



# **THE LAND LAWS OF SIERRA LEONE**

**Made Simple**

**Version 1:**

For Frontiers, Paralegals  
and other Facilitators



***This book contains a brief history of Sierra Leone and key 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.***

***We hope that this simplified laws will contribute to strengthening local level tenure governance in Sierra Leone.***

# DIALOGUE

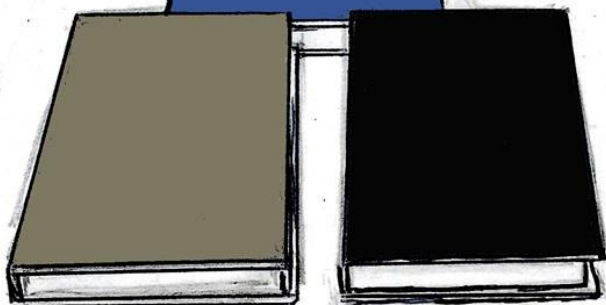


**NATIONAL  
LAND  
POLICY**

**LEGAL  
REFORM  
PROCESS**



**LAND  
RIGHTS  
LAW**



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## 1.1. INTRODUCTION

In 2022, Sierra Leone completed the enactment of two important laws on land – the National Land Commission and the Customary Land Rights Act. The laws have their basis to the 2015 National Land Policy. The National Land Policy was formulated at a time when the government of Sierra Leone had endorsed the Voluntary Guidelines for the Governance of Tenure of Land, Fisheries and Forestry (VGGT). The implementation of both laws has gone on for the past few years.

Already, through the National Land Commission Act, the Government has established the National Land Commission Secretariat in Freetown and District Land Commissions in selected districts of Sierra Leone. Through a similar effort, and

with support from the World Bank and other development partners, several public awareness sessions have been held on these two laws.

As the land governance context keeps evolving towards a positive path, Land for Life, with funding from the German Ministry of Economic Cooperation and Development (BMZ) through Welthungerhilfe (WHH), is producing this simplified version of the laws with illustrations.

The aim is to contribute to promoting public legal education on the laws. The focus is on land owners, community leaders, civil society organisations and change agents in rural communities of Sierra Leone.

## 1.2 HISTORY – Sierra Leone and Land Governance

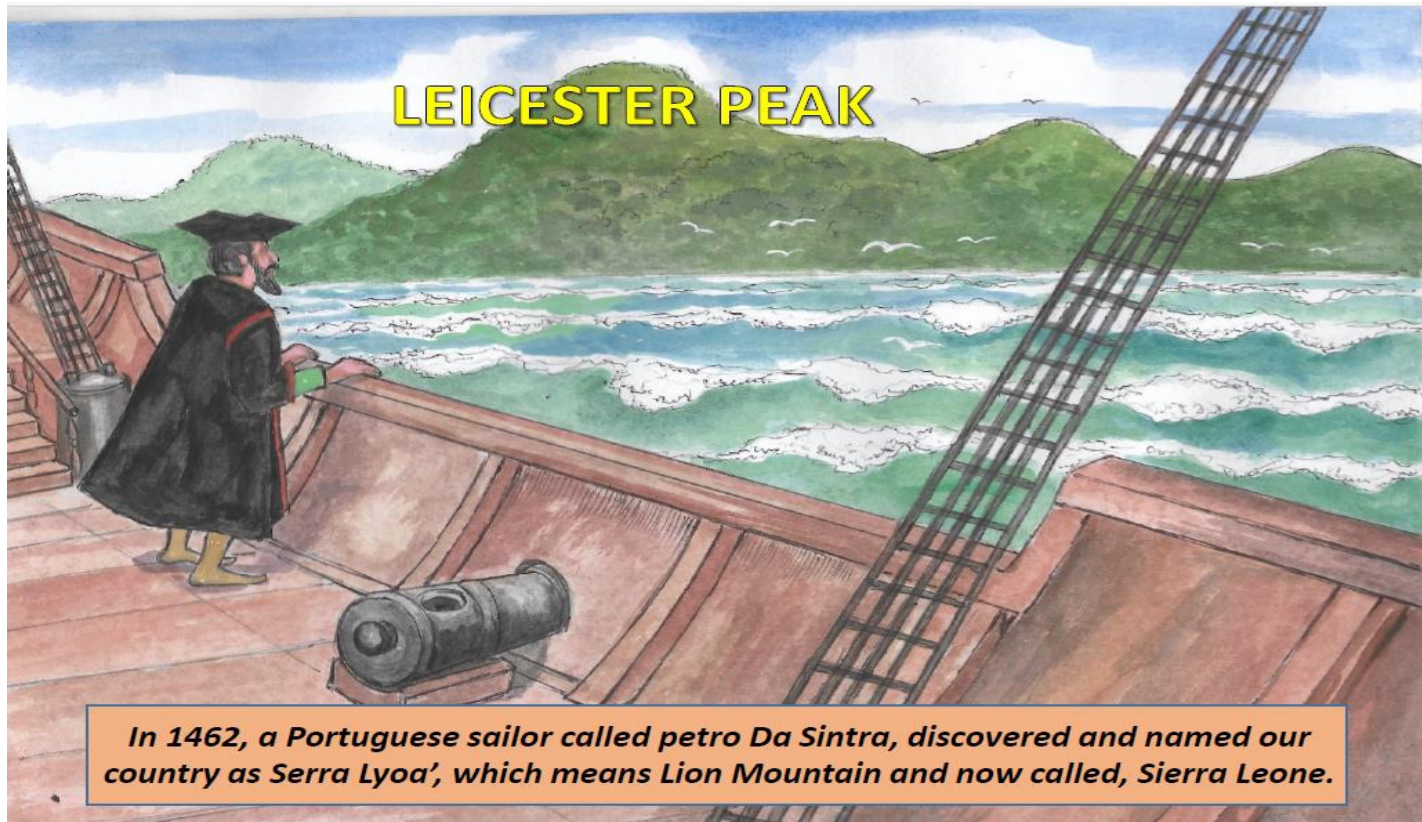
*Sierra Leone got its name from a Portuguese Sailor, Pedro De Sintra*

It was in the year 1462 when a certain Portuguese sailor, who may have lost his way on the high seas, found himself on the coast of a land with high hills and mountains and with green vegetation. It may have been during the night hours in the rainy season with thunderstorms roaring. As the lightning flashed over the long stretch of the hills, giving a lion-shaped shadow on the horizon, he gave a Portuguese name to the place as ‘*Sierra Lyoa*’ which translates as ‘Lion Mountain’. The sailor’s name was Pedro Da Sintra.

## 1.3. The Establishment of Freetown for Repatriated Freed Slave

In the same manner, Pedro De Cintra had found himself on the shores of Sierra Leone, several other Western adventurers had visited other places in Africa. Those discoveries opened the gate for foreign trade. It started with the exchange of goods, followed by the trafficking of Africans for slavery and, later, the establishment of foreign authority over land areas leading to colonization. Great Britain had established authority over a large part of America. But in April 19, 1775, a disagreement broke out between the British authorities and the Americans over several orders that were imposed by Britain on the American people. The conflict influenced the rise of a group called the "American Patriots" who led a revolt leading to a war known as the "American Revolutionary War".

## LEICESTER PEAK



*In 1462, a Portuguese sailor called Pedro da Sintra, discovered and named our country as Serra Lyoa', which means Lion Mountain and now called, Sierra Leone.*

(April 19, 1775 – September 3, 1783).

As the war intensified, Britain requested the support of the African slaves to fight in the war against the American Patriots. The slaves were promised their freedom after the war.

Although the war ended with a peace-deal that guaranteed the independence of America, the British authorities kept their promise to the black slaves and granted them freedom.

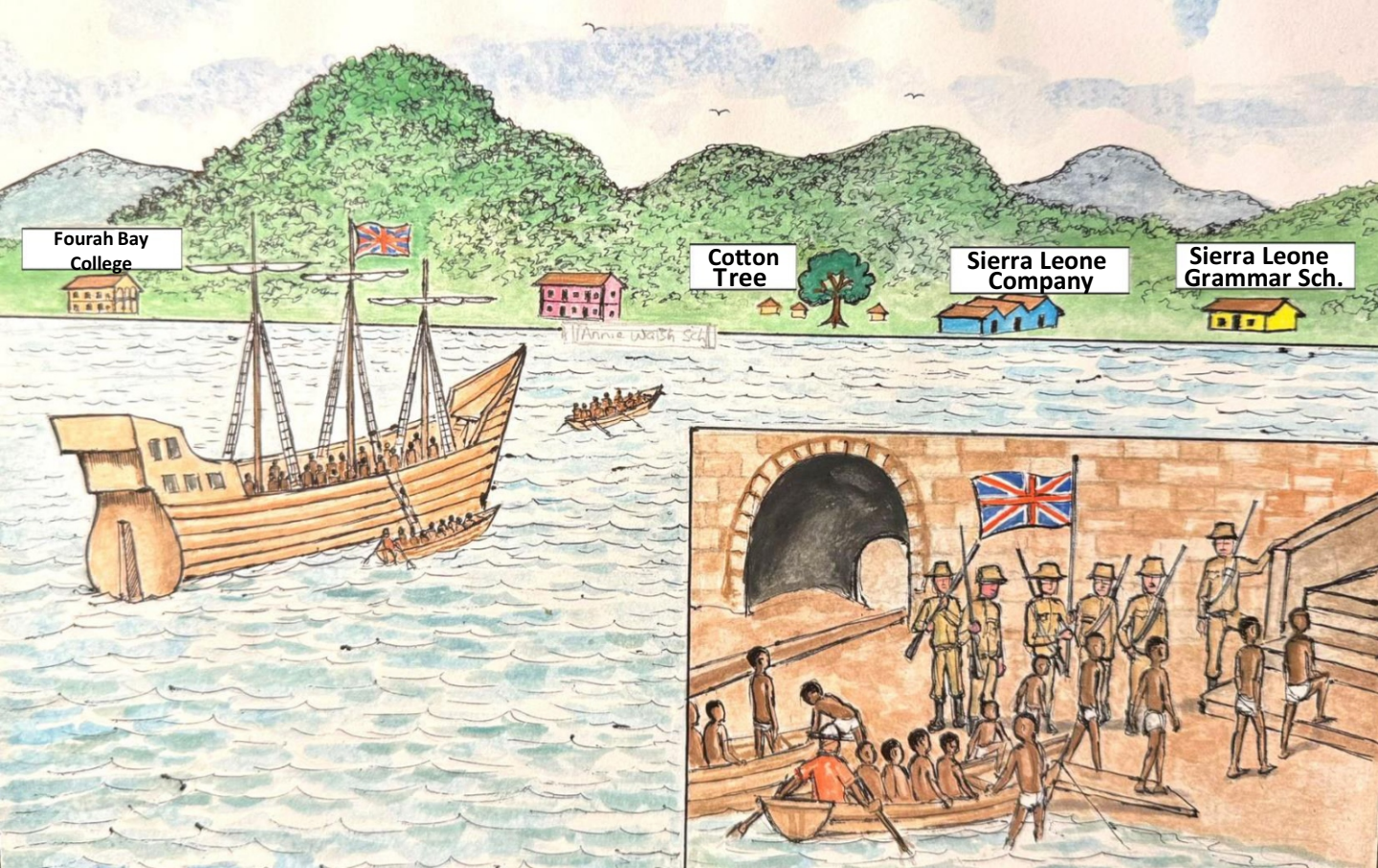
Now free to live, but without a source of livelihood, around 1870, most of the freed black slaves were homeless and poor in Britain. They were also not getting jobs in London, thus, they were commonly referred to as the 'Black Poor'.

Following a campaign for their return to Africa by slave abolitionists like Granville Sharp, the British government agreed to resettle them back in Africa. A land deal for the resettlement of the freed slaves was reached with a Temne tribal head, King Tom.

In 1787, a naval vessel carrying 411 of the first batch of the freed slaves arrived on the coast of the land today called Freetown.

However, back on African soil, the safety of those resettled freed slaves was not assured – on the one hand, some local landowners were protestant to the presence of foreign people on their land, and on the other hand, some Western countries and individuals were still interested in the business of slavery and would indiscriminately re-capture and resell those resettled freed slaves. The threat became imminent when King Tom died and was succeeded by King Jimmy who was the leading protestant of the resettlement idea. He waged a war on the settlement area (known as the Colony of Britain), burnt the facility and disbanded the presence of British authority over that piece of land which his predecessor had granted them.





Left without an option, some of the resettled slaves chose to fight back for their protection. With the support of Britain, the settlements of Freetown and Bonthe Island were secured and made home for the repatriated freed slaves. Britain continued to exercise its presence over the coastal area of Sierra

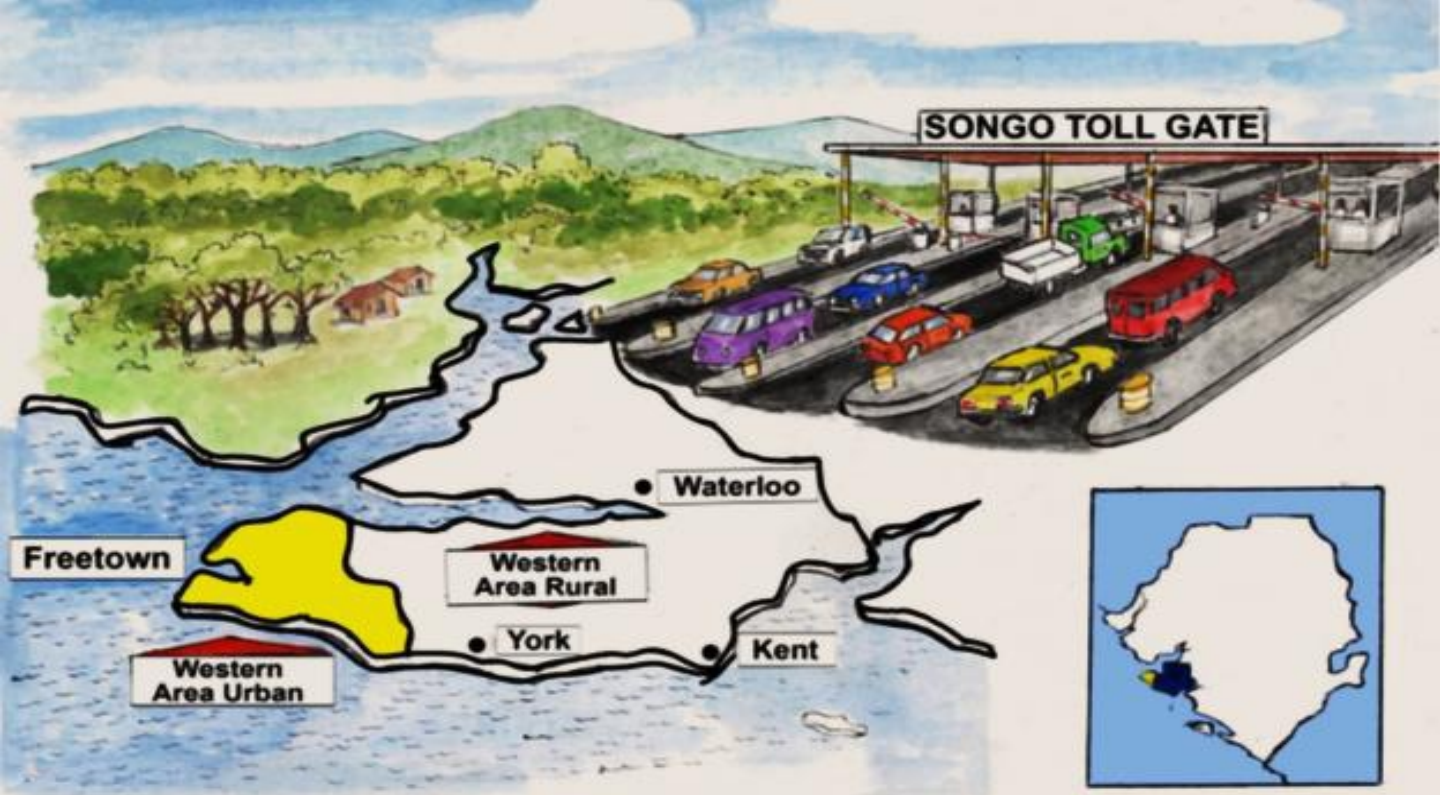
Leone and in 1792 a Nova Scotian ship came with a large number – 1,200 of more freed slaves. Additionally, 551 blacks who had freed themselves from the Colony of Jamaica known as the Jamaican Maroons were brought into the colony in the 1800s.

## 1. Origin of Sierra Leone's Dual Land Governance System

In 1807, the British government abolished the slave trade (internally in the United Kingdom) and in 1808, took official responsibility to protect the territory of Freetown from slave trade mongers and invaders. Britain then took over Sierra Leone as its Crown Colony. The land within Freetown and in Bonthe Island were under the direct rule of the British government while the rest of the land in the provinces was maintained under the customary rule of the tribal kings. There was thus the separation of the land

governance systems – a freehold system covered Freetown and Bonthe Island while a customary system was maintained in the rest of the provinces (now separated by the Songo Toll Gate). This became the source of the dual land governance system that Sierra Leone has to date. Sierra Leone was made part of British-West-Africa, administrative entity of colonies on the 17th October, 1821. In 1896 British authority was extended beyond the colony into the hinterland through a system of indirect rule.





## 1.4. Sierra Leone was granted her political Independence in 1961

After several years under direct rule of Western countries, and as more black nationals became educated and held high positions in governance, a discussion soon ensued about political independence. The call was getting much intense in the English-speaking colonial territories.

In Sierra Leone, one Isaac Theophilus Akunna Wallace Johnson (I.T.A. Wallace Johnson) is recorded as the initiator of the West African Youth League in Freetown in 1938. He mobilised workers into a new trade union against the colonial government. His courage to provide leadership on the basis of sufficient elite knowledge built the first brick for the attainment of political independence, which eventually came to fruition through negotiations. Sierra Leone gained political independence from Britain on the 27th April, 1961, just a year after Nigeria had done the same.

## 1.5. Sudden political turmoil following Independence and the civil war in 1991

The start of Sierra Leone's political instability that has today affected its social and economic growth, can be traced back to a few years after independence. The first multi-party election was held on the 25th May, 1962. The Sierra Leone Peoples Party (SLPP) candidate, Sir Milton Margai, emerged as the winner and the first Prime Minister of Sierra Leone. Sir Milton Margai died in 1964 just after a short two-year rule. He was succeeded by his half-brother, Sir Albert Margai, who ruled from 1964 to 1967. Sierra Leone's political upheaval started under the rule of Sir Albert Margai over several disagreements with the opposition. The country passed through several chaotic events, including some successful, attempted and failed coup d'états. Some of the key events are recorded below:



- In 1967 first successful coup by Brigadier David Lansana, the Commander of the Republic of Sierra Leone Military Forces (RSLMF).

- On the 23<sup>rd</sup> March, 1967 a Mutiny by a group of senior military officers named as National Reformation Council (NRC) arrested Brigadier David Lansana and suspended the constitution. Their chairman was Brigadier A.T. Juxon-Smith.

- In 1967 another counter coup by a new group of army officers called the Anti-Corruption Revolutionary Movement (ARM) overthrew the NRC and restored constitutional rule by organising fresh elections in 1968.

- In 1971 (failed coup) and 1974 (Planned, but exposed coup) – both leaders were arrested, tried and executed.

- In 1971 a Republican Constitution was adopted which changed the position of Prime Minister to President.

- In 1976 the All Peoples Congress (APC) cabinet appointed Siaka Stevens as the first president of the Republic of Sierra Leone.

- In 1977 – a national parliamentary election was held in which the APC won 74 seats and the SLPP 15 seats. There was also a major students strike and several incidences of instability.

- 1978 – Siaka Stevens succeeded in pushing for the enactment of a one-party State constitution, making Sierra Leone a One-Party State.

- 1st of May, 1982, the first one-party-state elections were held. The elections were marred by a high spate of violence. The government ended up cancelling election processes in thirteen constituencies, in all of which, by-elections were conducted.

- For the first time, the new cabinet appointed by the president was fairly balanced.

- 1st October 1985 a referendum was held that made Major General Joseph Saidu Momoh president, and successor to Siaka Stevens who had ruled Sierra Leone for 18 years – both as Prime Minister and President.

- President Momoh was inaugurated in May, 1986.

- 1st of October, 1991 President Momoh succeeded in restoring a multi-party system through a new constitution.

- 3rd March 1991 Corporal Foday Sankor, leader of the Revolutionary United Front (RUF) rebelled launched their first attack on Sierra Leone.

- 29th April, 1992, President Joseph Momoh was overthrown in a coup by a team of soldiers called the National Provisional Ruling Council (NPRC), led by Captain Valentine Strasser.

• On the 16th of January, 1996, Strasser's Vice, Julius Maada Bio, overthrew him in a palace coup. Bio oversaw a general election that was held in April 1996, which was won by the former United Nations (UN) worker, Ahmed Tejan Kabba.

- 27th May, 1997 President Ahmed Tejan Kabba was overthrown by another group of army officers under the Armed Forces Revolutionary Council (AFRC) with Maj. Johnny Paul Koroma, as their leader.

- Johnny Paul Koroma ruled for 10 months after which the Nigerian led ECOWAS army, the Economic Community of West African States Monitoring Group (ECOMOG),

intervened and restored President Kabba to office in March, 1998.

- 6th January, 1999, another unsuccessful coup attempt was made by the RUF rebels when they reached Freetown for the first time. They caused one of the worst human atrocities in Freetown during their attack.

- Several attempts to broker peace between the rebels and the Government had failed, until the Lome Peace Accord in 1999.

- Disarmament, Demobilization followed and the civil war was officially declared over on 18 January 2002 by President Kabba.

- Following the war was a high need for reintegration, rehabilitation and reconstruction and overall renewal of democratic governance.

**• Disarmament, Demobilization followed and the civil war was officially declared over on 18 January 2002 by President Kabba.**



*As a sign of corruption, the land of a poor single parent being sold out to a wealthy woman who is paying a lot of money*

### 1.6 Corruption and Discrimination as the basis for Sierra Leone’s Political Instability

The tension that arose after political independence was granted, was largely underpinned by greed and selfishness. People wanted to be in charge since by that time, several minerals were already discovered in Sierra Leone. When finally political stability was assured, a high rate of corruption, nepotism, regionalism, deprivation and discrimination against minority and marginalised groups all contributed to a society of grief and animosity. (TRC Report, 2004). The Truth and Reconciliation Report, 2004, also identified that the youth and other Sierra Leoneans who took up

arms to fight against the State were among those who were mostly deprived by the bad governance and the poor management of the country’s natural resources – including its land. Influenced by other people, deprived and marginalised youth agreed to take up arms against their State and their leaders. This resulted in a prolonged war that lasted for over a decade. Many people were killed, houses burnt, properties destroyed and there was a total shut down of the economy. Those youth didn’t also have the time to attend schools and to learn any skill.

**The Truth and Reconciliation Report, 2004, also identified that the youth and other Sierra Leoneans who took up arms to fight against the State were among those who were mostly deprived by the bad governance and the poor management of the country’s natural resources – including its land.**





*Community leaders sharing resources received from the sale of land and other minerals, but not allowing youth to participate and benefit.*

## 1.7. The Land Reform Effort



Sierra Leoneans who were old enough to witness those difficult periods the country went through, may have never wished for its occurrence. All they wanted was change. Therefore, when the civil war, which had brought untold suffering on many Sierra Leoneans, was declared officially over in 2002, there was a national resolution for a total transformation. There was an urgent need for many things – political, social, and economic, transformation.



*The Reform in Land was made to be inclusive and participatory of all the relevant actors – both from the provinces and at national policy level.*

To achieve this heart desire, there was need to change the existing 'bad laws', re-organise the public institutions, create new ones and make new laws. This is what is referred in development as 'reform'. It can be a legislative reform or institutional reform and can happen in one sector such as land or in several sectors at a time.

Land reform here means the formulation of policies and legislation to change the existing narrative in the land governance sector.

So, around 2010, effort to have Sierra Leone's first National Land Policy was initiated. By 2014, Sierra Leone had endorsed the VGGT and FAO had



*Effort was made to explain the content of both the National land Policy and the new Customary land Rights Act to the public*

introduced a project that supported the VGGT implementation. Through the guidance of the VGGT, Sierra Leone reviewed its draft national land policy, leading to a widely acclaimed National Land Policy, 2015 which was officially launched in 2017. The National Land Policy needed to be transformed into law. Therefore, by 2018, consultations were already going on for two land bills. In August 2022, those bills were passed into law and signed by the President in September, 2022.





# The Customary Land Rights Act, 2022

**Being an Act to provide for the protection of customary land rights, the elimination of discrimination under customary law and the management and administration of land subject to customary law and other related provisions.**

## 1.8. Definition of key words in both the Customary Land Rights and the National Land Commission Acts, 2022

1. **An Authorized Officer** – Means an officer of a Chiefdom Council Committee, the National Land Commission or an officer of the Environmental Protection Agency or the National Protected Area Authority.
2. **Bye-Laws** – rules formulated and adopted by communities to govern their land and natural resources.
3. **Chiefdom Council Committee** (simply called the Chiefdom Council) – Refers to the collective authority of the paramount chief, other senior chiefs and persons of note drawn from the chiefdom.
4. **Chiefdom Land Committee** – A committee comprising the paramount chief, land owners and land users in the chiefdom responsible for the management of land and natural resources. At least 30% should be women.
5. **Community** – Refers to any geographically demarcated settlement as village, chiefdom, town or city.
6. **Community Land** – Means any land owned by the people of a particular community, or any piece of land set aside in a community for public use.
7. **Community Member** – Any human being residing in a community over a period of time, regardless of whether they were born there or not. Women married to their husbands or other tribe members and (legal) immigrants residing in a community are all community members.
8. **Community Livelihood** – Means the activities that the people of a community depend on to support their everyday life. Example, farming, mining, fishing, hunting etc.
9. **Customary Land** – All the parcels of land outside the Western Area of Sierra Leone, and under the rule of customary laws in the provinces.
10. **Customary Land Rights** – Refers to all the primary rights of all the customary land owners to exclude (put aside), transfer, transact, bequeath (donate, give freely), manage and make other decisions about land.

**11. Land** – Includes the physical surface of the Earth, the geology of the soil where minerals are found, the surface covered by water body (rivers, seas, lakes, and ocean) wet lands (swamps, lagoons), forest and the space.

**12. Government Land** – Also known as ‘State Land’. Government lands are all the lands that are owned by the Government of Sierra Leone. These lands may have been acquired from agreements, treaties or conventions. All the lands acquired under the Public Lands Act are Government lands. These lands include (i) shores; (ii) beaches; (iii) lagoons; (iv) creeks; (v) rivers; (vi) estuaries and (vii) other places and waters belonging to and acquired by the Government

**13. Family Land** – A family, by the definition of the National Land Commission Act, is a group of people who trace descent from a common ancestor or persons who have married into the family. The land that is owned by this group as a unit and administered by the head or an appointed person by the family members, is family land.

**Note:** *Both the Child Rights Act, 2007 and the Devolution of Estate Act, 2007 recognise an adopted child as a member of the family.*

**14. Public Land** – These are all lands set aside for the use of the public. They may contain public facilities such as schools, health facilities, recreational centres like football field, etc. Technically, all public lands should fall under government land since they are not private lands. But the slight difference is that, the ownership of public lands can be vested in a local council, a chiefdom council or a village. Some public lands are jointly managed by the government and some specific entities. Example, football fields are jointly managed by the government or local councils and the professional body managing football. Most times, the government acquire private lands for public use. Once that happens, the land is neither a private land nor a State land. It becomes a public land. Facilities on public land can serve primary public use and secondary private use. For instance, the land on which a government hospital is built serves the primary public use for health and sanitation. The secondary use can include everybody’s right to access the facility. The same for right of way and the secondary right to watch football on a public football field. No citizens can be deprived from those rights, but the land cannot be used for any other purpose other than the primary purpose it exist for.

**15. Private Land** – Any land that is not a government or State land, is private. Community lands are private land, and the State cannot exercise ownership and control over a community land without the consent of the community people. All lands owned by institutions (religious organisations, investment entities), families and other entities are private lands.

**16. Communal or Community Land** – Any piece of land or an area that is owned and managed by a community, is a community land. The key word is ‘community ownership’. Such land may include a swamp (wetland), forest or societal bush, (a) grazing field for livestock; market areas, grave sites, or such a land that holds a community infrastructure like community school etc. No individual – not even the chief – should singlehandedly decide what should be done on a community land. Every decision about the land should be made by majority of the adult males and females of the community.

**17. Customary Land** – These are all the lands in the provinces of Sierra Leone (outside Freetown and the Western Area). These lands are administered by customary law, and also now governed by the Customary Land Rights Act, 2022;

**18. Basic Map** – This is the document that the surveyors (or para-surveyors) will produce after surveying your land. The survey process will require, going to the bush/land itself, marking all the natural features like rocks, rivers, roads, tress, land scape, hills etc. The surveyors will then draw a map which will show exactly the layout of the land. The Basic Map will be signed (certified) by a licensed surveyor before it is recorded in the cadastral system at the District Lands Commission;

**19. Lease Agreement** – This is a signed contract between the land owner (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. For every land-based investment, this agreement should be first signed. Unfortunately, some of the lease agreements for the existing investments were signed with the Government. Under the Customary Land Rights Act 2022 and the Mines and Minerals Development Act 2023 , all land lease agreements must be signed by the landowners.

**20. Paralegal** – This person is not a lawyer, but must have completed basic training and acquired key competencies and qualifications in land-related legal services. These services may include assisting landowners and communities in the registration of land and property rights and supporting them in the preparation of legal documents required for land registration. These paralegals will have to be authorised by the National Land Commission to perform such exercise.

**21. Para-surveyors** – They are similar to paralegals, but their main support area is for surveying of land in the provinces. They are not qualified licensed surveyors, but they should have some basic qualifications and trainings in cadastral surveying and land demarcations. They are to work with landowners and communities to prepare basic land maps for registration.

### **Customary Land**

These are all the lands in the provinces of Sierra Leone (outside Freetown and the Western Area). These lands are administered by customary law, and also now governed by the Customary Land s Rights Act, 2022.



## PART 2

### CUSTOMARY LAWS AND NON-DISCRIMINATION

#### What Was the Situation before?

As discussed above, discrimination against some set of people based on their tribe, political, social and economic status, race etc. was the cause of the prolonged conflict that Sierra Leone experienced.



*A Krio man from Freetown being told he could not own land in the provinces of Sierra Leone.*

For instance, by the provisions of the now repealed Provincial Land Act, 1927, Creoles (Krios) were prevented from owning land and other property in the provinces. Some customary laws also prevented non-indigenes coming from other parts of the country from owning land and other property (such as plantation) in some parts of the country.

**What change is in the law?**Part II, Section 3 of the Customary Land Rights (CLRA) 2022 has given the right

to all citizens of Sierra Leone to acquire any customary land in Sierra Leone. This means that, every Sierra Leonean now has the right to buy land, “beg for land” as a gift or get it through any legal means as long as the land owning family or the community is willing to sell/ give out as a gift. Section 4 states that no citizen of Sierra Leone shall be prevented from acquiring land based on their gender, tribe, religion, ethnicity, age, marital, social or economic status.





*A non-indigene was discriminated and he took the matter to Court.*

The law further assures that the Government of Sierra Leone will guarantee and preserve all customary land and further ensures that no citizen is

denied the right to access or transfer land based on their gender, tribe, religion, ethnicity, age, marital, social or economic status.

**The law now gives right to all citizens of Sierra Leone to acquire any customary land in Sierra Leone.**

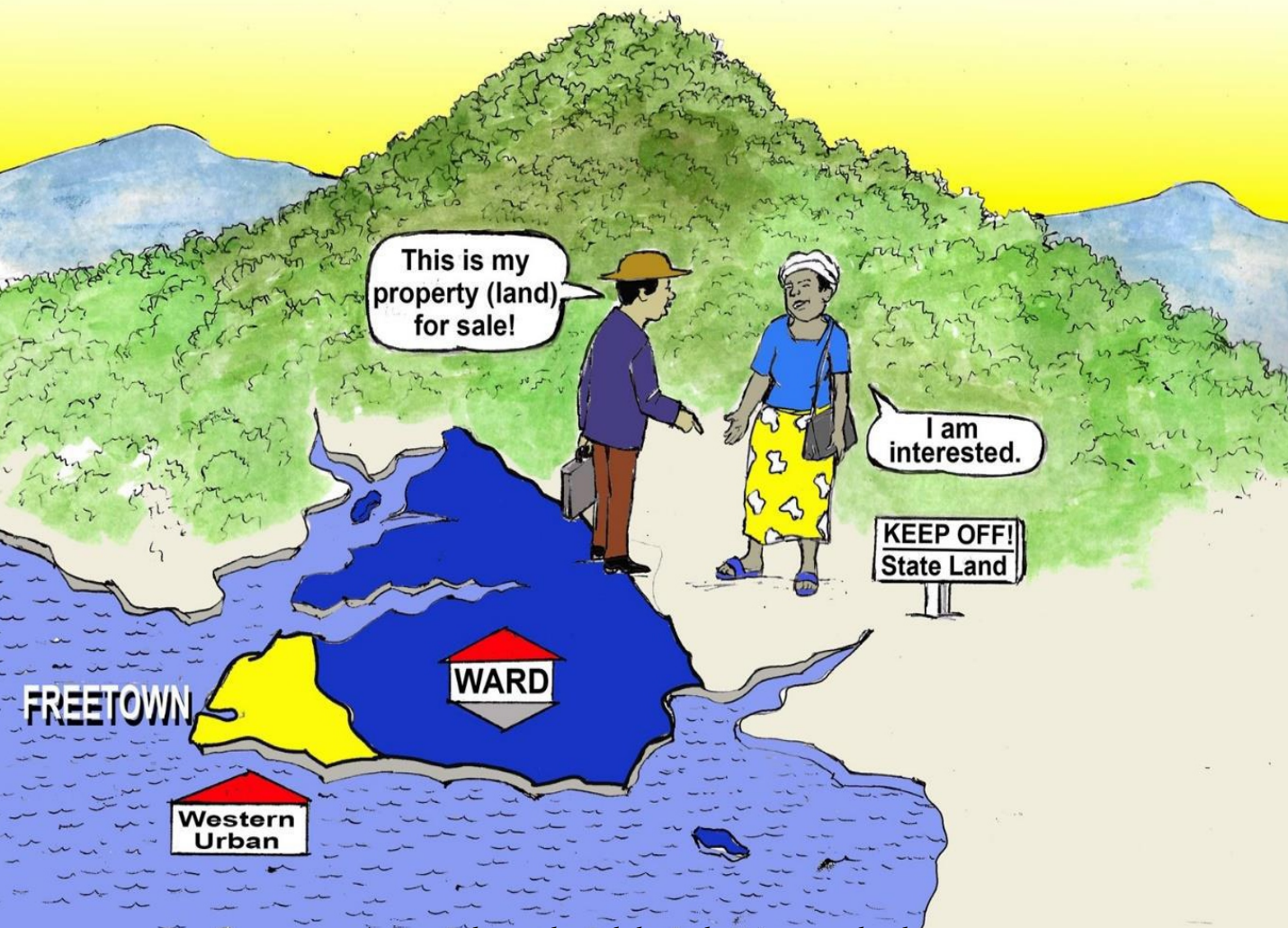
# PART 3

## GENDER EQUALITY

### What Was the Situation before?

Before this law, and even now, in most communities, women and female members of families and communities do not have the same rights and authority as men to own land and use it freely as theirs. They would have to depend on their husband or male relatives to benefit from their family or community lands.

In most extended families, once a woman gets married and leaves her home, she no longer has right to the land and property of her father, except when her brothers and other relatives decide to be generous to her.



*A woman being denied the right to acquire land*

### What change is in the law?

Part 3, Section 5 of the Customary Land Rights Act, 2022 says both men and women now have the same right to own hold, use, sell, inherit, succeed to or deal

with land in Sierra Leone.

It further says that any customary law that denies that right to women or that prevents women from owning land anywhere in Sierra Leone, is null and void.





*A woman granted the right to register land as her property  
at the District Land Commission*

### **Joint property of couples to be registered in their joint name:**

Section 6 of the CLRA provides that a land acquired by husband and wife or persons considered to be in a domestic cohabitation relationship (according to the Devolution of Estate Act 2007), should be registered in their joint names. Note that their joint names may include the first names of both the man and the woman. *Eg. Property of Mr. Apha and Mrs. Kadiatu Koroma.* Equal ownership also applies to family land for male and

female family members (Section 7). The following are the additional key changes to note in the Customary Land Rights Act on gender equality:

**Fair Sharing of joint property upon dissolution of marriage or legal cohabitation** – (Section 6 (2a) – The key word is ‘FAIR’. This should not be misunderstood for EQUAL shares. The clause in section 6 (2a) says:



*Some family members who attempted to ask a widow out of her husband's family land are being arrested.*

“the surviving spouse in the case of "a dissolution shall be entitled to a fair disposition of any land acquired during the marriage". Upon death of one person, the appropriate provisions in the Devolution of Estate Act, 2007 shall apply.

**Surviving spouse has the right to continue to live and enjoy, and benefit from the FAMILY land of his/her deceased partner** as long as he/she did not re-marry outside that family.

A minimum of **30% of representation** of women in every chiefdom or village-area land committee.

**Equal opportunity** should be granted to both male and female members of the family in all land related matters.

Lease rent for family and community land to be **shared equally** between men and women members of the family and community.

**Equal opportunity** should be granted to both male and female members of the family in all land related matters.

## PART 4

# CHIEFDOM COUNCIL COMMITTEE AND FAMILY LAND TITLE (Sections 9 – 12)

### What Was the Situation before?

The Chiefdom Council Committee is simply referring to the ‘Chiefdom Council’ the main governing body of the every chiefdom, headed by the Paramount Chief. This body, previously known as the ‘Tribal Authority’ in the 1927 Protectorate Land Ordinance (CAP122), held custodian control over all the lands in the provinces.



*Chiefdom Council Providing Oversight Role through the Chiefdom Land Committee*

Varying customary practices and rules existed across the districts. Unfortunately, some of those customary rules were not favourable for some people, especially vulnerable people like women and minority tribes. In some districts, the chiefs held a very strong grip over all the lands in their chiefdoms, with little freedom for families and communities to exercise their rights of ownership.



## What change is in the law?

Section 9 of the Customary Land Rights Act 2022, now says that the Chiefdom Council provides an oversight responsibility over family land in their respective chiefdoms through the various land committees. Families now have the rights of ownership over their lands.

### 1.9. Management of family land under the Customary Land Rights Act, 2022

**Land Title** is a document that proves the right of ownership. The name of the family as a unit should be on the family land title. For example – Property of **Massaquoi Family**; (section 10).

Members of Land owning families to **manage their land in a responsible manner**, considering the rights and interests of all their family members and the future generations;

Persons acting on behalf of land-owning families **shall not act unilaterally** (without consulting other members) and should be accountable to other members.

For any transaction to be made (such as selling, leasing, mortgaging or giving out the land as a gift), **at least 60%** of the adult members of the family must agree with documented evidence of consent.

Any such evidence shown to prove that families have given out their land, must have the **written informed consent signed** or with thumbprints of those family members who gave their consent.

Following their consent, family members can **set up a negotiation committee** to negotiate with an investor or anyone interested in going into a land transaction with the family;

The Negotiation Committee shall include the head of the Family and a **fair representation of both male and female members** of the family.

A copy of any land transaction must be given to the head of the family to keep **on behalf of his/her family**.

The Paramount Chief or his/her representative shall, on behalf of the Chiefdom Council, **sign and stamp all family land deal documents** as a means of certification.

All family land transactions that have been certified by the Paramount Chief shall be **registered at the District Land Registry**.

(Part 5, section 15) A land-owning family can grant **seasonal, indefinite, short-term, long term or any type of tenancy** recognised under customary law.

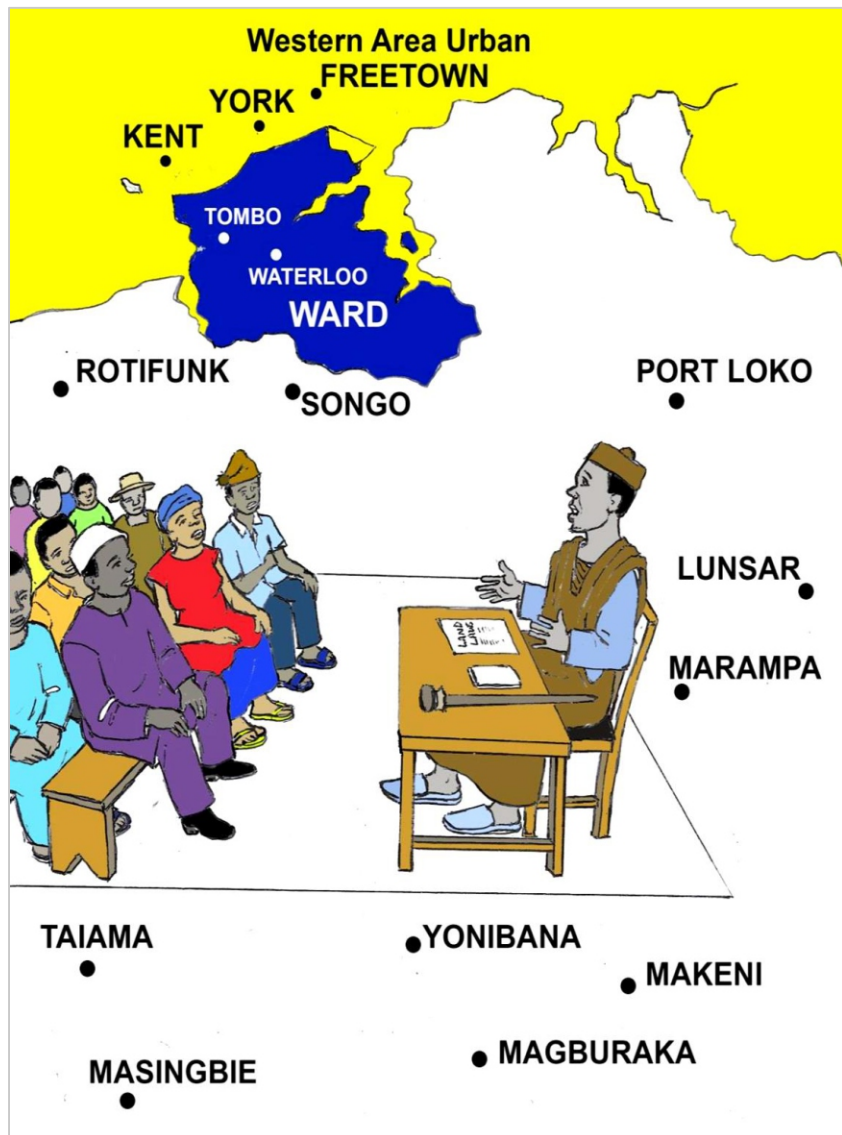
## PART 5

### COMMUNITY LAND (Sections 13 – 19)

#### 1.10. What Was the Situation before?

Varying customs used to exist across the districts. In some districts, it could be very difficult to identify community land. In other districts, every land belonged to the community. However, while these variations existed, the real problem was about the rights of ownership, and accountable management. In the districts where all lands were said to be owned by the communities, it would be a set of few people – maybe from the chieftom council or the leaders – who take the major decisions. Unfortunately, most of the decisions ended up affecting every member of the community.

For example, some chiefs had allowed cattle rearing along the path of the only source of drinking water. The animals ended up polluting the only drinking water source which led to a breakout of disease in that community. Similar situations have happened in mining communities.



#### 1.11. What change is in the law?

Under the Customary Land Rights Act, a land which everyone agrees is a community land – belonging to a village, town or the chieftom as a whole, will be registered in the name of the village, the town or chieftom as a unit. Further to that, every member of that community shall have access to the land and shall benefit from the resources that come from the community land.

## 1.12. TENANCY UNDER CUSTOMARY LAW

Families can lease their land on seasonal, indefinite, short-term, long term or any type of tenancy recognised under customary law; (Part 5, section 15).

On the contrary, community land cannot be leased for an indefinite period;

A long-term tenancy for commercial purposes shall also not exceed an initial 50 years and shall have an option for renewal for a term not exceeding 21 years. Note that this applies both for community and family land.

Lease rent for long term period shall be revised every 5 years and the revision should take into consideration key economic factors, such as inflation rate (especially if the lease is paid in the local currency-Leones).

The appropriate government institutions shall work with the respective land committees to support land acquisition process.

**Pledge** – This is when land is used as collateral security in any transaction, which can only be recovered when obligations are settled. If families want to pledge their land, that land **MUST** first be registered (in the name of the family).

## 1.13. PUBLIC LAND

This includes any land that has been set aside for public purposes. It may include a graveyard, marketplace, school, grazing land, reserved land for future use, etc.

If a land is declared as a public land, that land is automatically under the control of the Town or Village Area Land Committee for its management.

If the Village-Area Land Committee is not established in any village, the Chiefdom Council shall manage their lands using the bye-law of the Chiefdom Land Committee.

**NOTE: It is not explicitly stated in the land law, but communities and families can decide to trust the decisions of the representatives of these institutions or not, and can choose to negotiate by themselves or request the service of other private institutions or CSOs.**



## PART 6

# PROTECTED, CONSERVED OR ECOLOGICALLY SENSITIVE AREAS

(Section 20 – 23)

### What Was the Situation Before?

Sierra Leone has faced considerable challenges in its conservation efforts. Forests and other precious ecologies that were meant to be protected have been invaded and destroyed. These wrongdoings are facilitated in many ways – sometimes by communities, but also largely carried out by highly influential stakeholders who collaborate with certain public institutions. The State also contributed to the depletion of many forests when it officially endorsed the cutting down and exporting of timber from the wild.

There was also confusion and overlap in the laws so that when one public institution was interested in protecting the green scenery and other valuable economy, another would be interested in the minerals in its soil or in the foreign exchange that comes from exporting its wood for timber. This act has drastically reduced the size of conserved areas in Sierra Leone.



*Deforestation*

## What change is in the law?

Part 6, Section 21 has proposed that an authorised officer of the government shall ensure that no mining, plantation, farming, housing or any other development activity takes 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*.

The law further provides that:

**‘...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’.**

*(Part VI, Section 22)*



*An offender caught causing harm to a protected area*

The law further empowers communities and their Chiefdom Councils to protect all ecologically sensitive areas in their communities and chiefdoms. Communities and chiefdom councils can adopt customary rules to protect ecologically sensitive areas found in their communities.



## PART 7

# CUSTOMARY LAND RIGHTS AND RESPONSIBLE INVESTMENT

(Sections 24 – 42)

### What Was the Situation before?

This part is about the type of relationship that existed between land-based investors and the communities and families that owned the land. Before the CLRA the process of land acquisition was not guided by any international standards. The approach was based on the provisions in the old colonial laws. Through that process, an investor would sign a land lease agreement with the Central Government in Freetown without sufficient consideration for the communities and families that own the land in the rural areas.



*Few stakeholder sharing lease rent, blocking the youth and other people from participating*

Communities were not sufficiently consulted and even when they were, their opinions didn't matter much. Land owners didn't have the right to say no to an investment that they didn't like. Youth employment was directed to the relatives of few key stakeholders who had strong influence over the operations of the company.



In the end, investment activities were imposed on communities. And when that happened, the investments faced several conflicts with land owners and other groups. Most times, lives were lost and valuable properties were destroyed in those conflicts.



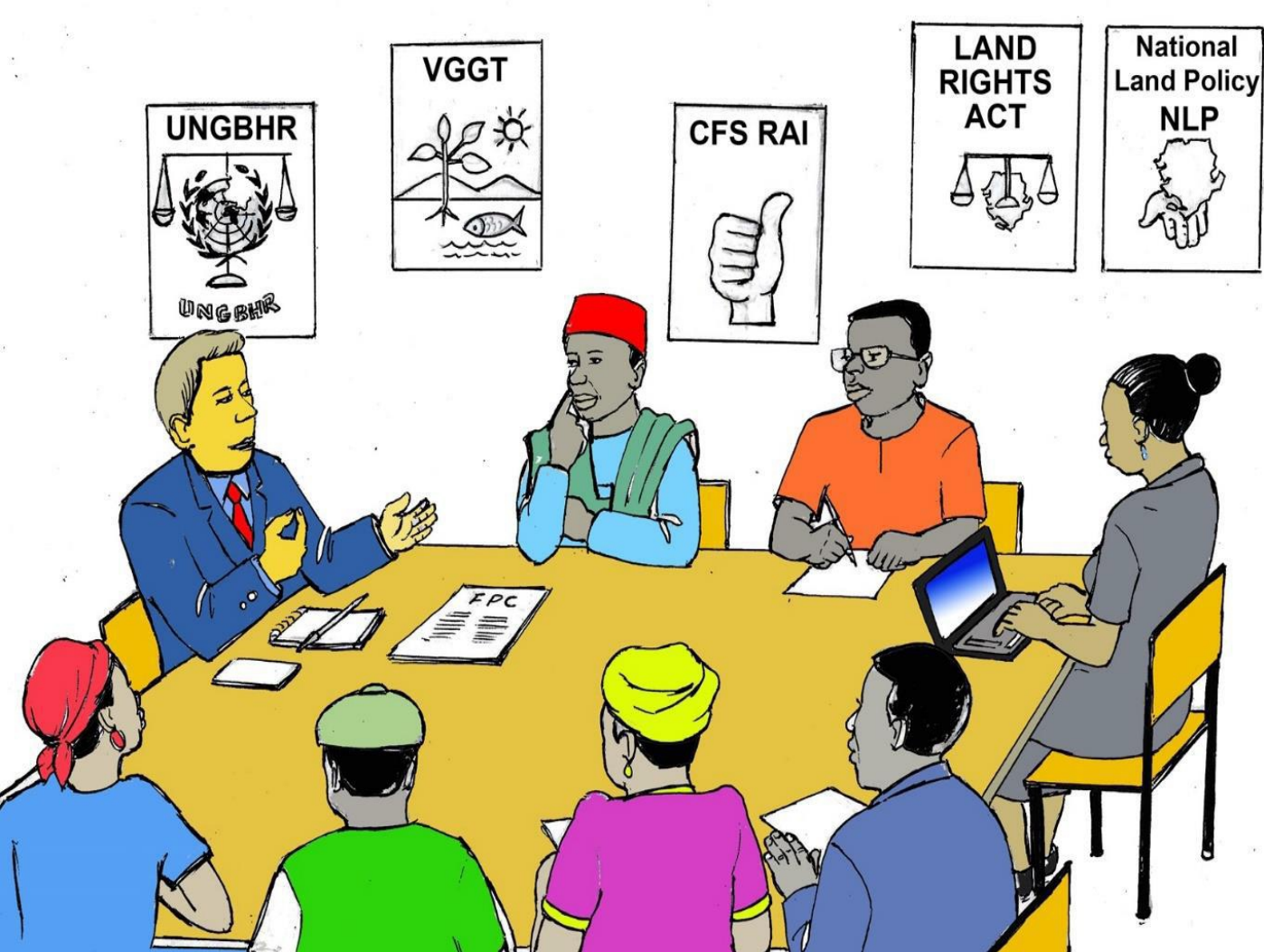
*Aggrieved communities resorted to violence in the past when they felt that an investment was not meeting their expectations*

## **What change is in the law?**

Several changes have now been made by the Customary Land Rights Act, 2022.

For instance, the law clearly states that:

***An investor wishing to invest on any land subject to customary law shall comply with processes and procedures set out in this Act and procedures set out by the body responsible for national investment. These processes and procedures are in line with several human rights standards and within the framework of the UN Guiding Principle on Business and Human Rights.***  
(Section 24)



*The process of being a responsible investor – Respect national laws and international standards.*

The following are detailed out from Part 7 of the Customary Land Rights Act, 2022:

**1. No Investment in a Protected Area -**

except when the investment complies with the condition set out in the appropriate regulatory government agency (EPA, NPAA, NMA, Fisheries etc) (Section 25).

**2. No indefinite lease-hold for foreign investment -**

A non-citizen or foreign company shall not acquire a lease hold interest in land subject to customary law for an initial period exceeding 50 years, with an option for a 21 year renewal. (Section 26 (1), Section 15(3)).

**3. Compulsory minimum of 10% share to be retained by citizens** in all land-based investments, and land owners to be prioritized (Section 26 (2-3)).

**4. The Maximum land to acquire INITIALLY** for Agriculture is 15,000 hectares, for mining is 10,000 hectares; and for any other investment is 5000 Hectares; (Section 27(1)).

**5. If there is a competition between a citizen's owned company and a foreign company over a specific piece of land, priority shall be given to the company owned by citizens;** (Section 27(4)).

6. Land leased out automatically reverts to the community or the land-owning families **if the investor fails to utilize it after 5 years**;

7. Government and community leaders are obliged to **prevent land stress caused by investment** (land stress is when communities lease out all or a very large

portion of their lands and are left with insufficient land for farming and other livelihood activities).

8. An investor should **allow animals to graze and communities to use the portion of land** leased out but not yet in use.

## 2. INFORMED CONSENT (Free Prior and informed Consent – FPIC)

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

9. If the land is a community land, a fair representation of the community must sign 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 Chiefdom Council. (section 32).

10. 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 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.



*The land owning families and communities should have the opportunity to meet with the investor directly.*

**11.** Families and communities can seek for legal service and other professional services from the government.

**12.** Lease agreement should be signed directly with the land owning families (in the case of family land) and communities (in the case of community land), certified by the appropriate authority within the Chiefdom Council and registered with the District Land Commission.

**13.** While land owners and communities are free to negotiate the terms of their lease agreement with the investor, there are some conditions set out in the Second Schedule of the Customary Land Rights Act, 2022 that must be part of those terms;

**14.** Lease terms agreed with land owning families and communities to automatically include all gender, environmental, social and health

investment licenses obtained from a government agency and all other conditions that the investor made to other stakeholders (eg, financiers).

**15.** No land can be leased out for investment except it is registered with the District Land Commission.

**16.** The investor is obliged to provide alternatives to common resources that are affected by his/her investment in the community (eg, drinking water sources, grazing land and other livelihood sources).

**17. Minimum Rate** – The government will set a minimum rental rate below which no investor shall pay for a piece of land, but families and communities can ignore that amount and negotiate for a higher rate. Any minimum rate set by the government is subject to review after every 5 years;

**18. Compensation for loss of crops** – the investor must pay a special payment for any crops on the land which the owners will lose. The amount to pay should be in accordance with rates set by the relevant government agency or the market value.

**19. Independent Survey** – Land owning families and communities can undertake or commission an independent survey to determine the size of their land to be leased, if they are not satisfied with the one provided by the investor; (section 40).

**20. Bank Account - Land owning**

families and communities should set up bank accounts (based on families and communities) with signatories selected from among them. The investor is obliged to pay lease rents directly into those bank accounts of families and communities,

**21. Participatory survey and demarcation** – Demarcation of land and other survey processes should be done with the full participation of the families and communities whose lands are being leased. These families and communities can also independently verify the survey result in case they have any doubt.



*When all the rules set out here are adhered to, happy communities and the investor can dance.*

**No land can be leased out for investment except it is registered with the District Land Commission.**

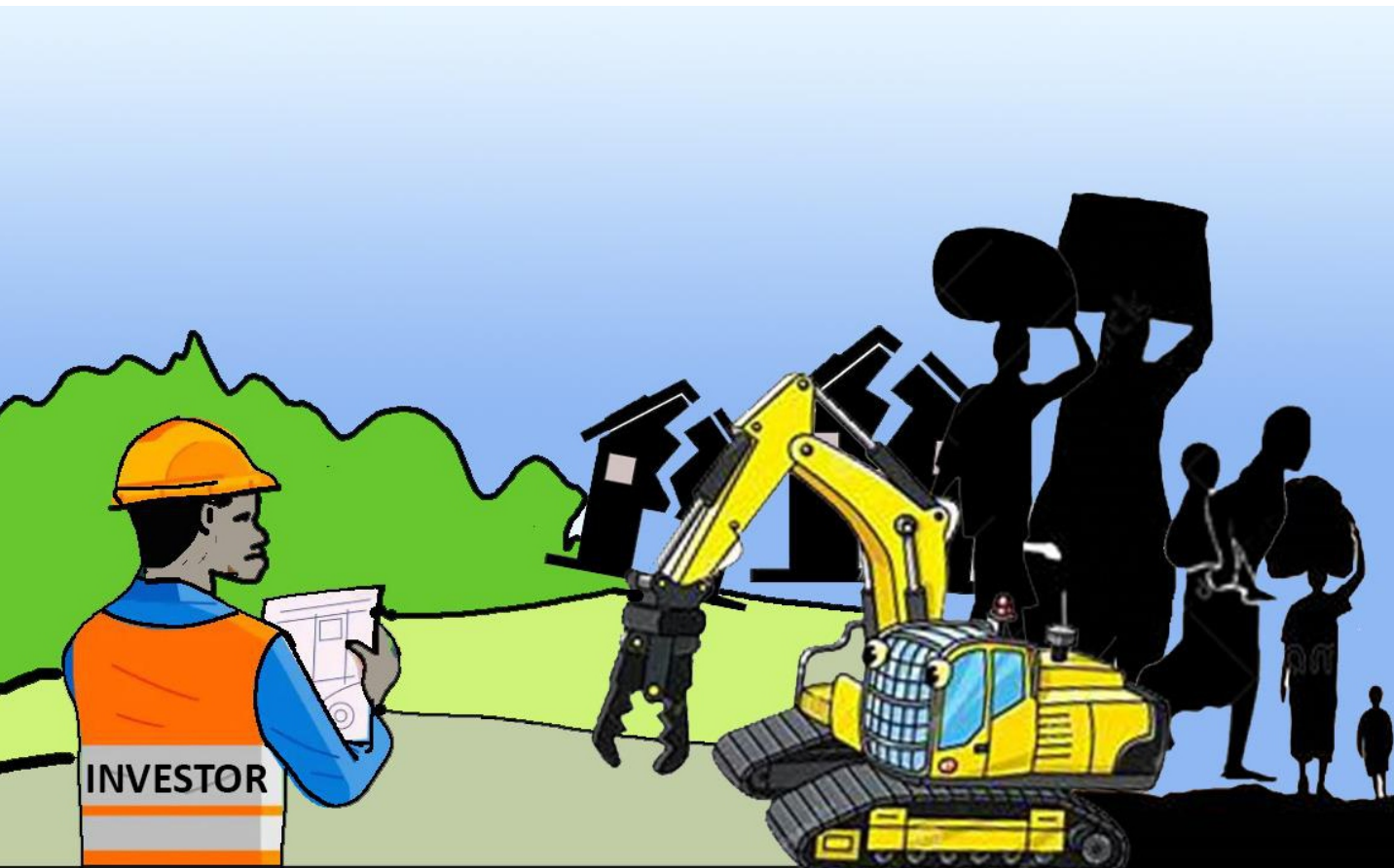
## PART 8

# INVESTMENT INDUCED DISPLACEMENT AND RESETTLEMENT

(Section 43)

### What Was the Situation before?

By description, investment-induced displacement can happen when the whole community or part of the community is resettled to another area because the investment can no longer co-habit with the people. This may arise because of safety issues or the convenience of movement and operation of the company's machinery. On the other hand, investment-induced displacement may also happen when some people –usually youth, women and community champions - are persistently harassed by their local authorities or the management of investment companies and subsequently forced to relocate to another chiefdom or other cities.



*Investment induced displacement or resettlement*

Though these two case scenarios are true descriptions of what an investment-induced resentment or displacement means, it is important to clarify that this part of the law is talking about the first scenario – where a whole community or some parts, is moved to another location because of the operations of a company.



Under both circumstances, there are several cases across the country where communities have been resettled or forced to relocate to new areas because they were enclosed by an investment and safety concerns were being raised. What is however significant to note, in almost all the cases, the people are only informed about the possible relocation when the investment is in full operations. It is always impossible for communities to resist the decision for resettlement, as in all the case, the State takes the lead in facilitating the process.

### **What change is in the law?**

Overall, the Customary Land Rights Act has indicated that all land-based investment negotiations should be done in a way to avoid any need for resettlement and displacement of people.

However, should the need for resettlement be unavoidable, the following conditions are stipulated:

- i.** The investor should justify the reason through a study, scenarios or other means that the displacement and resettlement are unavoidable.
- ii.** It is part of the information that the investor should provide during land deal negotiation (when trying to obtain the informed consent of land owners) in Section 28, landowners and affected communities should also be informed about the possible unavoidable resettlement, and the people must have given their free, prior and informed consent to the resettlement plan. This must also be approved by the government through the responsible ministry.
- iii.** Where such information is not provided, the investor shall only be allowed to carry out resettlement of communities during the lifespan of the investment when there is real and present danger to the life and livelihood of the community.
- iv.** An investor who flouts these rules has fundamentally breached the lease agreement with the people.
- v.** The investor shall be responsible for the full cost of the resettlement.
- vi.** During any consultation for resettlement, greater emphasis is laid on youth and women (Section 43 (8)).
- vii.** The investor shall conduct a comprehensive socioeconomic baseline study in advance of any displacement and resettlement and submit to Government and the community, a Resettlement Action Plan (RAP) for approval and action.
- viii.** Communities should be convinced that the resettlement will not lead to the deterioration of their social and economic living status – eg, lack of access to much needed social amenities. If such is anticipated, the Resettlement Action Plan should have clear mitigation plans.

**ix.** If the Resettlement Action Plan has a commitment for prompt payment for loss of crops or any other valuables or if this is later demanded by the land owners and agreed to, no resettlement shall happen until these payments are made and other immediate actions are undertaken.

**x.** 5 year guarantee for new infrastructure built in the new location and the investor shall be responsible to replace any damage arising from use of substandard materials or poor workmanship;

**xi. No-batch Resettlement -**

Resettlement not to start until all the structures have been built in full and certified fit for habitation and use, by both Government and an independent assessment. This is important to avoid communities being divided through batch settlement and the remaining people are never resettled.

**iv.** An investor who flouts these rules has fundamentally breached the lease agreement with the people.

**v.** The investor shall be responsible for the full cost of the resettlement.

**vi.** During any consultation for resettlement, greater emphasis is laid on youth and women (Section 43 (8)).

**vii.** The investor shall conduct a comprehensive socioeconomic baseline study in advance of any displacement and resettlement and submit to Government and the community, a Resettlement Action Plan (RAP) for approval and action.

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The investor shall conduct a comprehensive socioeconomic baseline study in advance of any displacement and resettlement and submit to Government and the community, a Resettlement Action Plan (RAP) for approval and action.

### GRIEVANCE REDRESS (Section 44)

#### What Was the Situation before?

Grievances do arise from land administration in several ways. They could be as a result of boundary disagreement between two land owners or one influential person using his/her influence to take undue advantage.

The overall cause of grievances is mostly related to land corruption. Land corruption generally refers to all the inconsistent actions that lead to one party feeling deprived, marginalised or badly treated. The State can also cause grievance when it uses the State power to acquire land by force or when the government refuses to pay the required compensation following expropriation of land. (*Expropriation refers to the decision of*



*Conflicting parties expending resources to hire the service of lawyers to represent them in the formal court of justice*

Grievances can also arise following legal court cases. The court decides to fine one party and compensate the other. This normally leads to deep-seated grudge and malice between the conflicting parties.



## What change is in the law?

The Customary Land Rights Act recommends that land tenure disputes are directed to the various land committees that are set up – Chiefdom or Village-Area as the case may be.

### AGR The Due Process



*An ideal setting for conflict mediation through Alternative Grievance Redress (AGR) Process.*

The following steps are further recommended in the law:

**i. Land Committees to Formulate Bye-laws** – through which they shall mediate land-related cases to address grievances.

**ii.** Aggrieved party who does not feel satisfied with the decision of a lower land committee can take their cases to the next level (eg., From village to

Chiefdom). But the superior committee should not interfere with a matter still being mediated at a lower level.

**iii.** If a matter is brought against an investment company, the officers of that company are obliged by the law to cooperate with the mediation process (Section 44(5)).

**iv.** Complaints of a special nature such as environmental or mining-related, shall be

directed to the Environment Protection Agency or the National Minerals Agency, as the case may be.

v. If a party to a case decides to withdraw their matter to seek justice at a higher level or somewhere else, their decisions should be respected without any grudge or malice and they should not suffer any adverse consequence because of that decision;

vi. Any decision that the grievance redress committee has reached, should be delivered in writing to the conflicting parties. Copy should be kept for future reference;

vii. An aggrieved party who is not satisfied with the decision of the grievance redress committee may seek redress at the local court.



*Conflicting parties embracing themselves following a successful Alternative Grievance Redress Process.*

**The Customary Land Rights Act recommends that land tenure disputes are directed to the various land committees that are set up – Chiefdom or Village-Area Committee as the case may be.**

# PART 10

## MISCELLANEOUS PROVISIONS (Sections 45 – 48)

This last part of the Customary Land Rights Act, 2022 is on repeals.

To avoid overlap of laws and confusion, the following laws and some parts of other laws have been repealed:

- a. The Provincial Land Act, 1960 – which has its basis to the Protectorate Land Ordinance, 1927 (also popularly known as CAP 122), which had recognised tribal Heads (and Chiefdom Councils) as custodians of customary land;
- b. Amendment of Section 18 of Chiefdom Council Act, 1960 – which had prevented towns and villages from going to court to seek justice without the approval of their Chiefdom Council or Paramount Chief. With that law being repealed, villages and towns now have the right to take legal action without the approval of the Chiefdom Council.

**Note:** *Repeal means that, those laws are no longer in effect and will not be recognised in the courts of Sierra Leone and nobody should reference them.*

## THE NATIONAL LAND COMMISSION ACT 2022

**Being an Act to provide for the establishment of the National Land Commission, the District Land Commission and other land Administrative bodies to secure effective and holistic land administration and to provide for other related matters.**

### GENERAL INTRODUCTION

The National Land Commission Act is an institutional law. This means that, the main purpose of the law is to provide clear guidelines on the establishment of a new land governance institution called the National Land Commission and the following sub-structures:

- a. District Land Commissions in all the districts of Sierra Leone,

- b. Chiefdom Land Committees in all the 190 chiefdoms of Sierra Leone and
- c. Village/Town-Area Land Committees in all the villages and towns of Sierra Leone.

The National Land Commission shall have a secretariat in Freetown.



# THE NATIONAL LAND COMMISSION



*Proposed secretariat of the National Land Commission in Freetown*

The **National Land Commission** is established by the National Land Commission Act, 2022. The Commission exists as a legal public institution and can sue or be sued, hold and dispose of property and enter into contract. The functions of the commission are many, as detailed in Section 4 of the National Land Commission Act, 2022. These functions can be summarized into the following:

**a. Establish and Manage a Land Information System** – this covers all the processes that would enable the government to have comprehensive

reliable data of all the lands in Sierra Leone.

**b. Regulate Surveys and cadastral System** – The Commission is to devise a method through which anyone can obtain the qualification as a licensed surveyor in Sierra Leone and to further establish methods through which all surveys and cadastral data obtained by surveyors are accurate and reliable.

**c. Monitor to ensure Compliance of land sector actors** - The Commission will act through established structures to promote effective land management

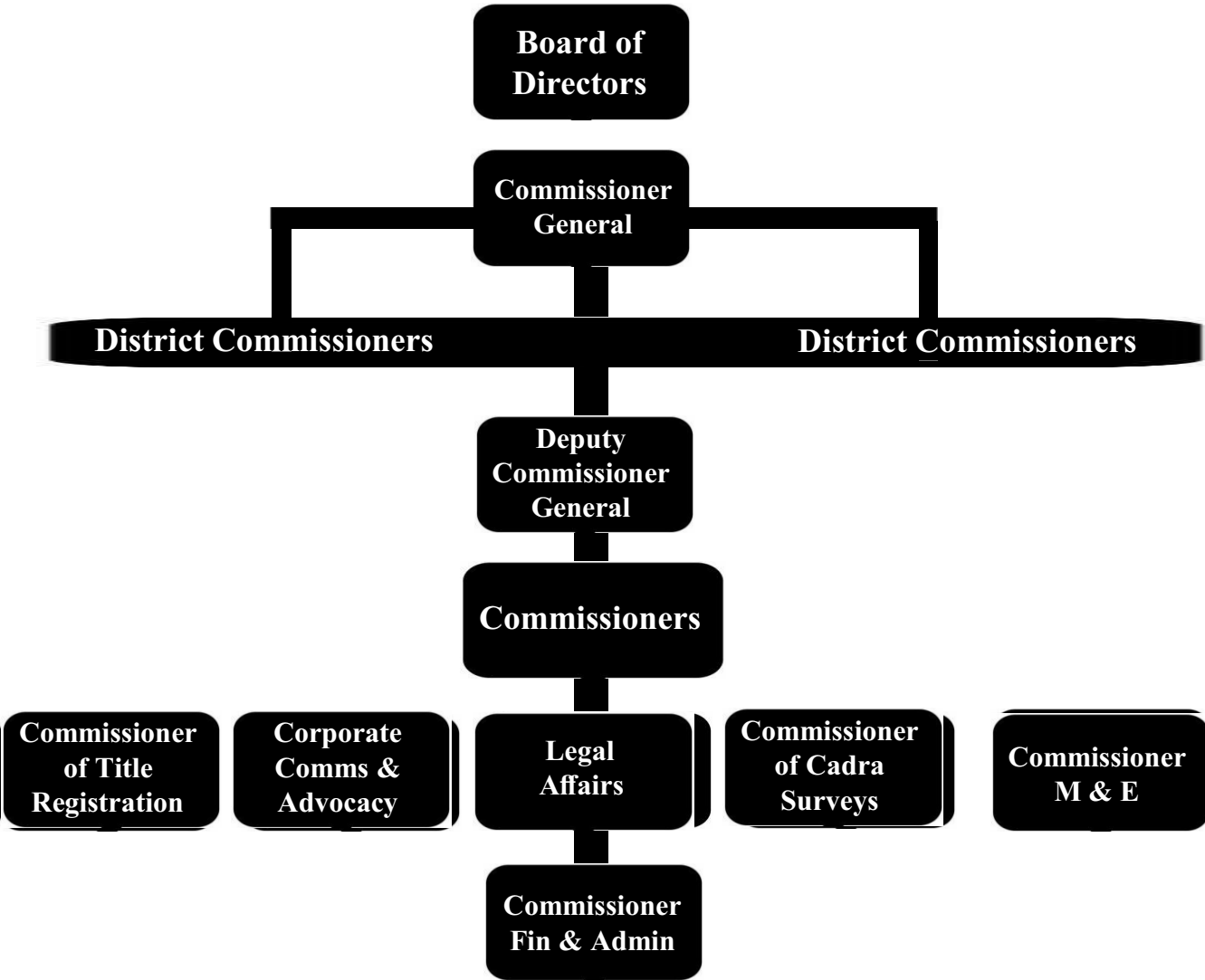
ecosystem in Sierra Leone.

d. Support CSOs and the sub-national structures to address grievances. If

There are grievances, the Commission will act through those structures to address those grievances.

### 1.14. Structure of the National Land Commission

The National Land Commission Act, 2022 has provided for an ideal structure for the National Land Commission. This structure is illustrated in an organogram below:



*Organogram of the National Lands Commission*

As shown above, the National Land Commission is made up of the following structures:

**a. A governing Board** – Chairperson appointed by the President. The membership comprises stakeholders from the ministries, department and agencies whose mandate relate to land, private sector professionals and civil society . The representatives from civil society , Council of Paramount Chiefs and the Commissioner General and deputy are appointed by the President, subject to approval of the Parliament.

**b. The Secretariat of the National Land Commission** – The Secretariat is the proposed working space of the National Land Commission. The national secretariat is in Freetown and each district land commission will have a secretariat.



*An illustration of the proposed secretariat of the National Lands Commission*

The National Land Commission Secretariat shall have the following key stakeholders:

**a. Commissioner General and a Deputy Commissioner General (DCG)**

- The Commissioner General is the head of the entity, assisted by the Deputy Commissioner General.
- They are both nominated by the President on the advice of the Minister of Lands, subject to the approval of Parliament.



- They are responsible for the implementation of the decisions of the Board and to manage the overall operations of the Commission.
- They work from the National Land Commission Secretariat in Freetown;
- There is an obligation that either the Commissioner General or the deputy should be a woman.

### **1.15. Commissioners;**

- They are the various heads of departments working under the supervision of the Commissioner General and the Deputy Commissioner General.
- There shall be a Commissioner for each of the following departments:

**(a) Commissioner, Title Registry;**

**(b) Commissioner, Legal;**

**(c) Commissioner for Cadastral Index Mapping Department;**

**(d) Commissioner for Monitoring and Evaluation Department**

**(e) Commissioner for Corporate Communication and Advocacy**

**(f) Commissioner for Administration.**

- The Secretariat of the National Land Commission can also decide to add any department as deemed necessary and that department shall have a commissioner as head. However, this should be approved by the Board.

### **1.16. The District Land Commission**

- Each of the 14 provincial districts shall have a District Land Commission;
- The District Land Commission shall be headed by the District Land Officer,
- There shall also be heads of the various units and support staff;
- The District Land Officer and the other heads of units shall be appointed by the Board, but the support staff 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 Land Commission shall have a secretariat with the following units:

**a. Title Registry Unit;**

**b. Alternative Dispute Resolution Unit;**

**c. Cadastral Index Mapping Unit.**

- The Commission can decide to establish any additional unit at the District Land Commission;
- The District Land Commission is responsible to rollout all the functions that the National Land Commission is established to implement in the respective districts.

### **3. The Title Registration Unit of the District Land Commission**

This is an important unit that shall lead the land title registration process in the district.

### **4. Alternative Dispute Resolution Unit of the District Land Commission**

- This unit is singled out because of its relevance in resolving land conflicts in the district.
- The unit is to be headed by a legal practitioner with a minimum of 5 years' experience;
- Given its function, it is expected that the unit will work with other structures in the districts such as the District Multi-Stakeholder Platforms on Land (DMSP), CSOs, paralegals, the Legal Aid Board, the local courts and the Magistrate's Court.

### **1.17. The Chiefdom Land Committee**

- Each chiefdom in Sierra Leone shall have a Chiefdom Land Committee; with a primary function to manage communal land and to support the government and other authorities to enforce the sustainable management of lands and natural resources;
- Section 45 of the National Land Commission Act, 2022 has vested all the communal lands in the Chiefdom Land Committee
- The Paramount Chief of the chiefdom shall be the Chairman of the Chiefdom Land Committee or his/her nominee;
- The composition of the Chiefdom Land Committee shall include:

- **The Chairman**

- ii. One land owner from each section appointed by the Village-Area Land Committees in that section;
- iii. One land user (who is not a land owner – such as a farmer), appointed by the Village-Area Land Committees in that section
- iv. Each Chiefdom Land Committee should have a minimum of 30% female representation.

### **1.18. Village/Town-Area land Committee**

- Each town of village (as an area) shall have a land committee known as the Village/Town-Area land Committee;
- The chief of the village/town shall be the chairperson of the Village Land Committee;
- Each Village-Area Land Committee shall be made up of the town chief and 7 members:
  - i. The chief as the chairperson;
  - ii. 4 resident landowners elected by two-third majority of the adults in the community;
  - iii. 2 resident non-landowners elected by two-third majority of the adults in the community;
  - iv. The section chief or nominee shall be a member of all the Village-Area Land Committees in his/her section.
- Each Village Area Land Committee shall have a minimum of 30% female representation;

- Ownership of all the communal land in the village is vested in the Village/Town Area Land Committee of the village or town.

### **1.19. 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 lands and other resources in their village, town and 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 or towns that have not adopted their own bye-laws.

The Chiefdom Council shall manage the lands in all the villages and towns that have not established their own land committees.

### **1.20. The National Land Registry**

One of the overall aim of the land sector reform is to promote effective land management. The sure way to that is to have a 'national land registry'. This is a comprehensive land information system into which all land titles and other instruments shall be registered.

The World Bank and other partners are supporting the establishment of this land information system. Once set up, the basic map and cadastral plans of all the parcels of lands will be digitized and registered into the system. It is intended that the data will be uploaded on a website and for people to be able to access from anywhere in the world. The Ministry of Lands and the National Land Commission shall jointly set up the management procedure for the land information system once it is set and made functional.

There shall be a Chief Registrar at the National Land Commission to lead the land title registration process.

The District Land Officer (mistakenly indicated in section 62 as the District Land Commissioner) shall be the District Land Registrar.

The following are some of the instruments that the land information system shall record:

- b. ownership;**
- c. leasehold and other possessory interests;**
- d. mortgages and other liens (granted rights);**
- e. encumbrances (claim of rights); or**
- f. other proprietary, possessory, or use rights recognised under customary law.**

- The National Land Commission shall ensure that the information in the land registry shall be accessible to the public through electronic or any other means.

### **1.21. Registration of Customary Lands**

- The registration process for lands in the regions of Sierra Leone (known as customary



lands) is briefly described in Part 9, section 65 of the National Land Commission Act, 2022.

- The Government is in the process of legislating a more comprehensive law to cover this process.
- Section 70 (1) – The National Land Commission Act states that the Commission shall determine the cost, time and manner of land registration;
- Section 70 (3) of the same act states that the registration fee shall be reduced or waived for persons whose monthly income does not exceed the minimum monthly wage. This reduced cost and the conditions for waiver, shall be periodically reviewed.
- Cost of the registration of land shall not be prohibitive – this means, Government shall ensure that the registration cost is not so high that it cannot be afforded by the ordinary Sierra Leones preventing them from registering their lands.

## **1.22. Registration of Family Land**

The following rules are set out in the current law on the registration of family land:

- a. The family, through support from para-surveyors, shall prepare a basic map;
- b. The neighbouring land owning families must sign a boundary harmonization agreement;
- c. Trees and other natural features should be used to mark and demarcate the land boundary.

## **1.23. Registration of Community Land**

- a. The community prepares and adopts rules for the use and management of the community land;
- b. The community prepares a basic map for the land;
- c. The community then establishes a Land Committee
- d. The neighboring towns and villages sign a boundary harmonisation agreement
- e. Trees and other natural features used to mark boundary.

## **1.24. Registration of Individual Land**

- a. The individual hires a surveyor or para-surveyors to prepare a plan or basic map of the land area;
- b. The basic map or plan and other supporting documents (known as instrument of transfer) are taken to the Paramount Chief or a designated member of the Chiefdom Council to endorse after landowner has signed;
- c. The signed copy is taken to the District Land Commission for registration
- d. *Note:* It is therefore expected that before the paramount chief signs the instrument of transfer, he/she must have vetted all the boundary issues and ensured that the seller is the true owner of the land.

## **1.25. Instrument of transfer.**

This is the document that proves that ownership or use rights or other rights of a

particular piece of land has been transferred from one person to the other. Such an instrument of transfer must be endorsed by two people:

- a. The designated person within the Chiefdom Land Committee
- b. The Chief Administrator of the District Council

- Land title document or any instrument of transfer shall be registered by the District Land Commissioner if they are not endorsed by these two people.

Determining tenure rights

- A title deed, customary land title certificate, lease agreement, etc are documents that will show evidence of tenure rights;
- Where these documents are unavailable, the Commission shall determine the kind of oral testimonies to accept before any right is registered;
- Section 67 (3) says; "Except where the right or its registration was obtained by fraud or dishonesty, earlier registered rights shall be considered superior to later registered rights".
- However, section 69 has clarified that Non-registration of any land subject to customary law shall not invalidate title or ownership of the land. Meaning if a family or a community is not able to register their lands, that does not deny them their right of ownership.

## **1.26. Land Adjudication Tribunals to address land disputes**

- Part 11, section 78 of the National Land Commission Act has proposed that the Commission shall establish a sub-committee in each of the Chiefdom Land Committees 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;
- Parties who feel dissatisfied with the decision of the Land Adjudication Tribunal shall appeal to the Local Court within one week, otherwise, the Tribunal shall grant the right to party so determined as the lawful owner, and this shall be registered in the registry at the District Land Commission;
- The membership of the Land Adjudication Committee shall comprise of 3 members:
  - a. one member of the Chiefdom Land Committee who shall serve as the Chairperson; and
  - b. two other persons selected by the Chiefdom Land Committee (one shall be a woman and one must be a literate to keep the records of the Adjudication Tribunal).

## **1.27. Private Investor to establish Field-level grievance Redress Mechanism**

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 process.

The person so appointed should use diversified means to redress grievances and should maintain a grievance register;

An aggrieved person who does not feel satisfied with the decision of the investor-led grievance redress process can appeal to another grievance redress committee;

The investor is obliged by sub-section 4 of Section 80 to cooperate with community-level land tenure dispute resolution bodies when implicated in complaints before these bodies.

## **OTHER LAND GOVERNMENT LAWS UNDERWAY**

The Government of Sierra Leone, under the Ministry of Lands, Housing and Country Planning, with support from the World Bank through the Sierra Leone Land Administration Project, has proposed the enactment of five (5) laws. These are:

- 1. The Land Registration Act**
- 2. The Survey Act**
- 3. The Land Adjudication Act**
- 4. The Public Lands Act and**
- 5. The State Lands Act**

The Government has already drafted the first three laws. Wider nationwide consultations have taken place. The legal consultant will review the draft to have a second draft which will be reviewed before they are sent to the Law Officers Department for processing into bills.

The bills from the Law Officers Department will be approved by the Cabinet and gazetted.

Once gazetted, the Minister of Lands, Housing and Country Planning will take the bills to the House of Parliament for enactment.

Parliament will have to approve before the laws are assented by the President.

## **SUMMARY NOTE ON THE PURPOSE OF THE PROPOSED LAWS**

### **1. The Land Registration Act**

This law is intended to provide a more detailed legal guidance on the methodology that the National Land Commission shall adopt to record ownership of and other rights to lands and register them in the national land register .

### **2. The Survey Act**

The Ministry of Lands is still relying on the Survey Ordinance, a colonial era law to



govern survey processes in the country. Everyone has the understanding that this law is outdated. With modern tools and new methods for land survey and with the institutional reforms taking place, it has become imperative to enact a new survey law. The draft bill has already proposed several new ways that the government will govern survey processes in the country. One proposal is the establishment of a Surveyors Council which will now lead the process of accrediting and determining the conditions under which people can gain a license as a surveyor, for them to be called ‘License Surveyor’.

### **3. The Land Adjudication Act**

This law is meant for a single purpose – to enable the systematic registration of all lands across the country in the national land register. It will allow for thousands of lands to be registered and title documents issued within a short space of time.

### **4. The Public Lands Act**

We have defined public lands as all the lands that are set aside for public use. Some may have public facilities already existing on them. The Government will rely on this law to protect existing public lands and to also set out a clear process for acquiring public lands and the determination of compensation.

### **5. The State Lands Act**

State lands are the direct government lands that exist across the country. As narrated in the history, the entire Freetown and environs were once declared as State land. Although private individuals have successfully attained their legal documentations for the private ownership of most of these lands, there are still large areas that are State lands. Though people may have occupied some of these lands, without the legal documents, they are State lands. The government plans to use this new law to protect those lands across the country and to set out a clear process for citizens to acquire State lands.

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# LAND FOR LIFE

Dialogue for Change

Sierra Leone



**NMJD**  
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*Produced by :*

**Land for Life-SL** and partners, in collaboration with Technical Working Group for the implementation of VGGT in Sierra Leone.

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**With funding support from**  
*The German Ministry of Economic Cooperation  
through Welthungerhilfe*

