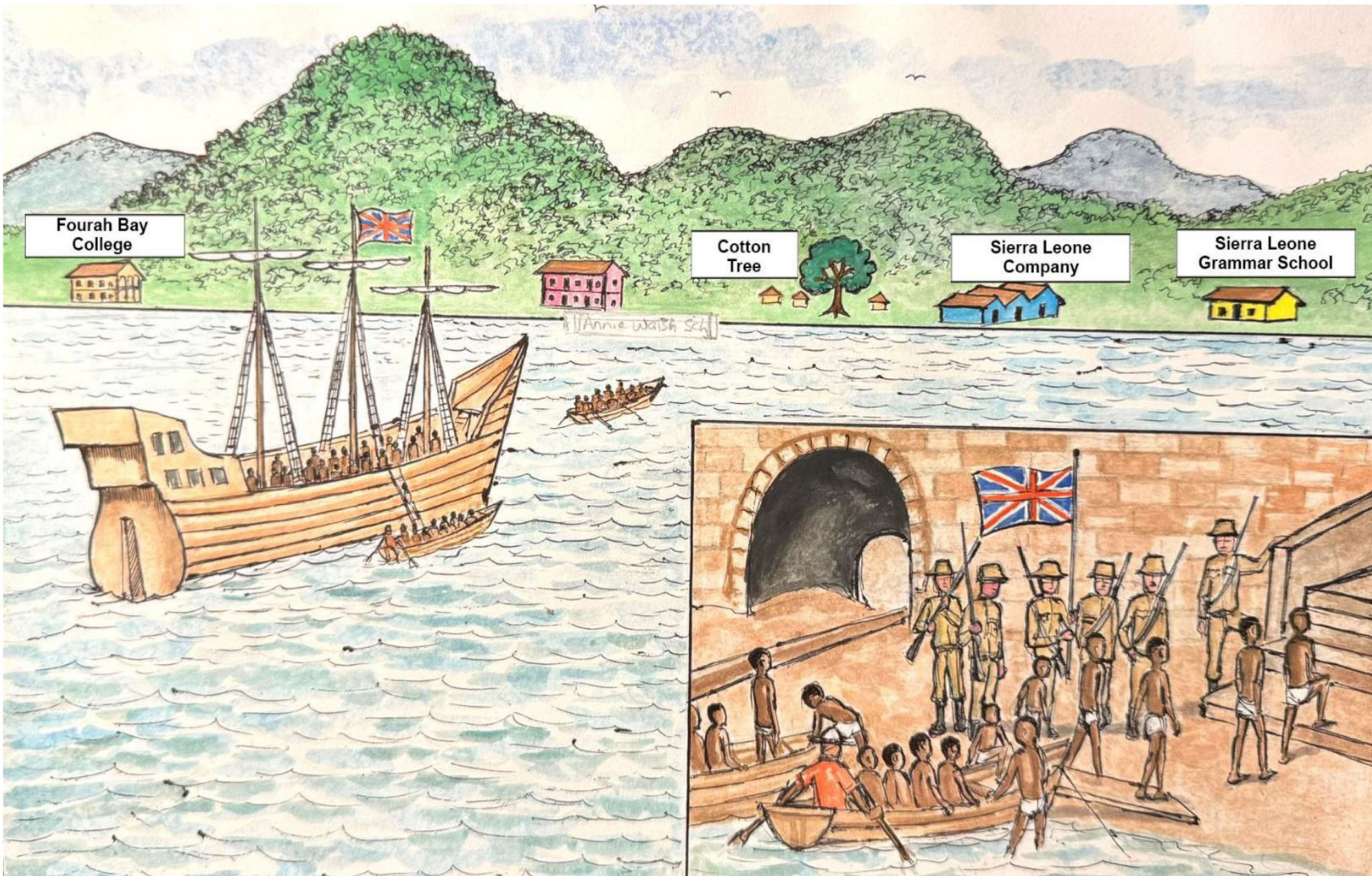
In 1462, a certain man from Portugal, described as a 'Portuguese Sailor' found himself on the coast of a land with high hills and mountains. Due to the lightning of the thunder that cast its lights over the dark view of the hills, he called the place in his Portuguese language '*Sierra Lyoa*' which means in English, 'Lion Mountain.'

This is the name that later became Sierra Leone – the Lion Mountain.

Sierra Leone became a member of British-West African States

Once the Portuguese sailor had returned, Sierra Leone and Africa soon became the host of several European visitors. The British visited, so did the French, in Guinea and other African countries.

Slave trade emerged and was later abolished. Meanwhile, Sierra Leone became a member of British-West-Africa on the 17th October, 1821.

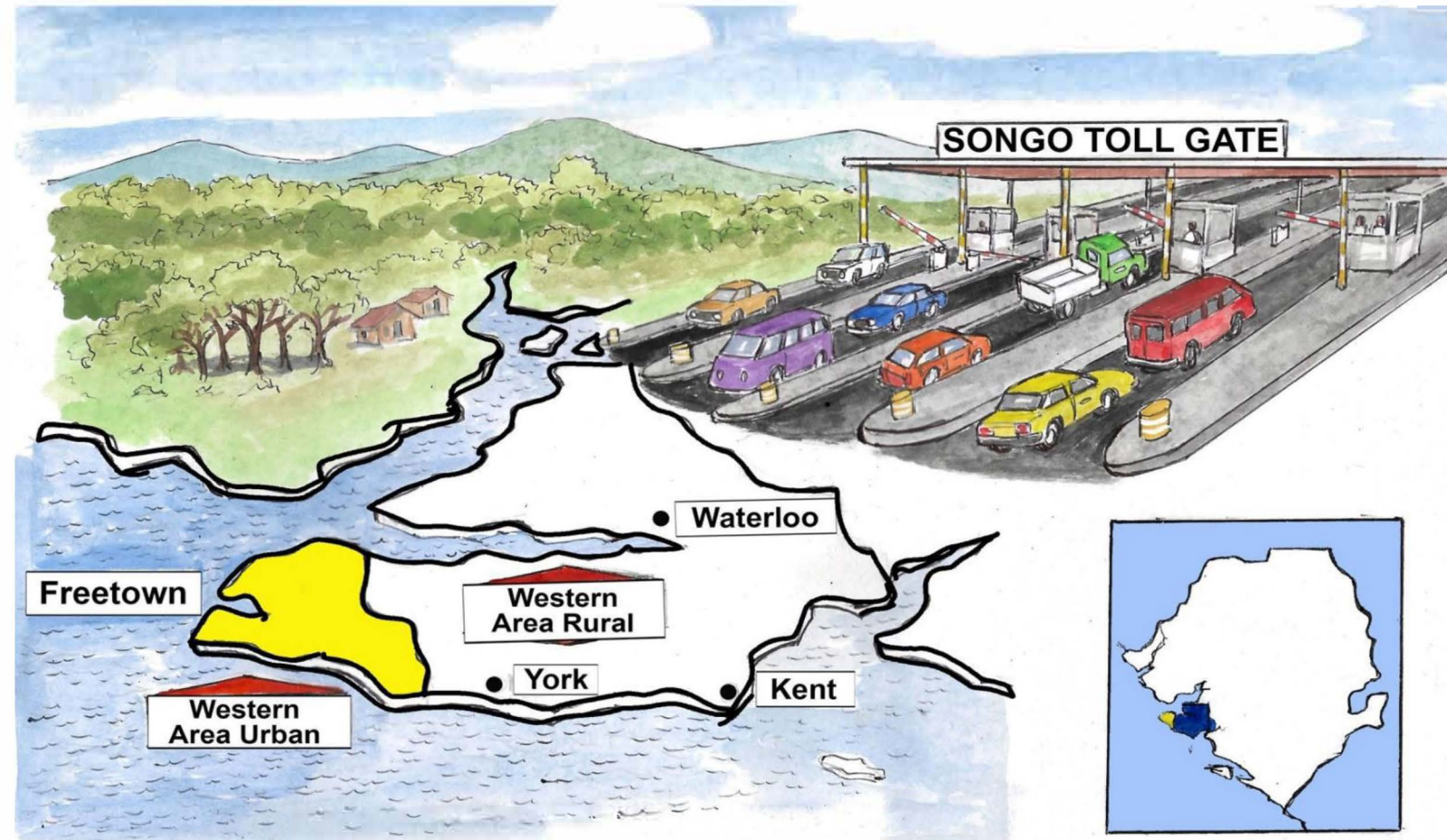


HISTORY

The establishment of Freetown for the settlement of freed slaves and the existence of Two territories – colony and Protectorate

Under British rule, land in Freetown (now Western Area), acquired for the settlement of freed slaves, was under the direct control of the State (Government). This was known as the 'Colony'

The rest of the land beyond Freetown (now separated by the Songo Toll Gate), was considered as customary land, under the control of the Chiefs (Traditional Authorities). This was known as the 'Protectorate Area'

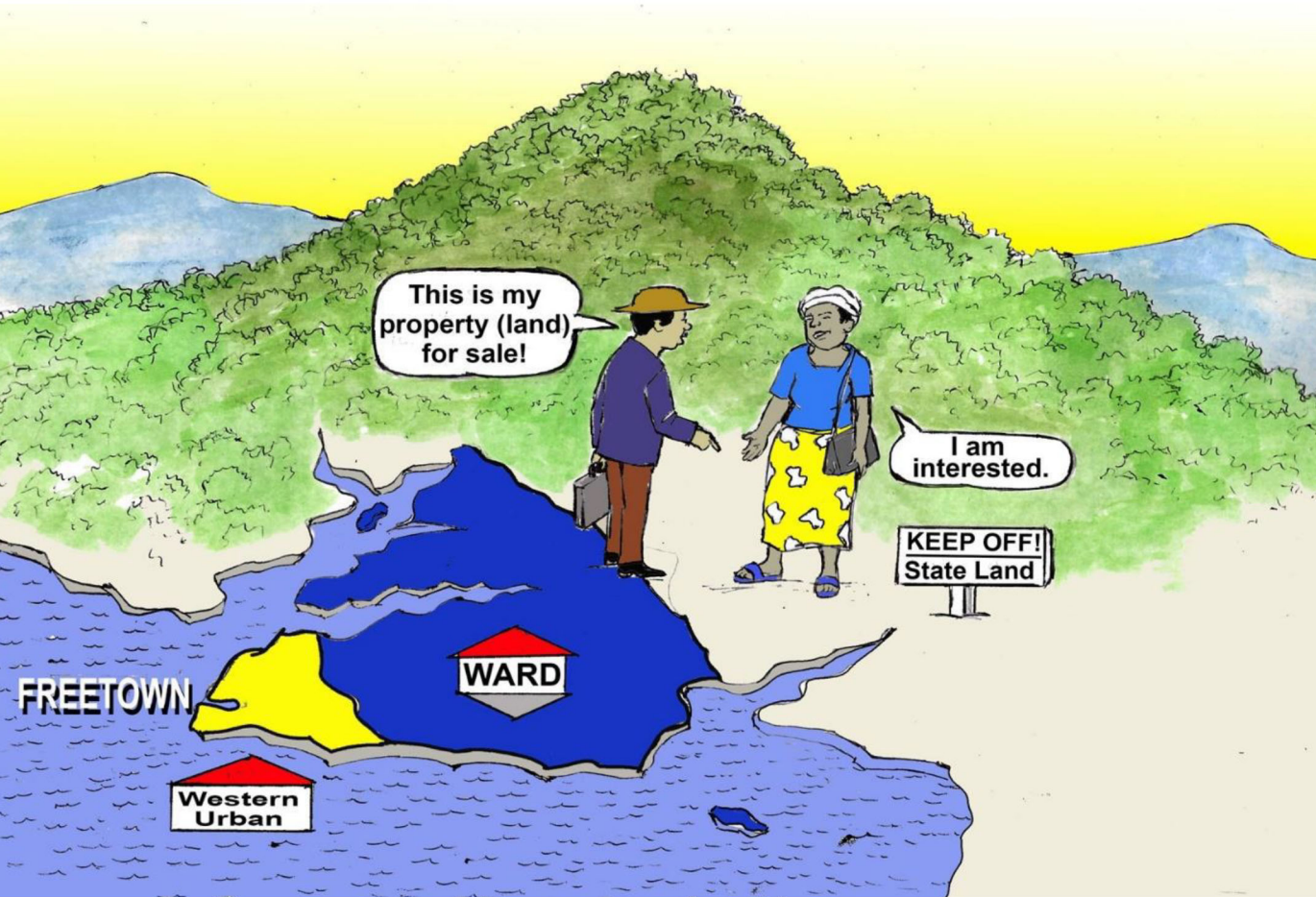


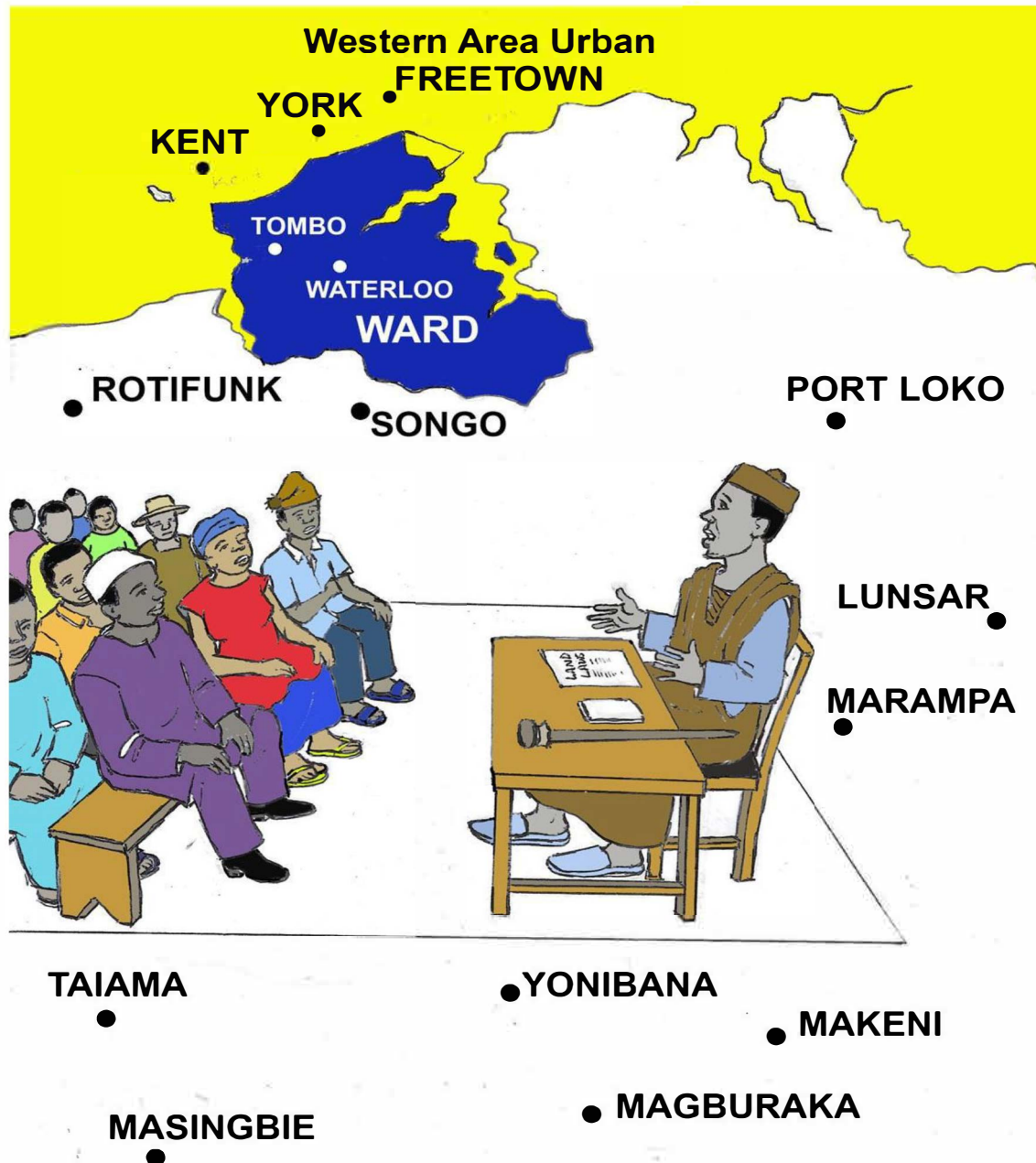
The Dual Land Tenure System

From when it started under British colonial rule to this day, two main land tenure systems exist in Sierra Leone.

They are:

- 1. Freehold System** – This system operates in Freetown and allows for individual ownership of land. State ownership of land is also well established in Freetown. Citizens can apply to buy or lease State land.
- 2. Customary Land Tenure** - This is the system operates in the provinces. Here, land is under the rule of the customs and traditions of the people. The Customary Land Rights Act was introduced to harmonise all these rules and to annul bad or non-progressive customary rules, such as those that discriminate against women and other people.





THE CUSTOMARY LAND RIGHTS ACT 2022

The Customary Land Rights Act was passed into law by the Parliament on the 8th of August 2022 and signed by the President, H.E Julius Maada Bio in September that year.

The law has its basis on the recommendations of the National Land Policy, 2015.

The content of the National Land Policy, 2015 was largely influenced by the principles of the Voluntary Guidelines for the Governance of Tenure (VGGT) of Lands, Fisheries and Forestry. The VGGT was endorsed by the UN Committee on Food Security (UN-CFS) in 2012 and was introduced in Sierra Leone through FAO in 2014.

WHY THE CUSTOMARY LAND RIGHTS ACT 2022?



Land governance used to be plagued by many problems such as discrimination, corruption and deprivation of certain minority groups. Resources generated from land lease were shared by a group of few individuals, leaving out the women and the youth. This resulted in several violent protests and was one of the reasons for the decade long civil war that broke out in Sierra Leone from 1991 to 2002.



DEFINITION OF KEY WORDS

(Customary Land Rights Act)

- **An Authorized Officer** - An officer from the Ministry of Lands or the National Lands Commission
- **Bye-Laws** – Customary laws formulated by Chieftdom Council or Village Area Land Committees.
- **Chieftdom Council Committee** - *simply referring to the Chieftdom Council which is headed by the Paramount Chief*
- **Chieftdom Land Committee** – A committee at the chieftdom level, responsible for the administration of land matters.
- **Community** – Refers to a village, chieftdom, or town.
- **Community Land** – any land that does not belong to any individual or family, set aside for the general use of the people in a village or a town.
- **Community Member** – Any human being residing in a village or town.
- **Community Livelihood** – Activities that people do to earn their daily living.
- **Customary Land** – All the outside Freetown.
- **Customary Land Rights** – all the rights guaranteed by the Customary Land Rights Act;

DEFINITION OF KEY WORDS

(Customary Land Rights Act)

- **Land** – Includes the physical hard surface of the Earth, sea and water bodies.
- **Government Land** – Also known as ‘State Land’. They include Reservations, land with government infrastructure, reserved forest and restricted areas like swamps, lagoons, growth areas etc.
- **Family Land** - A land that belongs to a group of people who trace their descent from a common ancestor.
- **Basic Map** – This is the sketch map of land that is needed for land title registration;
- **Customary Law** - These are rules that are formulated or announced based on customary or traditional practices of communities in the provinces to support the governance of people in a specific locality. They are not laws enacted by the Parliament
- **Lease Agreement** - This is the signed contract between the landowner (known as the lessor) and the land user or investor (known as the lessee) for the use of a specific piece of land over a given period.

DEFINITION OF KEY WORDS

(Customary Land Rights Act)

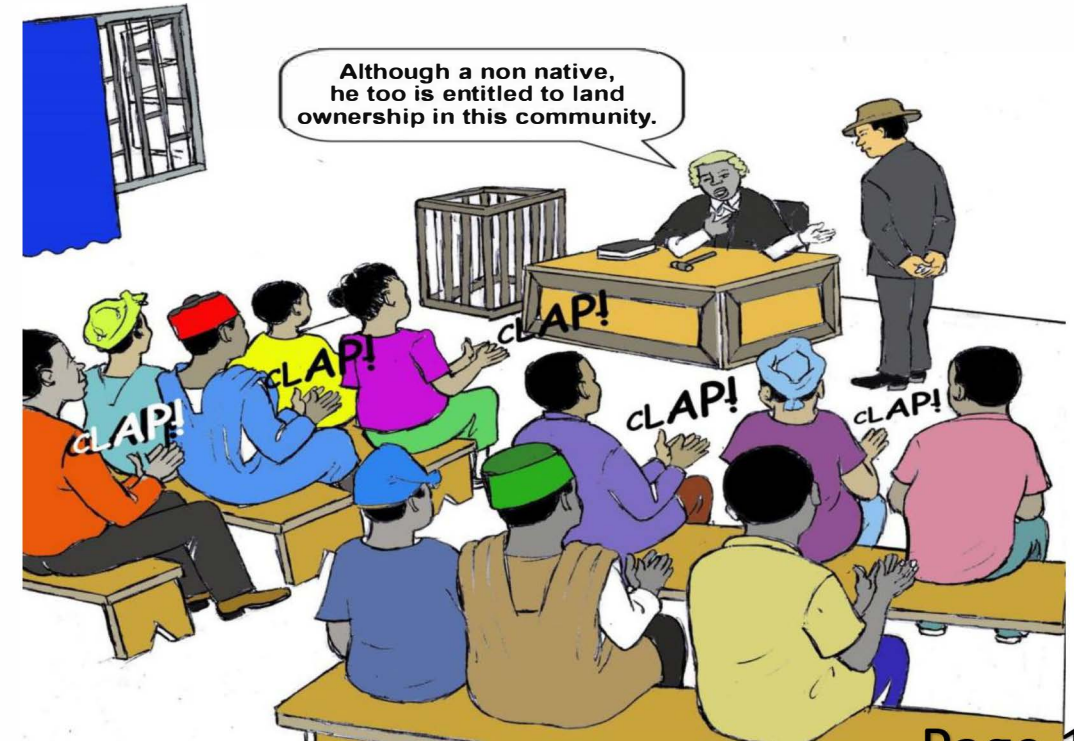
- **Paralegal** – Trained people who provide legal assistance to people for documentation of their land and other services. They are not lawyers.
- **Para-surveyor** – Trained people who are not licensed surveyors but understand basic survey techniques and are to support people who want to survey their lands.
- **Public Land** – Lands that are acquired and used for a public purpose. Eg. Community Football Field,
- **Private Land** – Any land that is not a government land, State land, or public land. These are lands belonging to individuals, families, communities and private institutions.

PART 2: CUSTOMARY LAND AND NON DISCRIMINATION



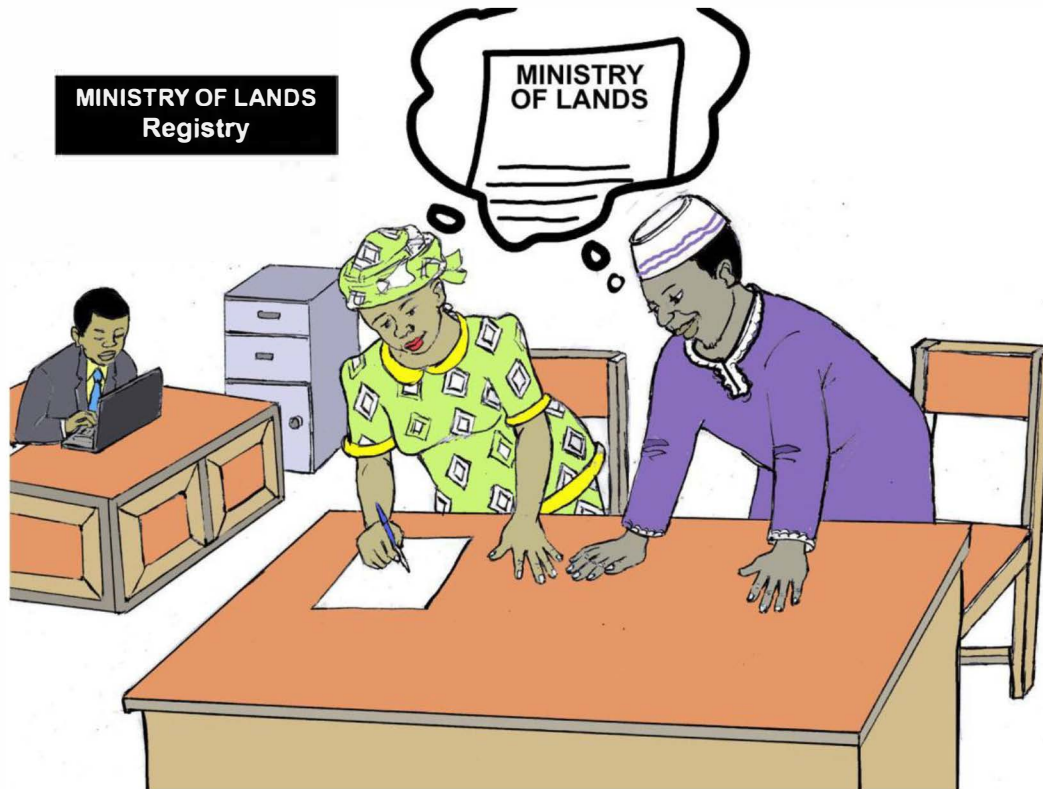
All citizens of Sierra Leone now have the right to acquire any customary land in Sierra Leone.

Nobody should lose their tenure rights to land because they are poor or because they are from other tribes, political parties, or religions.



PART 3: GENDER EQUALITY

Any customary law that denies equal land rights for women or that prevents women from owning land anywhere in Sierra Leone, is null and void.



Both men and women now have the same rights to own, hold, use, sell, inherit, succeed to or deal with land in Sierra Leone.



PART 3: **GENDER EQUALITY**



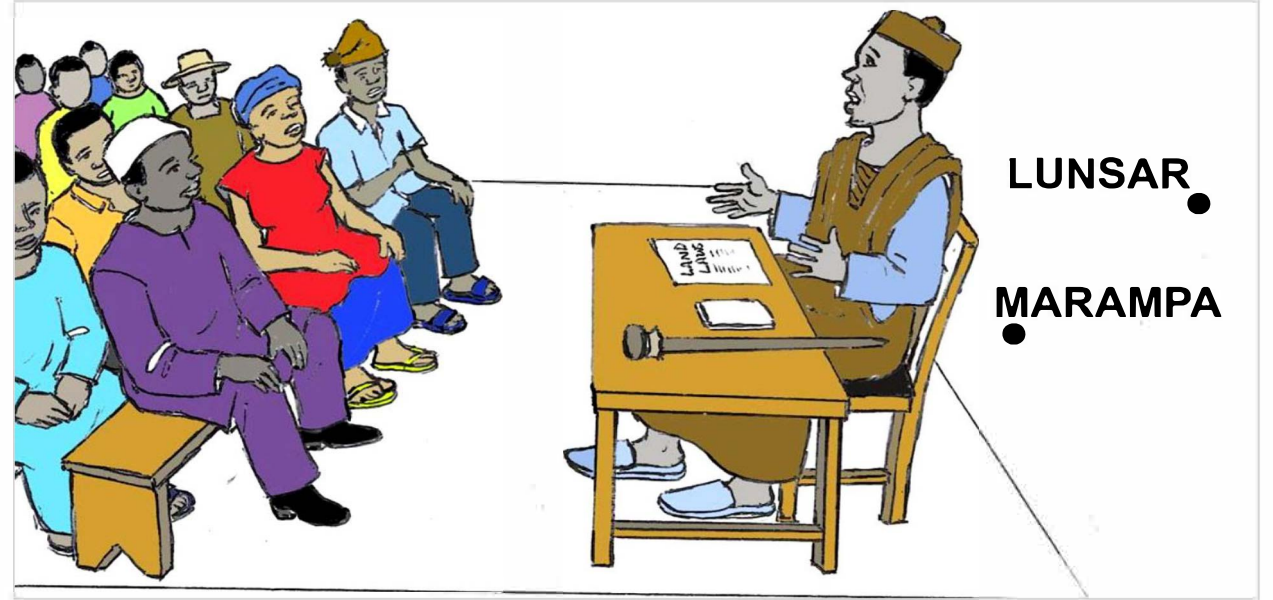
A surviving spouse has the right to continue living and benefiting from the family land of his/her deceased partner until he/she remarries outside that family.

It is a violation to try to claim the house or property left behind by the husband for his wife and children. This is against the provision of the Devolution of Estate Act, 2007 and the Customary land Rights 2022.



PART 4: CHIEFDOM COUNCIL COMMITTEE AND FAMILY LAND TITLE

The Chieftdom Council which is the highest governing council of the chieftdom, shall play an oversight role over all the lands in the chieftdom through the Chieftdom Land Committees and the Village-Area Land Committees



- All family land transactions that have been certified by the Paramount Chief shall be registered at the District Land Registry;
- A minimum of 60% of the adults of the family must agree before any family land can be leased





Community Land cannot be leased indefinitely and a lease for commercial purposes should not exceed 50 years and shall have an option for renewal for a term not exceeding 21 years. A fair representation of adults of community members must agree before any community land can be leased.

A community land may refer to an area assigned by the authorities of the village or town to be used for the benefit of every member of the community.

Such a land can be a common farming area, burial site, drinking water source or a place where people get their livelihood.



PART 6: PROTECTED, CONSERVED OR ECOLOGICALLY SENSITIVE AREAS

No mining, plantation, farming, housing or any other development activity shall take place on, within, near or adjacent to any (a) *wetland*; (b) *wildlife habitat*; (c) *steep slope*; (d) *old growth or virgin forests*; (e) *other ecologically sensitive areas*



‘...anyone found guilty of causing harm to ecologically sensitive areas shall, in addition to the applicable sanctions, be fully responsible for reversing the harm and restoring the ecologically sensitive areas to their original state’. (Section 22)

PART 7: CUSTOMARY LAND RIGHTS AND RESPONSIBLE INVESTMENT



All investments **MUST** respect both the national laws and international best practices, such as the UN Guiding Principles on Business and Human Rights.

If the investment is an agribusiness, it should respect the ten Principles on Responsible Agricultural Investment endorsed by the UN Committee on Food Security.

There are consequences for bad investments and they affect both the investor and the community



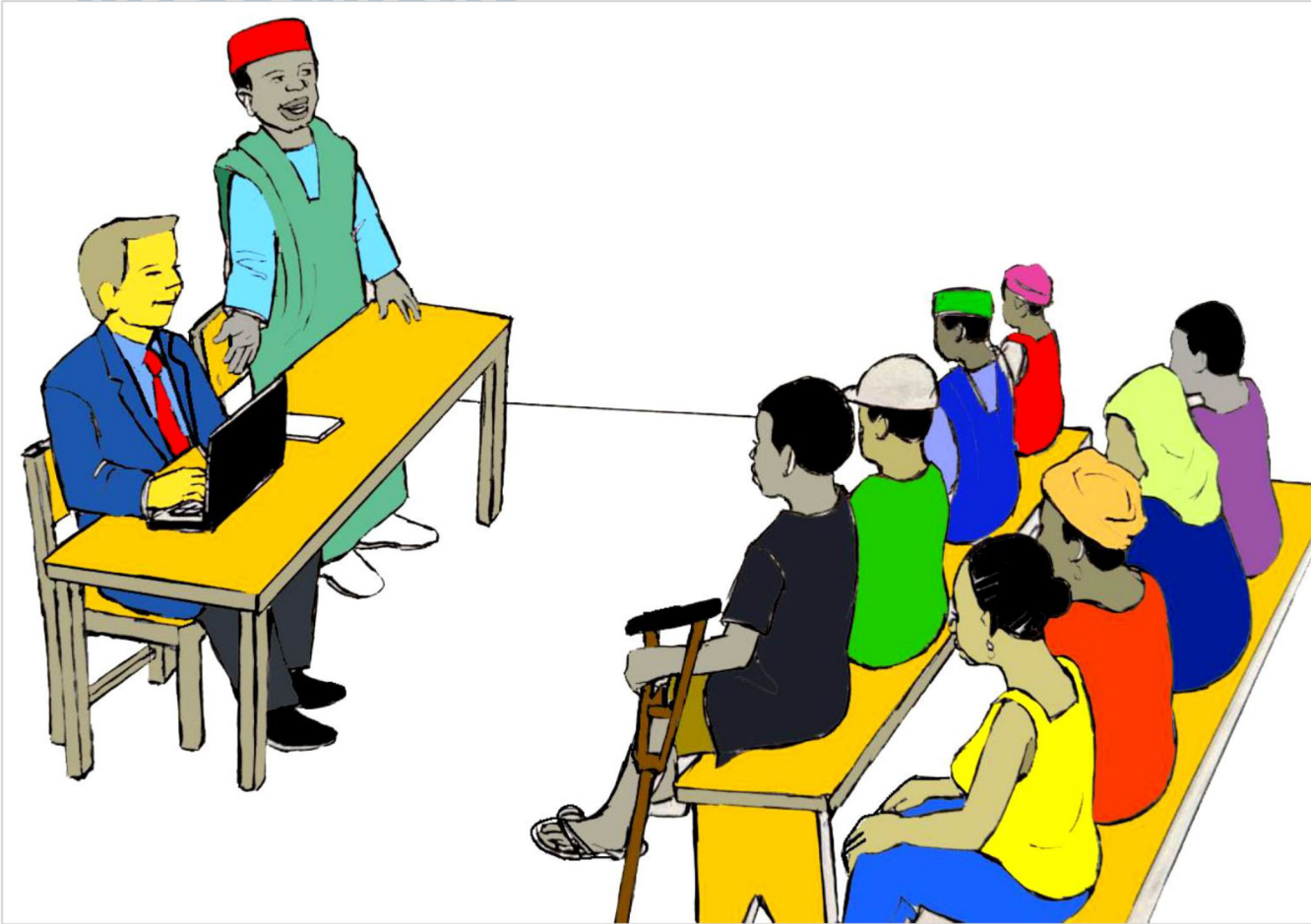
Land lease process has to be transparent. The rightful landowners should receive the lease payments and no land should be taken forcefully.

Part VII of the Customary Land Rights Acts has laid out clearly how an investment in land should be done to avoid the awkward consequences of bad investment.

Sometimes, these consequences are so severe that they result in chaos, violent conflicts and destruction of properties. Sometimes, lives are lost.



Investor to obtain prior, informed Consent of landowners before the investment



If possible, all the adult members of the family (for family land) or community (for community land), should be part of the consultation.

'...No investment should take place on any FAMILY land until at least, 60% of the adult members of that land-owning family have granted their Free Prior and Informed Consent (FPIC). (Section 28)

If the land is a community land, a fair representation of the community must give their consent at a community meeting held with the investor. The investor shall be required to produce the minutes of that meeting certified by the Paramount Chief or the authorized person in the Chieftdom Council. (section 32)

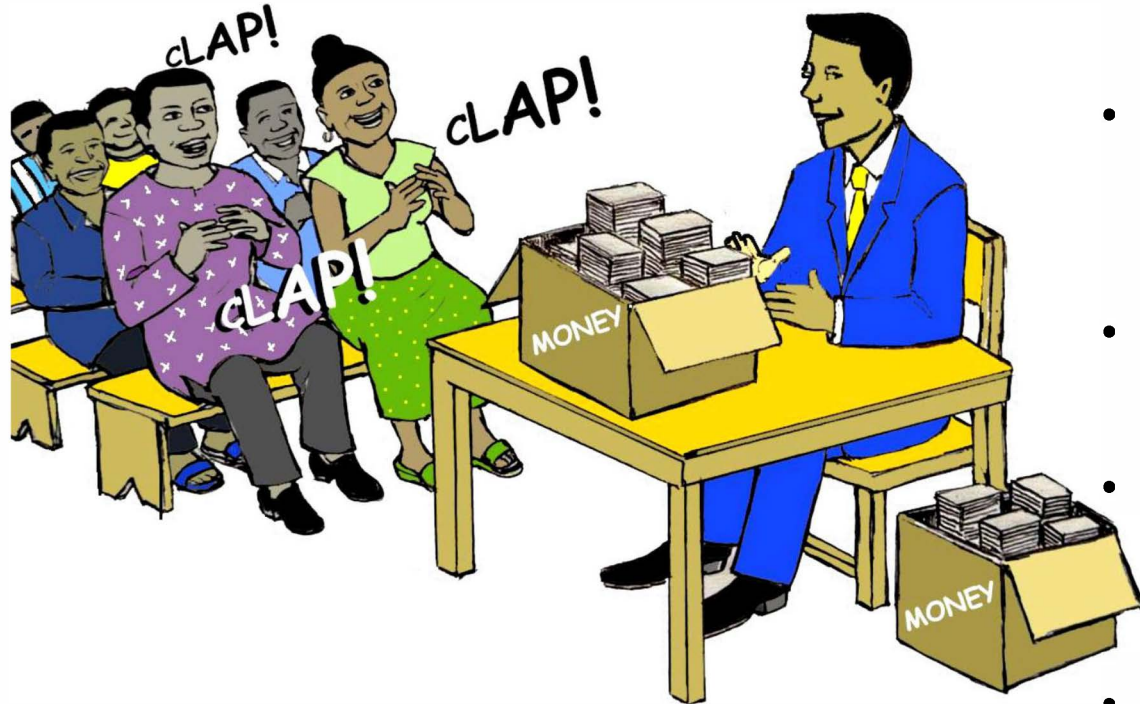
Investor to obtain Prior, Informed Consent of landowners before the investment



It is an obligation on the investor to provide all the necessary information about his/her company to the community. Such information should include, but is not limited to:

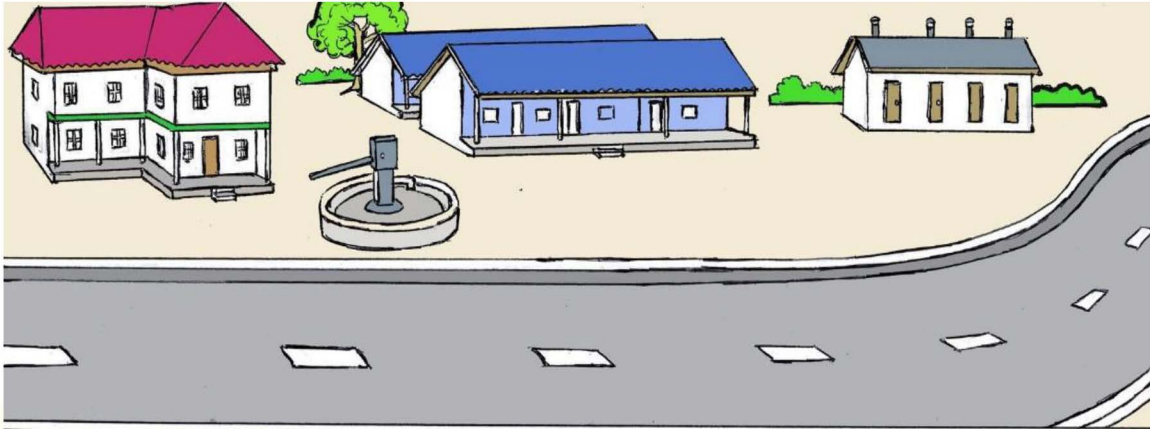
- a) the nature, scope, risks and opportunities of the investment;*
- b) business plan;*
- c) approval obtained from the government; and*
- d) any other relevant information.*

Necessary conditions to guarantee responsible land-based investment



- **Independent Survey** – If landowners are not comfortable with the survey methods of the investor, they can hire an independent survey to settle their doubts. The investor must cooperate
- **Bank Account** – Annual Land lease should be paid directly into the bank accounts of landowners
- **Direct Lease Agreement with landowners**- Lease agreement should be signed directly with the land owner
- **Legal Support** - Families and communities can seek for legal service and other professional services from the government;
- **Minimum Rate** - Government to propose a minimum rate which will act as a floor.
- Lease agreement to automatically include ALL other obligations signed with the government and international stakeholders, include financial lenders;
- **All land must be registered before lease** - No land can be leased out for investment except it is registered with the District Land Commission;
- **Compensation for loss of crops** – the investor is obliged to pay a special payment for any crops on the land which the crop owners will lose.

Everyone celebrates when there is Responsible Investment



Investments are obliged by the provisions of the Customary Land Rights Act and other laws to be responsible. This includes, contribution to community development as a corporate responsibility.

Local authorities and national government stakeholders are required to be transparent and accountable in the management of resources contributed by private sector investors for community development.

Everyone celebrates when communities see the development benchmarks achieved as a result of the responsible nature of the investment and when tenure security is guaranteed for sustainable investment.

PART 8: INVESTMENT-INDUCED DISPLACEMENT AND RESETTLEMENT

Customary Land Rights Act, 2022

The Customary Land Rights Act 2022 has laid out the various conditions under which a community can be moved to another location for the convenience of the investment.



- As a core requirement, the investor should inform communities about any possible resettlement during land lease negotiation.
- If resettlement becomes an afterthought, the investor should prove the reason through study, scenarios or other means that the displacement and resettlement are unavoidable. There should be a Resettlement Action Plan (RAP).
- The investor shall be responsible for the full cost of the resettlement;
- An obligatory 5 year Guarantee for new infrastructure built in the new location
- The investor shall be responsible to replace any damage arising from use of substandard materials or poor workmanship.

PART 9: GRIEVANCE REDRESS

Conflict resolution through alternative grievance redress processes has taken a high momentum in Sierra Leone's justice sector. In addition to the provisions of the Customary Land Rights Act, the formal justice system has now formally recognised out-of-court mediation as a legitimate way to settle disputes and reduce grievances

AGR The Due Proces



- All land committees to formulate bye-laws to support their alternative grievance redress mechanism.
- *An aggrieved party who does not feel satisfied with the decision of a lower land committee can appeal to the higher committee*
- *Any decision that the grievance redress committee has reached, should be delivered in writing to the conflicting parties. A copy should be kept for future reference;*
- *An aggrieved party who has not been satisfied with the decision of all the grievance redress committees or land committees, may seek redress at a local court.*

Conflict settlement is costly through formal court system

Conflicting parties who resort to formal court processes to resolve conflicts have a lot of inconveniences to bear. The key one is the cost that they pay for justice. These costs can include legal fee to lawyers or transportation for several trips to the courthouse.

The court determines based on who is right and who is wrong.



When matters are resolved through alternative grievance process, there are no winners or losers. The focus of the mediation is to broker understanding and promote peaceful co-existence between conflicting partners. This is important for peace building in families and in the community.

PART 10 : MISCELLANEOUS PROVISIONS



*Chiefdom
Land
Committee
meeting*

The Customary Land Rights Act 2022 has repealed two laws:

1. **The Provinces Land Act** – Passed in 1927 (also popularly known as CAP 122), it vested land in the provinces in Chiefdom Councils in trust for the communities;
2. **Amendment of Section 18 of Chiefdom Council Act, 1960** – which had prevented towns and villages from independently going to court to seek justice without the approval of their Chiefdom Council or Paramount Chief. With that section being repealed, villages and towns now have the right to take legal action without the approval of the Chiefdom Council

*Village
Area Land
Committee
meeting*



THE NATIONAL LAND COMMISSION ACT 2022

This is an institutional law, enacted to establish the following institutions in Sierra Leone:

- 1. The National Land Commission***
- 2. District Land Commissions in all the districts of Sierra Leone,***
- 3. Chiefdom Land Committees in all the 190 chiefdoms of Sierra Leone and***
- 4. Village-Area Land Committees in all the villages and towns of Sierra Leone***

The law also has provisions on other matters such as conflict resolution and land administration.

One of the aims of enacting the law was to help make Sierra Leone's land governance legal and institutional framework inclusive, effective and efficient.

THE NATIONAL LAND COMMISSION



The National Land Commission is established by the National Land Commission Act as a legal public institution responsible for land administration.

The functions of the commission are many, as detailed in Section 4 of the National Land Commission Act, 2022. They generally include:

- i. Establish and Manage a Land Information System*
- ii. Regulate Surveys and cadastral System*
- iii. Monitor to ensure Compliance of land sector actors*
- iv. Support CSOs and the sub-national structures to address grievances*

THE NATIONAL LAND COMMISSION SECRETARIAT

The National Land Commission Secretariat is the office of the National Land Commission located in Freetown



The National Land Commission Secretariat shall have the following staff:

- i. **Commissioner General and a Deputy CG**
- They are both appointed by the President in consultation with the Minister of Lands, and approved by parliament. Either the **Commissioner General** or the deputy must be a woman.
- ii. **Commissioners** There are commissioners for the following departments:
 - (a) Title Registry;
 - (b) Legal affairs
 - (c) Cadastral Index Mapping department;
 - (d) Monitoring and evaluation department
 - (e) Corporate communication and Advocacy
 - (f) Administration

The District Land Commission

Every district in Sierra Leone shall have a District Land Commission and a workplace known as the District Land Commission Secretariat.



Each of the 14 provincial districts shall have a District Land Commission, with a District Land Officer appointed by the Board as head of the secretariat.

The other support staff of the District Land Commission shall be appointed by the Commissioner-General, approved by the Board

There shall be support staff of the district land commission appointed/recruited by the Commission.

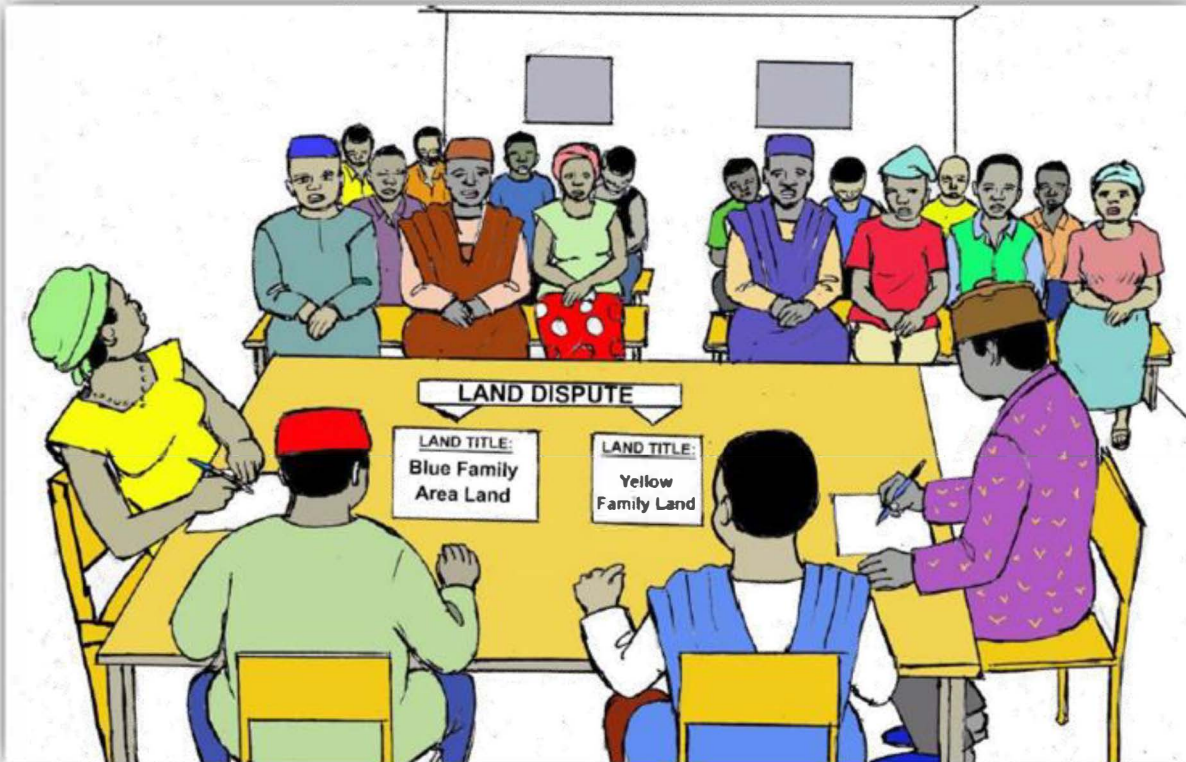
Each district lands commission shall have a secretariat with the following units:

- a) *Title Registry Unit;*
- b) *Alternative Dispute Resolution Unit;*
- c) *Cadastral Index Mapping Unit;*

Note: There is no such a position as District or Regional Lands Commissioner.

The Chieftdom Land Committee

Each of 190 chiefdoms shall have a Chieftdom Land Committee with the Paramount Chief or his/her nominee as chairperson. The Chieftdom Land Committee is a subcommittee of the Chieftdom Council with a primary responsibility to promote good land governance in accordance with the provisions of the laws of Sierra Leone



The composition of the Chieftdom Land Committee shall include:

- *The Chairperson*
- *One landowner and one land user from each section **elected** by the Village-Area Land Committees in that section;*
- *Each Chieftdom Land Committee should have a minimum of 30% female representation*

Village Area Land Committees

Every village or town shall have a Village/Town Area Land Committee. The village head or town chief or his/her nominee shall be the chairperson of the Village/Town Area Land Committee.

The composition of the Village-Area Land Committee shall include:

- *The Chief as Chairperson*
- *Four (4) resident landowners and two (2) resident non-landowners (land users)*
- *The Section Chief is a co-opted member of all the village-area land committees in his/her section*
- Each Village-Area Land Committee should have a minimum of 30% female representation



Other relevant information in the National Land Commission Act 2022

Bye-Laws

Section 55 of the National Land Commission Act has empowered each village-Area Land Committee to develop rules or bye-laws to support the effective and accountable management of land and other resources in their village, town or community.

Section 74 provides that the Chiefdom Land Committee shall formulate bye-laws which shall be used to manage all communal lands in the chiefdom and shall apply to all villages, towns that have not adopted their bye-laws

Land Adjudication Tribunals

Each Chiefdom Land Committee shall have a sub-committee known as the Land Adjudication Tribunal. The main function of the Land Adjudication Tribunal is to resolve land conflict through Alternative Redress Mechanism between individual families and communities.

Land conflicts between two or more chiefdoms shall be adjudicated by the District Land Commission.

The National Land Registry

This is a comprehensive land information system into which all land titles and other instruments shall be registered.

Private Investor to Appoint Field-level Grievance Redress

All land-based private investors are obliged by *section 80* of the National Land Commission Act 2022 to establish field-level grievance redress mechanisms and to appoint a designated person known as the Grievance Redress Officer to lead the proces

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