

## SIERRA LEONE LAND ALLIANCE

**Policy brief 02**

### POLICY BRIEF



### THE URGENCY OF LAND REFORMS IN SIERRA LEONE

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## **INTRODUCTION**

Institutional framework for land administration and management being a whole set of services that make the land tenure system in Sierra Leone socially, ecologically and economically relevant and operational has generally failed to operationalise the general functional components of land administration i.e. juridical, regulatory, fiscal, cadastral and adjudicative, efficiently. This is because land administration structures and infrastructures are perceived as factors external to the land tenure system itself. Consequently, institutional arrangements for land administration and management have been made a means of land accumulation. Thus, its capture and control by un-progressive politicians in a predominantly land-based economy has created a general reluctance to reform, privatize or re-engineer land administration structures and infrastructure to conform to the public good.

Worse still, as a country we lack the technology and expertise to operationalise many of the functional components relevant for land administration. For instance despite our attempt to build capacity, we have not fully developed an operational Land Information System or a dynamic adjudicative mechanism. The effect of this situation is that the land administration and management system in Sierra Leone is plagued by:

- Substantial disuse
- Bureaucratic complexity
- Managerial opacity
- General inefficiency
- High transaction cost

All reform review processes i.e. the three Commissions of Inquiry into the public Land acquisition and distribution 2020 report, the review on the 1991 Constitution and the establishment of the Constitutional Review Commission reports, The Truth and Reconciliation Commission and the National Land Policy Consultation Formulation Process have concluded that the land administration and management system in Sierra Leone lacks transparency and effective institutional arrangements to deal with public land and customary/community land. The general public perception is that the institutional management and land administration arrangement currently in place are corrupt, over-centralized and remote from the land and resource users. Given the chaotic manner in which land is managed by various sectors due to legal overlaps and ambiguity, institutional rivalries and operational overloads the national mood is that institutional arrangements must be overhauled as it is responsible for many ails afflicting the Land and Natural resource sector today.

### **The Rationale and Operational Principles for the New Institutional Framework for Land Administration and Management in Sierra Leone**

The rationale and operational principles for the new institutional framework for land administration and management of an overall land reform process that is long overdue as part of the proposed new institutional arrangements are based on the recommendations of the National Land Policy 2015 report and the Constitutional review Committee report 2016 and the current medium term national development plan 2019-23, the three documents recommended the radical re-structuring of the land administration and management system as part of an overall land reform process that is urgent and long overdue. They all stress the need for an integrated institutional arrangement for a delivery system that includes a wide range of service providers, with a mainstreamed monitoring and evaluation system. The new institutional framework proposed is to be based on the following principles:

- Coordination of land delivery system within the envisaged devolved levels of government and devolved land administration and management system to the success of the land policy
- Government, where appropriate, must enter into partnership with the private sector, and the Civil Society as a sure way of facilitating cooperation in the implementation of the land policy
- A monitoring and evaluation system to track the progress of implementation of land policy measures and to provide timely feedback to new institutional framework operatives and the public is a key element in ensuring that policy measures are able to achieve their intended goals.

The goal of the new institutional framework is to ensure that the land administration and management system, however structured, is organized, operated and maintained to:

- Protect and guarantee the security of all categories of tenure
- Keep all categories of land rights (whether individual, communal or public) clear and unambiguous
- Provide a robust framework for the marketability (transfer and transmission) of different species of land rights, in specific cultural and economic contexts
- Facilitate the sustainable regulation and management of all categories of land (public, private and community)
- Provide an accurate and easily accessible land information system.
- Avail socially acceptable mechanisms for the expeditious and cost-effective resolution of land disputes.

The design of the new institutional framework for land administration and management envisages a new structure or structures that are:

- Grounded on the principle of stakeholder participation
- Legally autonomous
- Fully devolved to the lowest levels of public/community administration
- Accessible and accountable to the public
- Transparent and devoid of bureaucratic malaise
- Able to acquire, manage and process the technologies required for an up-to-date land administration system.

## **KEY POLICY CONCERNS AND RECOMMENDATIONS**

### **1. Establishment of a National Land Commission**

In line with recommendations of the Constitutional Review Committee report and attendant new Chapter on Lands, Natural Resources and the Environment and the policy provisions of the National Land Policy for the establishment and the functions of the National Land Commission, as a lead agency in land administration and management is well laid out. However, the functions to be assigned at each level to which the institution will be devolved depend on the system of public administration envisaged in the new Constitutional dispensation yet to be agreed upon. Therefore, the National Land Policy recognition of the decentralization of the functions and authority of the National Land Commission to create the District land Committee, Chiefdom Land Committee and the Village Area Lands Committee, as a necessity for the efficient and effective delivery of land reform will only be practical with a devolved and democratic constitutional system in place. The efficient

and effective delivery required of the National Land Commission will be possible if the land reform agenda empowers it to create the widest possible land reform implementation capacity through funding, contracting and building capacity of service providers at devolved levels, the private sector, and the Civil Society sector.

## **2. Transformation of the Ministry of Lands, Housing and Country Planning**

Achieving the goal of the new institutional framework for land administration and management requires the transformation of the Ministry of Lands, Housing and Country Planning from a traditional public service entity to one that is responsive to the land reform environment, service oriented and adequately staffed with skilled personnel. The proposed **Land Reform Transformation Unit** which is supposed to serve as a catalyst for the transformation process would require a new approach that is reform and service oriented. Beyond giving the Land Reform Transformation Unit autonomy, the transformation of the Ministry of Lands requires:

- Redesigning of systems and processes to meet the needs of users of the services of the new institutional arrangements
- Developing service standards which clearly define outputs, targets and performance indicators, as a new integral outfit within the organizational structure and service delivery framework.
- facilitating the organisation of civic education;
- Establish a regular monitoring and evaluation system to improve service delivery in line with the provisions of the National Land Policy.

The new institutional framework for land administration and management aims to transform the Ministry of Lands, Housing and Country Planning by improving the capacity of its staff so as to have committed and non-political sensitive personnel to the needs of Sierra Leoneans, as well as having a strong sense of purpose and contribution to land reform.

## **3. Organizational Structure**

The proposed organizational structure for land administration and management is an effort to overhaul the Ministry of Lands, Housing and Country Planning for the massive task of implementing the National Land Policy and the resultant land reforms. The three tier devolved structure of the new institutional arrangement is meant to enhance the functions of land delivery system. However, there are incoherent links which need to be streamlined such as the link of National Land Commission to Parliament. While the text of the National Land Policy captures it clearly, it is not well laid out in the organogram. Equally, the linkage with other National Agencies like Office of Administrator and Registrar General, Environment Ministry, Environmental Protection Agency, Ministry of Agriculture, Forestry and Food Security, Ministry of Mines and Mineral Resources, Ministry of Local Government and Rural Development, Local Councils, Chiefdom Councils, Courts and traditional rulers, the Private sector, the Civil Society and even UN Agencies, is not clearly laid out.

## **4. Delivery of Land Reforms**

There exist a number of measures required to address the institutional problems and constraints towards the implementation of the National land Policy arrangement for land administration and management. The following are some of the key ones:

- Harmonization of legislations

- Human resource development in the government and non-governmental sector
- Capacity building at community level
- Inter-sectoral and inter-governmental collaboration in National Land Policy implementation.

While it is important to envision working with a wide range of service providing agencies, it is necessary to take cognizance of the other national agencies in land related sector such as:

- Office of Administrator and Registrar General
- Ministry of the Environment
- Ministry of Agriculture, Forestry and Food Security
- Ministry of Mines and Mineral Resources
- Ministry of Local Government and Rural Development
- Environmental Protection Agency
- Local Councils
- Chiefdom Councils
- Courts and traditional rulers.

With the National Land Policy being a guide towards national competency in land sector, it is the responsibility of the central government to ensure a more equitable distribution of land and to support the National Land Commission in ensuring that land tenure and land administration reform is implemented. In general the role that the Commission should take in land taxation matters as that of a co-ordinating body, with clear mandate and authority otherwise its core mandate in land reform would be lost.

#### **5. The millennium challenge cooperation**

The Alliance is concerned over the low rating in the ‘Land Rights and Access’ indicator rating of 24% in the Millennium Challenge Cooperation scorecard report 2020 on Sierra Leone. The Alliance is of the view that the snail-pace stance of the Ministry of Lands, Housing and Country Planning to implement the 2015 National Land Policy and The Voluntary Guidelines on the responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security which would have enabled equal land access, increase land security, establish a National land Commission and improve its capacity and procedures, including property registration and digital storage of land records and increase the efficiency of land use, administration and land transfers undermined Sierra Leones’ poor performance. To address these concerns, we are proposing the following key activities:

- **Decentralization of Land Registry Services:** Provide more convenient and faster services for obtaining legally sufficient proof of landholding rights and for carrying out transactions.
- **Urban Land Titles:** Replace obsolete, slow and expensive administrative procedures to obtain urban land title in a digitalized system.
- **Training and outreach programs-** the aim is to contribute to the on-going land policy dialogue at the national level and to help advance innovative solutions.
- **Clearing the backlog of court cases-** the aim is to significantly reduce land disputes as an obstacle to land access and to begin to establish systems and procedures to deal expeditiously and at less cost with any future land cases, SLLA will collaborate with the Judicial Service to remove the backlog of land dispute cases in courts nationwide.

The long-term success and sustainability of the land administration and management system is to a large extent dependent on the ability of the potential beneficiaries to access the new institutional

arrangements. Providing services close to the local level, where delivery can most effectively take place, requires the strengthening and development of local-level land administration structures.

### **Conclusion**

The government must show a commitment to ensuring the provision of an adequate supply of land and enhancing accessibility to land by enacting and implementing a comprehensive land policy. The establishment of the National Land Commission as a lead agency to administer and manage land matters in Sierra Leone will provide efficient and effective land administration and management structures which are a must for attainment of peace, reconciliation and stability. This institution is also crucial for economic growth, poverty reduction and securing livelihoods for Sierra Leoneans.

The level of political support for the proposals contained in the National Land Policy 2015 report, the Constitutional review Committee report 2016 and the medium term national development plan 2019-23 has been inadequate. The President has not publicly referred to the problems of illegally acquired land since the sacking of Dr. Denis Sandy nor has Parliament secured list of state land distributed to citizens by officials from the ministry. Successive Ministers of Lands since the release of the national land policy have spoken little of its contents. The President and the Speaker of Parliament need to give more attention to the recommendations of the policy particularly now as the management of the sector is in high focus. The new Minister for Lands, Dr Turad Senessie needs to give policy commitments and promise in tackling issues of the policy head on.

Recommendation integrated into the National Land Policy for the establishment of a National Land Commission: “Given the fact that each case of a suspected illegal or irregular allocation of public land must be dealt with on its own merits, it is recommended that a Land Titles Tribunal be immediately established to embark upon the process of revocation and rectification of titles in the country.

### **CONTACT ADDRESS**

John Paul Bai  
Director  
Sierra Leone Land Alliance  
9 Water Street, Main Motor Road, Congo Cross  
Freetown  
Cell: 232-76-619561  
Email: [sierraleonelandalliance@gmail.com](mailto:sierraleonelandalliance@gmail.com)

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