



**LAND FOR LIFE**  
— Dialogue for Change —  
**Sierra Leone**

# **LAND GOVERNANCE AND AGRICULTURAL INVESTMENT IN SIERRA LEONE**

COUNTRY ASSESSMENT AT NATIONAL AND SUB-  
NATIONAL LEVELS

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## LIST OF ABBREVIATIONS

AIAP	Agricultural Investment Approval Process
AfDB	African Development Bank
CA	Country Assessment
CFS	Committee of World Food Security
CFSVA	Comprehensive Food Security Vulnerability Analysis
CSOs	Civil Society Organizations
DFID	Department for International Development
ECOWAS	Economic Community of West African States
EEZ	Eastern Economic Zone
EIPG	Eastern Integrated Power Grid
EU	European Union
EPA-SL	Environment Protection Agency – Sierra Leone
ESHIA	Environmental, Social and Health Impact Assessment
FAO	Food and Agricultural Organization
GAM	Global Acute Malnutrition
GBV	Gender-Based Violence
GDP	Gross Domestic Product
GIS	Geographic Information System
GoSL	Government of Sierra-Leone
HEP	Hydroelectric Power
IGF	Internally Generated Funds
ICT	Information and Communication Technology
IMTF	Inter-Ministerial Task Force
LC	Local Councils
LIS	Land Information System
MAP	Multi-Actor Partnership
MDAs	Ministries, Departments and Agencies
MAF	Ministry of Agriculture and Forestry
MOJ	Ministry of Justice
MLGRD	Ministry of Local Government and Rural Development
MLHCP	Ministry of Lands, Housing and Country Planning
M&E	Monitoring and Evaluation
MoPED	Ministry of Planning and Economic Development
MoF	Ministry of Finance
MTF	Multi-Stakeholder Platform
MTNDP	Medium-Term national Development Plan
MTR	Medium-Term Report
MW	Megawatts
NACE	National Advocacy Coalition on Extractives
NATP	National Agriculture Transformation Programme
NBSAP	
NEC	Northwest-Northeast Economic Corridor
NGOs	Non-Government Organizations
NLP	National Land Policy
NMED	National Monitoring and Evaluation Department
NSADP	

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NUA	National Urban Agenda
OARG	Office of Administrator and Registrar General
PDG	Project Development Goal
PRSP	Poverty Reduction Strategy Paper
PSC	Project Steering Committee
REDD	Reducing Emissions from Deforestation and Forest Degradation
SC	Steering Committee
SDGs	Sustainable Development Goals
SEZ	Southern Economic Zone
SLIEPA	Sierra Leone Investment and Export Promotion Agency
SOLA	Solution for Open Land Administration
SSL	Statistics Sierra Leone
TI-SL	Transparency International
TWG	Technical Working group
UDU	Urban Development Unit
VGGT	Voluntary Guidelines for Responsible Governance of Tenure
WB	World Bank
WAPP	West African Power Pool
WDI	

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## **EXECUTIVE SUMMARY**

Sierra Leone is generally regarded as a low-income country with an economy largely driven by the agricultural and mining sectors, and as high as 57.9 percent of its households depend on agriculture for their livelihoods, undoubtedly underpinning the fact the country mainly depends on land and other natural resources for its socio-economic development.

The country has in the last decades witnessed increasing large-scale land-based investments by competing multi-lateral corporations in the agricultural and mining sectors, with agricultural investment alone occupying about 1 million ha of arable land, mostly fertile land, for food and non-food crops meant primarily for export markets. These investments have had far-reaching adverse consequences for land tenure security, food security and social stability, given the currently weak, and mostly outdated and incoherent legal, policy and institutional frameworks. Particularly at risk are the legitimate tenure rights of rural communities and their basic livelihoods, especially women and youths, who are extremely poor and vulnerable. Further, food poverty is high within and around communities where large-scale land investments are carried out.

The comprehensive food security vulnerability analyses indicated that the food insecurity in Sierra Leone has steadily worsened from 45 percent in 2010 to 53 percent in 2019, with 364,605 people severely food insecure. The negative trend in food security is also being reflected in the Global Hunger Index 2017 in which Sierra Leone was ranked the third hungriest country in the world, with an estimated 38.5 percent of under-nourished population, compared to 28.6 percent in Guinea and 16.2 percent in Ghana.

The systematic and comprehensive country assessment (CA) was conducted within the framework of the “Land for Land” Initiative in an attempt to understand the land governance context and agricultural investment climate as they relate to national food security in the country. The findings of the CA may help support the formulation and effective implementation of policy and institutional reforms required to address the emerging challenges to improve land security and promote responsible large-scale agricultural investments. The methodology adopted for the CA was a combination of (i) desk review of key documents of existing policies and laws; and (ii) semi-structured interviews, and (iii) focused group discussions with pre-identified key informants (KIs) from government ministries, departments, agencies, development partners, INGOs, CSOs, private sectors at both national, district and community levels. Field surveys were conducted in specific chiefdoms in five (5) districts: Port Loko, Tonkolili, Kenema, Kailahun and Pujehun.

The CA shows that food insecurity continues to persist in all the five districts, with Pujehun being the hardest hit, particularly in Malen chiefdom where 80% of residents are affected. The situation in Malen is attributed to the lack of land access as the Socfin Agricultural Company acquired about 68% of the land space in the Malen chiefdom, leaving less than 25% of arable land outside the concession areas.

The mapping analysis further suggests that most of the land conflicts/disputes associated with large-scale land acquisitions for agricultural investments could be attributed to the lack of inclusivity, transparency and accountability during and after the community land lease engagement process, which is mostly facilitated by central government agencies and the paramount chiefs. The issues of contention between land-owning families and investment companies include low surface rent and its unfair distribution, fixed at 12.5 USD; inadequate crop compensation; gender inequality with women denied equal access and control to family land; loss of community livelihoods; unmitigated negative environmental impacts, compromised dispute resolution mechanisms, relocation of communities, lack of employment opportunities and unfilled corporate social responsibility. These investment-



climate constraints, which inhibit both foreign direct investment (FDI) and employment potential, and consequently exacerbate poverty levels and food insecurity in the five (5) rural districts, could be attribute to weak legislative and policy frameworks and lack of enforcement.

However, the government had made significant progress towards legislative and institutional reforms to improve good land tenure governance and promote responsible agricultural investment, which include the gender-based comprehensive National Land Policy and the establishment of the Investment Board under the chairmanship of His Excellency the President. The initial impact and resulting outcomes of these reforms have been encouraging, exemplified by the “Miro community engagement process model” for large-scale land acquisition, and the “Natural Habitat conflict resolution model” for land conflict prevention and resolution.

Further progress could be achieved by strengthening VGGT-modelled multi-stakeholder platform (MSP) framework to foster effective collaboration, coordination and partnership among relevant stakeholders in the land governance sector, particularly at the district and local levels, involving both the CSOs and landowning families. Strengthening MSP using existing local structures could be a good entry point for the “Land for Life” Initiative to support policy and institutional reforms required to enhance land tenure security and promote responsible agricultural investment within the context of national food security.

## 1 INTRODUCTION

The competing demand for land and other natural resources in sub-Saharan Africa has increased dramatically in the last decades, with far-reaching implications for land tenure security and food security. Given the weak legal and institutional frameworks in most countries, the legitimate tenure rights of rural communities and their livelihoods, particularly women and youths, are at greater risk. Sierra Leone has been no exception and has witnessed large-scale land-based investments by multi-lateral corporations in the agricultural and mining sectors. The “Land for Land” Initiative is an attempt to support the formulation and effective implementation of policy and institutional reforms for improved tenure security and responsible large-scale agricultural investments within the context of national food security. There is therefore the need to conduct a systematic and comprehensive country assessment both at national and local levels to understand the specific land governance context and agricultural investment climate as they relate to food security in Sierra Leone.

### 1.1 Objective, purpose and relevance

The main objective of the country assessment (CA) is to describe and analyse the national land governance context for the implementation of the “Land for Life”-Initiative in Sierra Leone. The CA will serve the following purposes:

- a) It will provide the project team with the necessary background information needed to facilitate the “Land for Life”-Initiative in an informed and timely manner;
- b) It will capture baseline data for later impact analysis on perceptions of stakeholders regarding MAP, attitude towards inter-agency collaboration, coordination and land reforms processes;
- c) It will build resonance for the “Land for Life”- Initiative by involving all relevant stakeholders in the elaboration and validation process;
- d) It will provide an opportunity and a means – at the occasion of national multi-stakeholder workshops – to establish a common understanding among relevant actors about four fundamental aspects:
  - the existing policy and legal frameworks with regard to land rights and agricultural investments;
  - the key challenges to be addressed in the area of land governance;
  - the existing institutional structures that govern land and agricultural investments; and
  - the key international, national and local players to be involved in a dialogue process on land governance and agricultural investments, as well as their interests, ambitions and roles.

### 1.2 Context: “Land for Life”- Initiative

The “Land for Life”-Initiative is facilitated in four African countries: Burkina Faso, Ethiopia, Liberia and Sierra Leone. The initiative aims to strengthen or respectively facilitate the formation of multi-actor partnerships (MAP), bringing together different stakeholders to contribute to the formulation and implementation of land governance policies and responsible agricultural investments in line with international standards, in particular the Right to adequate Food (RtF) and the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests within the Context of National Food Security (VGGT). Particular attention is given though to strengthening the capacities of civil society organizations and local communities in the multi-actor partnerships.

### 1.3 Methodology

The first phase of the CA was focused at the national level. The methodology adopted for the CA was a combination of (i) desk review of key documents of existing policies and laws; and (ii) semi-structured interviews with pre-

identified key informants (KI) from Government ministries, departments, agencies, development partners, INGOs, CSOs, private sectors (Annex 1). The final questionnaire developed for the KI interviews, covered issues surrounding food security, land governance, agricultural investment, gender equality and decision making (Annex 5, Instrument A). The interviews were conducted in a face to-face setting and only 2 questionnaires were submitted via email. Twenty-four KIs were scheduled and 20 were interviewed in the different sectors, an 83 percent success rate.

The Second of phase of the CA involved KI semi-structure interviews (KIIs) and Focus Group Discussions (FGDs) conducted at the district, chiefdom and community levels. Five (5) districts were covered, including Port Loko, Tonkolili, Kenema, Kailahun and Pujehun. At the district KIIs were identified by district consortium partners, that included officials from the local councils, MMMR, MLGRD, MLHCP, EPA, ONS, NMA, Magistrate Court, NGOs/CSOs. (Annex5, Instrument B).

At the chiefdom and community levels, both KIIs and FGDs were conducted targeting chiefdom councils, agricultural investment companies, women and youth leaders, CSOs, affected landowners and users. More than 75 respondents in both KIIs and FGDs were interviewed at this level.

## **2 FOOD SECURITY, LAND GOVERNANCE AND AGRICULTURAL INVESTMENTS**

### **2.1 National and Local Food Security Situation**

#### **2.1.1 Socio-Economic Context**

Sierra Leone is generally regarded as a low-income country. The country's economy has largely been driven by the agricultural and mining sectors. The agricultural sector alone employs about 70 percent of the active labour force and contributes to about 40 percent of the country's Gross Domestic Product (GDP). According to the 2015 national statistics, 57.9 percent of the country's households depend on agriculture for their livelihoods. It further accounts for about 10 percent of the country's total exports (SSL, 2017; SSL, 2016). The high proportions of households relying on agriculture undoubtedly underpin the fact that Sierra Leone mainly depends on land and other natural resources for its socio-economic development.

Poverty prevalence has shown fluctuations over the past fifteen years in Sierra Leone since the official end of the Country's thirteen-year civil war in 2002. Between 2003 and 2011 poverty rates dropped by 13.5 percent: from 66.4 percent to 52.9 percent respectively (GoLS, 2013: A4P). However, between 2012 and 2018, the country experienced a surge in poverty by 4.1 percentage points. The current national poverty prevalence rate in the country is estimated at 57 percent nationwide with a higher occurrence of 72 percent in the rural areas. However, the poverty rate in the Western Area (including the Capital City, Freetown) is lower at 18 percent compared to the Northern Region (67.3 percent), the Southern Region (66.8 percent) and Eastern Region (60.9 percent); putting an average poverty rate at 65 percent outside the Western Area. And among all occupational groups in the country, households engaged in Agriculture showed the highest poverty rate of 72 percent - that is analogous to rural poverty (GoSL, 2019: MTNDP).

#### **2.1.2 Food Security Trend in Sierra Leone**

The agricultural sector in Sierra Leone has steadily attracted resources and investments compared to the years preceding 2002, the time the war ended. However, the food security outlook has remained incongruent with the investments made in the agricultural sector. In 2010, the comprehensive food security vulnerability analyses

(CFSVA) showed that 45 percent of households (54% rural and 29% urban) corresponding to about 2.5 million people in Sierra Leone, were food insecure (WFP/CFSVA, 2011; WB and SSL, 2014). In 2015, the food security situation further worsened as result of the impact of the Ebola crises and economic downturn due to fall in iron ore export prices. As a consequence of these twin shocks, food insecurity increased by 5 percentage point to about 50 percent corresponding to 3,186,187 people, representing half of the population in the country. Between 2010 and 2015, the number of people who were severely food insecure increased by 60% from 2010 to 608,000 people in 2015 (WFP/CFSVA, 2016). In August 2019, food insecurity has further worsened stated at 53 percent with 364,605 people severely food insecure (WFP/FSMS, 2019).

Nutritional status of many children is also poor but unlike the food security situations in the country, nutritional trends are showing signs of improvements. In 2010, Global Acute Malnutrition (GAM) was 6 percent nationwide. About 35 percent of children under five years suffered from chronic malnutrition, and 10 percent were severely stunted (WFP/CFSVA, 2011). However, in 2017, Global Acute Malnutrition (GAM) decreased to 5.1% translating to 47,861 wasted children nationally; acute malnutrition fell to 1 percent in children under the age of five with severe stunting remained at 10 percent (GoSL, 2017). The Global Hunger Index 2017 ranked Sierra Leone as the third hungriest country in the world, with an estimated 38.5 percent of under-nourished population, compared to 28.6 percent in Guinea and 16.2 percent in Ghana (GoSL, 2019: MTNDP).

Food security has shown to largely correlate with poverty in the country. About 30.1 percent of households nationally are categorized as “very poor” in terms of their spending on food, while 23.4 percent can be described as “poor”. This means that over half (53.5 percent) of households are vulnerable in terms of their expenditure on food. In rural areas, poverty levels are even more pronounced, with 63 percent of households in the poor or very poor groups (WFP/CFSVA, 2016).

### **2.1.3 Land and Agriculture**

Land ownership and access are critical factors for agricultural production, enabling farmers to plan on a short to long-term basis to develop land for various crops cultivation. In Sierra Leone, the majority of farmers (74.4 percent) claim to own the land that they cultivate. Although land ownership fully protected under customary law and statutory law (Cap 122), most family land parcel are neither properly demarcated nor registered and are thus prone to land conflicts.

With the total land area of 7.2 million hectares (ha), about 50 million ha is regarded as arable land, and 99 percent of which are in rural areas. About 3.2million ha of the arable land is under cultivation for food crops production, for which 35 per cent is in use for upland rice production, 17.3 percent for lowland rice cultivation, 10.6 percent for cassava cultivation, 9.2 percent for groundnut cultivation, 1.5 percent under sweet potato and 0.9 percent under maize cultivation. At the same time, a total of about 3.2 million ha of land is under tree crop cultivation for coffee, cocoa, oil palm, citrus and cashew. In addition to the arable land under cultivation, about 457,000 ha of land areas are under forest and mangroves protection with limited or no access (EPA, 2017: NBSAP). There are further plans to increase the land under protection for wildlife and biodiversity conservation up to a minimum of 20 percent (14.4 million ha) of the total national land area (MAFFS, 2010: Wildlife Policy).

The average national landholding is at estimated 1.78 ha per household across various crop cultivations, including rice, cassava, cocoa, coffee, cashew, ground nut, palm oil, vegetables and other fruit trees. The three main livelihood activities surveyed in the 2015 population and housing census are crop farming, animal husbandry and fishery, which depend largely on access and ownership to land. The survey indicated that 85.4 percent of

agricultural households in Sierra Leone own or operate a crop farm, 73.6 percent are involved in animal husbandry and 33.6 percent engaged in fishing activities.

Less than 15 percent of the total arable land is under smallholder cultivation at a time (SSL, 2017). Smallholder food crop farming (average size of 1 hectare) is characterized by shifting cultivation that requires a minimum of seven years of fallow period before farmers may return to the same land for cultivation. As a result of this method of cultivation, 22.4 million ha of arable land (7 yrs. x 3.2 million ha of food crop land) – almost 50 percent of arable land – is utilized by smallholder crop farmers. This amount of land also excludes mining concessions, protected areas and tree crop areas. Research reports indicate that 4.3 million upland (70%) of all arable land is characterized by low fertility as a result of slash and burn, deforestation and erosion taking place in the shifting cultivation farming (SSL, 2017: agric sector census; MAFFS, 2010: GoSL, 2010: NSADP 2010-2030)

#### **2.1.4 Large Scale Agricultural Investments and Food Security**

Over the past decades, Sierra Leone has become a destination for foreign direct investments in large-scale land investments in agriculture. These large-scale land-based investments have also occupied about 1 million ha of arable land, mostly fertile land, for food and non-food crops meant largely for export (Land Matrix, 2019). Expectations that large-scale investments will create livelihood opportunities for communities are not fully met as only a few jobs are created that are mostly seasonal with low wages. As a result, food poverty is high within and around communities where large-scale land investments are carried out (Action Aid, 2012: broken promises).

***“They (Sierra Leone Agriculture Limited) destroyed our forests, our native palm trees, trees for construction, herbs and wild fruits; such situation has left us unhappy”***

*Simere Conteh, Mabain Village, Port Loko District*

From communities visited in all districts targeted, residents living within large-scale land investment areas reported that access to food, fuel wood, wild fruits, herbs and trees for construction have reduced and to buy such products is expensive. Communities complained that they have lost traditional tree species; farmlands wild foods and other forest products that they used to harvest to make extra money. Around these large-scale land investment areas, communities pointed out that demand for farmland and forest products has increased pressure on nearby villages to access land for agricultural purposes that will promote food security and the right to food.

#### **2.1.5 Women and Youths in Agriculture**

Women, youths and other marginalized groups are particularly disadvantaged in accessing fertile land for agriculture as a result of various local traditions and customary laws that are applied across the country. Out of 732,461 farmers nationwide, about 16 percent of farmers are women and about 21 percent are youths. During the field interviews, it was made clear that women and youths generally are mostly involved in annual crop farming such as groundnut, maize and vegetables. Based on field interviews, very few women and youths reported they own farms with permanent crops such as cacao, coffee, oil palm and cashew. The few who claimed to have cash crop plantations inherited them from their husbands or parents and none of them reported starting for themselves perennial crop farms. Rice and perennial crops were said to be crops for men.

Women and Youths mostly provide the bulk of labor in farms across the country. However, during the field discussions, communities reported that youths are no longer interested in farming and are attracted into commercial motorcycle riding and petty trading for getting daily income. As a result, communities reported that

paid labour for farming is very expensive and it affects the size and productivity of smallholder farming. For both women and youths, land acquisition for perennial cropping is limited by the lack of finance to pay for additional or larger parcels of land. This forces them to engage in small scale annual cropping.

In Pujehun district, Barrie Chiefdom, women were interested in undertaking tree cropping (cashew). After the land was tilled and prepared for seedling transplant, the women were denied access to the land by a man from a chieftaincy family. The land was previously cultivated by the women with annual crops but was taken away from them when they wanted to plant cashew seedlings.

### **2.1.6 Agricultural Policy context**

Since 2009, the key driver of agricultural policy in Sierra Leone is the National Sustainable Agriculture Development Plan (NSADP). The NSADP promotes productivity through agricultural intensification, commercialization and value-chain enhancement, and improving agricultural research. The government has been using a two-prong approach of investing in smallholders' commercialization programs and at the same time promoting private sector investment in agriculture in the hope of financing the funding gaps towards improving food security. Therefore, several sub-sector and sub-thematic policies in cacao, coffee, rice, fertilizer, seed multiplications have been developed to promote productivity in farming and private sector involvement in the provision of agricultural services such as inputs and machinery supplies. In 2019, the National Agriculture Transformation Program (NATP) 2019-2023 was designed by the Ministry of Agriculture and Forestry to attract foreign investment. The total cost of the NATP 2019-2023 is US\$922 million or Le 8 trillion over the next 5 years. Government's strategy is that agribusiness development will offer better opportunities for improving food production and diversifying the agricultural commodity exports (SLIEPA, 2019).

### **2.1.7 Smallholder Agricultural Programs**

Agricultural policy processes have been focused on making the sector productive and sustainable to reduce poverty and food insecurity. Government through its donor partners and NGOs has been investing huge resources in smallholder farming. The World Bank, the British government through DfID, IFAD and the European Union are investing about 247 million USD in Sierra Leone smallholder farming programs. The programs are intended to support smallholder commercialization, agribusiness development, value chain support, access to rural finance and markets. These programs are targeting over 100,000 farmers (of which more than 40 percent are women and youths) over an average period of 5 years.

Notwithstanding these support to smallholders, government is also promoting foreign direct investment by the private sector in the country to increase agricultural productivity. During field interviews, it was unclear what strategies government was using to protect smallholder farmers amidst large-scale agricultural investments. In Kailahun district, Golden Tree limited is supporting smallholder oil palm owners to sell palm heads to them as part of an out-grower scheme. In Kenema district, Lizard Art, a private sector investor is promoting cluster farming, where company provides inputs, labour and technologies to land owners who are interested in cacao farming. The essence of this cluster farming is to encourage the use of improved varieties and farm practices to increase yield and eventually sell produce to the supporting company (Lizard Art). But in Pujehun district, Malen Chiefdom, farmers complained that local oil palm plantations were taken over by Socfin Agricultural Company and cut down to cultivate the company's varieties. Respondents affected by this acquisition in the Malen chiefdom claimed that

they earned more money when they harvested their palm fruits every year than the one-off compensation they got from the company.

Hannah Deen of Sahn Malen was a 16-acre oil palm plantation owner, that harvested 400 heads of oil palm fruits 3 times every year. Out of these harvests, Hannah claimed she got 96 cans (20 litres) of palm oil each year amounting to about 6 million Leones (600 USD) per year compared to a one-off payment of 16 million Leones (1,700 USD) covering a lease period of fifty years. For Hannah, this is a net loss of more than 28,000 USD over the fifty years period if she was to be harvesting her own oil palm fruits.

## **2.2 Agricultural Investment Context**

### **2.2.1 National Agricultural Setting**

The GoSL has been active in promoting large-scale land acquisition to support agriculture. The Sierra Leone Investment and Export Promotion Agency (SLIEPA) has since 2009 been spearheading the drive for foreign direct investment in agriculture.

Over the past few years, large tracks of land have been acquired in the provinces to support investment in agriculture. Despite considerable growth in such acquisitions, the GoSL has no unified inventory of concessions or consolidated information on the leasing arrangements. It is estimated that more than 1 million hectares are under contract by foreign investors, representing about 2 percent of the total arable land in the country. The majority of concluded acquisitions are leaseholds that run between five and fifty years (Land Matrix, 2019).

According to Sierra Leone Land Deal Matrix, 50 land deals were initiated between 2001 and 2019, the situation is such that 38 of these deals were conclusive, 4 failed and 8 were only intended. Interestingly, 36 of the concluded deals are under contractual agreement and 2 of them are by oral agreement. Only small fraction (5%) of concluded deals is domestic and the remaining 95% are transnational. The sizes of the deals range from 110 hectares in Burreh town, Western Area rural district of Sierra Leone by Vedico Mange Bureh Farm Ltd, a German based company and Long Delta Rice Research Institute, a Vietnamese based company to 55, 000 hectares in Bombali district, Northern Sierra Leone by Whitestone Charles Andreso, a United Kingdom of Great Britain and Northern Ireland based investment company. It is pointed out that 42 of the land deals were mainly agricultural investments for food crops, biofuels, carbon sequestration/REDD, conservation and forest logging. The remaining 8 were for mining investment.

### **2.2.2 Legislative and Policy Framework Regulating Agricultural Investments**

Since the 1970s, agricultural development has not been pursued in a comprehensive approach, and the policy and institutional support to it has been piecemeal. There are a number of initiatives on agricultural reform. However, there is a distinct lack of an overall coherent policy framework to guide all these initiatives. Some policies are arbitrary or contradictory. Experiences over access to land for large-scale agricultural development have been inconsistent and fraught with difficulty.

Most of the relevant laws governing investment in Sierra Leone are fragmented. These include the SLIEPA Act and Investment Promotion Act, Income Tax Act of 2000, multiple Finance Acts (amended 2019), The Companies Act (amended in 2014), The National Corporate Governance Code 2019, and the Business Registration Act 2007. There is no overall investment policy for Sierra Leone. Hence the need to harmonize all investment-related laws and policies to avoid overlapping and conflicting laws, an outcome that creates duplication and confusion among investors.

An Investment Promotion Act was enacted and entered into force on August 2004, replacing the 1969 legislative framework, and other laws. The Act is designed to promote and attract both domestic and foreign investment for production and value-adding activities; to improve export and provide employment opportunities; and generally, to create an environment conducive to private investment and to provide for other related matters. It is worth noting that the package of incentives which should accompany the Act and give it effect did not get passed by Parliament. The Investment Promotion Act covers all sectors; the Act opened up for foreign participation sectors such as mining (including artisanal), manufacturing, transport, brick-making, and retailing. Additional special provisions relating to investment in fisheries, mining, banks and other non-bank financial activities, and tourism activities are contained in sector-specific Acts. The legal framework encourages competition by ensuring national treatment in virtually all areas for all private and public-sector investors. As from 1996, there have been no limits on foreign capital participation in sectors now covered by the Investment Promotion Act. Sierra Leone has provided more favorable payroll tax rates for investors employing ECOWAS citizens, and fiscal incentives in Agri-processing activities with a requirement for 60% local input or value added.

Land in Sierra Leone is a vital natural resource that is not only rich in minerals, but fertile for agricultural purposes, and its forests and other types of common property resources play a vital role in the livelihood of the rural poor. In addition to the resources they provide, whether in the form of fuel wood, fodder, grazing lands or other produce – all of which strongly supplement and prop up agricultural economies, these land resources are critical to the maintenance of a delicate ecological balance, the impact of which is felt far beyond their immediate surroundings. Land tenure governance barriers and hindrances relating to responsible investment in mining and agri-business have been adequately addressed in the National Land Policy (NLP) of 2015.

Regarding agricultural investment, the NLP provides for the creation of an enabling environment to attract responsible investments (both domestic and foreign) in accordance with established laws and procedures without exceptions. In support to the development of the Agri-business landscape in the country, the policy strongly argues that the central Government shall:

- Grant a non-citizens leasehold interest not greater than 50 years in respect of all land in Sierra Leone.
- Grant land for any single investment not exceeding 5,000 hectares; additional land may be acquired in accordance with guidelines to be developed. Further guidelines to be developed for setting ceilings on the size of land controlled by any one person, group of persons or organizations, and to prevent extreme land fragmentation.
- Support the establishment of community-led land bank scheme for allocation to potential largescale investment with clearly defined rules on participation and decision-making.
- Provide reliable and easily accessible land-based information to guide potential investors.
- Promote long-term benefit-sharing arrangements, rather than one-off compensation, for loss of land right in respect of investment by supporting alternative operational business/production models between the landowners and investors.
- Ensure protection of the land rights of citizens and access to land by vulnerable groups, small-scale landholders in the face of large-scale land investments.

Furthermore, the NDP argues strongly in favour of improving the productivity and commercialization of the agricultural sector, the government included improving performance in the sector as a basis for moving up the value chain into industrial agriculture activities. This requires enhancing the productivity and competitiveness of the agriculture sector, facilitating the capture of the entire value chains of key crops, ensuring food security, and contributing to stabilizing the macroeconomic environment for sustainable, inclusive economic growth, job



creation, and poverty reduction as a key strategic objective with key target to increase youths and women's participation in integrated agricultural value chain by at least 30 % by 2023.

### 2.2.3 Key Challenges of Agricultural Investments

Key challenges relating to agriculture investment in the country have been identified to include, but not limited to:

- The current policy and regulatory framework for agricultural investments is underdeveloped. There are no consistent and coherent frameworks for investors to follow in initiating engagement in large-scale land investments under customary laws.
- Absence of demarcated, recorded and registered customary land parcels, which are prone to disputes over use, size and ownership. This creates tenure insecurity for investors and cost burdens where investors are required to survey, map and register such land parcels.
- Lack of transparency and accountability surrounding land agreements has, on occasion, led to protests and violence, and consequently agribusiness ventures have occasionally become mired in land tenure disputes or attracted accusations of "land-grabbing".
- Lack of better and reliable statistical data of all agricultural activities, the types of farming and their impact in the local market. Availability of such data will help the government to take informed decisions for effective budgeting and channeling of grants and incentives from the government/NGOs to local farmers.
- Inadequate funding. Institutions mandated to establish enabling environment to support sustainable agribusiness development in the country are grossly under-resourced to implement project or programs. Annual budgetary allocations from Government are inadequate and not disbursed timely. Much of the activities of these institutions have been directly funded by Development Partners with limited financial and technical support.
- Weak alignment of donor funding with strategic policy objectives. Different Development Partners provide funding with specific policy objectives that may not necessarily align with the policy objective of the beneficiary institutions.
- Poor coordination and collaboration. It is very difficult or almost impossible to have the line MDAs to collaborate and partner on land governance and agri-business investment processes to make it predictable for investors to engage and operate.
- Weak technical capacity. The MDAs do not have the required technical capacity and logistical support to implement programs and activities. This is attributed to the lack of competent professional staff and also lack of equipment tools and technologies to carry out their work. Technical expertise is mostly provided through consultancies funded through donor support. Strengthening technical capacity at all levels within the agricultural investment institutions is therefore critical for effective implementation of project activities.

### 2.2.4 Ongoing Legislative and Policy Reforms for Agri-Investments

There are several legislative and policy developments imitative by the central government with technical and financial support from donor partners to promote large-scale land-based responsible agricultural investment in Sierra Leone.

Government of Sierra Leone, through SLIEPA and MAF, with support from DfID and FAO in 2016 commenced a process to develop a new Agribusiness Investment Approval Process (AIAP) under the implementation framework of the National Land Policy and Voluntary Guidelines on the Responsible Governance of Tenure (VGGT). The

intervention aims at reinforcing the capacities of government agencies directly involved in the investment processes, from promotion, to implementation and monitoring in order to: a) increase awareness on principles for responsible investment and assess current practices applied to both foreign and domestic investment; b) improve standards such as due diligence process, ESIA and monitoring; c) improve transparency in land transactions; d) facilitate dialogue and partnerships with non- state actors. Specifically, the AIAP will provide step by step guide to actualize investments in agribusinesses, as well as post establishment monitoring mechanisms.

A draft AIAP has been achieved which is to be finalized shortly. There are seven steps of the AIAP which includes 1) a potential investor contacts SLIEPA 2) SLIEPA and the potential investor visits potential communities 3) the investor undertakes feasibility and identifies legitimate land owners 4) The investor negotiates with land owners 5) the investor conducts environmental, social and health impact studies 6) signing of agreement and 7) Start of operations.

An AIAP Technical Working Group (TWG) was established to foster and move the AIAP development process forward. AIAP-TWG comprised of the Ministry of Lands, SLIEPA, Ministry of Agriculture, Transparency International–Sierra Leone (TI-SL), EPA-SL, NAMATI, etc. The AIAP-TWG meets once every months and report directly to the instructional framework on the implementation of the VGGT in Sierra Leone. The VGGT instructional framework consists of Technical Working Group (TWG), Steering Committee (SC) and Inter-Ministerial Task Force (IMTF). The VGGT-TWG comprise of MLHCP, MAF, MLGRD, MoJ, SLIEPA, EPA, TI-SL, NAMATI, Green Scenery, National Advocacy Coalition on Extractives (NACE), OARG, Council of Paramount Chiefs, Ministry of Fisheries and Marine Resources (MFMR), and it meets once every month just after the meeting of the AIAP-TWG. The VGGT-SC consists of senior staff members of the institutions that participate in VGGT-TWG meetings and they meet once every quarter. The IMTF consists of mainly Ministers from the institutions with mandate in natural resources management: these include the Minister of MLHCP, MFMR, MAF, MOJ and MLGRD. The IMTF meets once every three months after the meeting of the SC.

In view of enriching the draft AIAP, several stakeholder consultations have been conducted in the provinces involving traditional leaders, local authorities, local councils and other relevant stakeholders. Consultations on the AIAP have been completed with training workshops, radio discussion and phone-in program. These activities have promoted several reviews and has resulted in a robust investment approval process. However, time frame/duration between the various stages as provided for in the draft AIAP remain unclear.

On a different front, in December 2019, the central Government announced the establishment of a National Investment Board that will be co-chaired by the President and Vice President. The board will comprise of the SLIEPA and other relevant MDAs. The Investment Board will streamline and serve as one-stop-shop for all investment activities in the country. The establishment process is at an advanced stage after receiving cabinet approval.

EPA is also developing sector based ESHIA requirement and procedures which is expected to streamline the cost of responsible agricultural investment in the country. The system design is such that the cost of acquiring ESHIA license will largely be sector-specific and based on the footprint of the investment on the environment, high environmental footprints means high licensing cost and verse versa. To this end, the draft regulation has been developed and validated nationally. The validated ESHIA regulation is now with the Ministry of Justice to be sent to Parliament for enactment.

## 2.3 Land Governance Context

### 2.3.1 State of national land tenure

The need for systematic assessment of land governance issues is based on several considerations, which may include access to and control over land tenure security, investment climate, credit market access, local government revenues, accountability and transparency, and social cohesion and peace. The critical importance of land tenure and access to land for agricultural production has well being established. Therefore, the primary objective for any land governance assessment should include improving the security of land tenure and facilitating right-based access to and control over land, and the key areas for evaluation include policy framework, institutional fragmentation and technical capacity. Sierra Leone continues to operate a dual land tenure governance system, a Freehold System in the Western Area solely under the General Law (English Common Law and Statutory Law) and covering only 0.7 percent (537km<sup>2</sup>) of the total land space, and the Customary Land Tenure System in the Provinces predominantly under customary law and partly general law. Customary laws, which are not codified, mostly seem to vary between chiefdoms and regions, and are recognized by the 1991 Constitution and statutory laws (1927 Protectorate Land Ordinance, Concessions Ordinance of 1937, and the Provinces Land Act, Cap 122 of 1960 of the Laws of Sierra Leone). In customary tenure, land owned and controlled exclusively by land owning families or communities, and there is no individual freehold for both natives and non-natives, but leasehold interest in perpetuity is permitted.

The World Bank Land Governance Assessment Framework (LGAF) conducted in 2015, identified among other issues, tenure of land insecurity under both customary and freehold tenure systems as a serious challenge to effective land management and administration in Sierra Leone.

About 95 percent of the land territory, where predominantly large-scale land investments in agriculture and mining take place, are administered under Customary Law (leasehold system). The government has in recent years actively promoted large-scale land acquisition to support agriculture and mining investments with no unified inventory of concessions or consolidated information on the leasing arrangements. The majority of concluded large-scale land acquisitions are leaseholds under customary tenure system that run between five and fifty years, and 30 percent of these lands were acquired from smallholder agricultural farmers.

In the Western area, land tenure is administered under General Law (freehold system) and is plagued by inadequate land survey data, which has resulted in inaccurate cadastre system and poor land records management. The current cadastre and deed registration system have contributed to an environment where land conflicts are common, collection of taxes remains difficult, land markets distorted. Successive Governments have attempted to address land ownership and management issues, which most recently culminated in the development of a National Land Policy in 2015.

### 2.3.2 Policy and legal frameworks defining and regulating the land tenure system

Weak or inappropriate land policy and regulatory frameworks significantly hinder sustainable socioeconomic development. Land tenure insecurity, outdated land laws and regulations, fragmented institutions of land administration can restrict private investment, undermine good governance, and reduce the ability of local authorities to raise taxes (Deininger, 2013).

Most of the existing statutory and customary land laws in Sierra Leone are outdated and unresponsive to the emerging and complex issues surrounding land governance, and they continue to impede land administration in the country. The absence of a comprehensive and coherent policy framework to responsibly regulate large-scale

land-based investments and national development needs has led to several challenges, which have in many cases resulted in land conflicts, particularly in the agricultural sector. Land disputes have arisen mainly over of transparency and accountability in the land acquisition processes, operational impacts on the livelihood of communities and the environment, family boundary demarcation and compensation for economic trees (Conteh & Yeshanew, 2016). In some cases, largescale agricultural investments have led to the acquisition of whole chiefdoms, leaving local communities landless with far-reaching consequences, as is the case with Socfin Agricultural Company in Malen Chiefdom, Pujehun District.

After several failed attempts to address the technical and legal complexity surrounding land governance issues through a series of legislative frameworks at the national level, the Government finally launched in 2017 a new National Land Reform Programme based on the comprehensive right-based National Land Policy (NLP). The new policy reform provides unique opportunity and goodwill to address the numerous challenges in the dual land tenure system. Maintaining the dual tenure system, the gender-sensitive NLP aspires to promote equitable access to land with enhanced land tenure security through efficient and innovative land management delivery systems, stimulate responsible investment and form a basis for a pro-poor socio-economic development. However, progress on the implementation of the NLP has been very slow. The established institutional framework for its implementation at national and regional levels is hardly functional, and public sensitization and education of the NLP has been very limited at the national and district levels.

The NLP is a progressive document that is consistent with the principles of several international frameworks, in particular the Voluntary Guidelines for the responsible of Tenure of Land, Fisheries and Forests within the Context of National Food Security (VGGT), endorsed in 2012 by the Committee for World Food security (CFS) (FAO, 2019); the Framework and Guidelines on Land Policy in Africa for largescale land-based investment; and the Sustainable Development Goals (SDGs). The implementation of the VGGT in Sierra Leone has provided both technical guidance and financial support to the implementation of the NLP in promoting secure tenure rights and equitable access to land, and other natural resources as a means of eradicating hunger and poverty and supporting sustainable development. Today, implementation of the National Land Policy and the VGGT has been very instrumental in providing guidance in resolving conflict in the land sector, particularly in large-scale agricultural and mining concessions in the country.

In the new Medium-Term National Development Plan (2019-2023), designed to provide a roadmap towards a middle-income country by 2039, the Government identified as one of its strategic objectives ensuring effective land management and administration in an environmentally sound and sustainable manner, and promoting equitable access to and control over land with the view of alleviating poverty and promoting economic growth (NDP, 2019). To achieve this, the following targets were proposed:

- a) Establish an autonomous and decentralized National Land Commission with a unified land title registration system to enhance tenure security and reduce the excessive cost of registry property;
- b) Develop a National Cadastral Records Management System and Strategy for mapping and digitization of all plots, streets and roads in the country;
- c) Develop a National Spatial Development Plan and Strategy that will facilitate the establishment of an integrated network for human settlements that are socially inclusive, environmentally resilient and economically sustainable.

### 2.3.3 Key Challenges related to sustainable land governance and access to land

The increasingly competing demand for and use of land – the need for housing, agriculture, industry, mining, public service delivery, etc., has become a source of conflict in many countries like Sierra Leone, where land governance and management is not clearly defined and/or properly managed. Some of the challenges to sustainable land management and spatial development include the following:

- a) The dual land tenure system (freehold in the Western Area, and customary tenure system – leasehold – in the Provinces) creates confusion and difficulties for large-scale land investment in agriculture and mining, and other sectors. One serious challenge to contend with in the customary tenure is the supreme custodial role or trusteeship of the paramount chiefs or chieftdom council (Tribal Authorities) over land recognized and guaranteed by the Provinces Land Act, Cap 122 of 1960 of the Laws of Sierra Leone.
- b) The absence of registered legal title to and demarcation of land in the Provinces, leaving landowners vulnerable to transactional manipulations by multi-national corporations seeking to legitimately acquire large piece of land for investment. Under customary tenure system, up until the development of the NLP, there has been no legal requirement for documentary evidence for proof of land ownership, demarcation and recording of land parcel.
- c) Low surface rent and crop compensation for large-scale land acquisition for both mining and agricultural investment. Land owners get only 50% of the surface rent pegged by Government at USD 12 per hectare per annum, which is negligible when distributed among many family members; the rest 50% is shared among the chieftdom council (20%), District Council (20%) and the Central Government (10%). Where crop compensation is given, it mostly applies only to specific economic trees/crops the investor is cultivating.
- d) Discrimination against women over access to and control over land resources under customary law, contrary to the fundamental constitutional guarantee. The legal challenge though is that the constitution at the same, in the claw back clause in article 27(4), exempts customary law from scrutiny under the non-discrimination provision. The gender discrimination is centred on gender-insensitive customs and practices excluding women from decision-making involving family land transactions and denying them desirable land allocations for agricultural and other activities. Women are also denied the rights of inheritance and succession to family and communal lands under customary law, although such rights to individual property are guaranteed in the Devolution of Estates Act 2007 (Conteh, 2019; Human Rights Defenders Network, 2014).
- e) Institutional fragmentation resulting from overlapping, and sometimes conflicting mandates, coupled with weak collaboration and coordination amongst key line ministries, departments and agencies (MDAs) responsible for the land management and land use planning. This has made conflict prevention and resolution difficult.
- f) Increasing number land conflicts with weak judicial system to address them. Most of the land conflicts or disputes under customary tenure arise as a result of lack of informed consent and transparency over land transfer, arbitrary exercise of absolute power without political accountability by a Paramount Chief on behalf of the traditional authority over land in the chieftdom, inter-and intra-community and family claims of land ownership and boundary, and various land use disagreements (Conteh & Yeshanew, 2016). In the formal tenure in the Western Area, land disputes result mostly from the use of fraudulent land documents, multiple sales of same land parcel, inaccurate survey and trespasses (NLP, 2015).

Within customary tenure system, land disputes are handled within the hierarchy of chieftaincy structure, starting sometimes from the family head, through the Village Chief to the Section Chief before it finally gets to the Paramount Chief, depending on nature and seriousness of the land dispute/conflict. While traditional authorities continue to play critical role arbitration or mediation of land-related conflict, the Local Courts Act 1963 removed the power of adjudication from the Paramount Chief and vested in the Local Courts, which apply both customary and formal laws. Under the new 2011 Local Courts Act, the local courts are under the aegis of the Judiciary and determine land disputes between Paramount Chiefs and Chiefdoms (NLP, 2015).

Land disputes in the formal system are largely resolved by the High Court, the Magistrate Courts and the Local Courts, which are known to be very slow and expensive. Alternative dispute resolution mechanisms are also recognized within the judicial system and known to be effective in certain instances. About 70-80 percent of cases in courts are land-related and a large proportion remain persistently unresolved, indicating the seriousness of land conflicts in the country and the required urgency to address them (NLP, 2015).

- g) High level of corruption in the land sector. The current system of deed registration makes the system open to fraudulent land transactions and abuse.

#### **2.3.4 Ongoing policy/legal reforms and level of inclusiveness**

The current Land Reform Programme is geared towards establishing a decentralized three-tier National Land Commission at the national, district and local (chiefdom and village) levels, and a Land Title Registration System with the required legislative reforms. The introduction of Land Title Registration System supported by a Geographic Information System (GIS)-based cadastre system will play a pivotal role in enhancing land tenure security that will attract foreign direct investment in the mining, agricultural and tourism sectors, particularly in the Provinces, where land is governed by customary law. The current legislative reforms include the following:

- a) Drafting a Land Commission Bill to establish an autonomous and decentralized National Land Commission with a corporate strategy, business plan, charter and migration strategy. The proposed Bill foresees the (i) establishment of a National Land Commission and the setting up of diverse and inclusive Chiefdom Land Committees and Village Area land Committees comprised of elected tenure right holders and residents;(ii) transitioning from deed registration to title registration system, including customary land title certification with procedures for registering family and communal lands; (iii) development of a modern GIS-based national cadastral system that allows for the demarcation and surveying of family and communal through community participatory mapping, and (iv) establish a framework for national land use planning. Specifically, it will decentralize management and administration to be effective and efficient creating space for participation of local communities in the land management and administration at community level. This in effect will ensure transparency and accountability reducing the incident of protest and violent clashes on agricultural ventures in the country.
- b) Drafting a customary land rights bill towards compulsory land registration and titling of customary land rights, maintaining extended family ownership and greater control over land. The proposed bill shall cover, among others, the following: (i) Processes for recording and registering customary land title certification; (i) sets outs requirements for obtaining free, prior and informed consent (FPIC) for all largescale land-based investment, including mining, with a size limit of 5,000 ha and a lease period of 50 years with the possibility of renewal for another 21 years; (ii) abolition of rent-fixing with land owner able to directly

negotiate with investors, and the rent distribution matrix; (iii) protection of ecologically sensitive ecosystems and community livelihoods to reduce the impact on food security; (iv) protection of women's land rights against any form of gender discrimination under civil and customary law to acquire, use, control and maintain rights in property, independently or in association with others, regardless of their marital status; (v) establishment of an extensive dispute resolution mechanism that addresses land tenure disputes at different tiers (village, chiefdom, national) and for different purpose (investment-related), recognizing the critical role of non-judicial/administrative dispute prevention and resolution mechanisms.

There are already drafts for both the Customary Land Rights Bill and the Land Commission Bill ready for country-wide stakeholder consultation and validation. It is the expectation that both Bills will be ready for Cabinet approval and parliamentary endorsement by the end of December 2019.

The MLHCP, is also implementing a pilot programme to map, record and register customary land rights, which are recognized by statutory law, using Solution for Open Land Administration (SOLA) Open Tenure geospatial technology in rural communities in the Provinces. The findings of this pilot programme will inform the ongoing legislative process in drafting the Land Commission Bill and the Customary Land Rights Bills. Protecting customary land rights and providing equitable access to and control over land will enhance food security and provide employment opportunities for millions of rural people in the country. This programme is supported by FAO and Irish Aid within the VGGT implementation framework and the UN Peace Building Fund to strengthen the capacity of rural women to understand and self-protect their customary land rights.

The Government is also in the process of developing a National Urban Policy as defined in the New Urban Agenda of the United Nations. With its rapid rate of urbanization and no integrated policy in place, Sierra Leone runs the risk of un-controlled urban sprawl, poor urban basic service delivery and fragmented urban management. A new National Urban Policy provides a blueprint for sustainable urban development, urban economic development and spatial planning. It will further promote equitable urban development, ensure income equity, provide employment opportunities and ensure efficient public infrastructure. Achieving sustainable socio-economic growth in Sierra Leone will depend to a large extent on how well its urban areas are managed. Being faced with growing urbanization, opportunities and challenges, Sierra Leone is presented with a unique opportunity to define the future sustainability of its urban areas.

### **3 Key Findings and Analyses**

#### **3.1 Food Security**

In the field, food security was generally perceived as the ability to grow own food or an alternative capacity to earn money to purchase food for consumption. The findings also were also not based on previous food security conditions but rather on the prevailing conditions of access to land or alternative livelihoods options in communities affected by large scale land investments.

In all five districts covered under this assessment, Pujehun district was the hardest hit in terms of food insecurity. For example, in Malen chiefdom, 19,000 hectares of land was acquired by Socfin Agricultural Company (SAC), estimated to be about 68% of the total land space (28,000 Ha) of the chiefdom. Respondents claimed that about 80% of the 49,215<sup>1</sup> residents of the chiefdom are affected in terms of loss of access to land and other natural resources. It is claimed that less than 25% of arable land is left outside SAC's concessions. The disproportionate loss

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<sup>1</sup> 2015 census figures

of land claimed by respondents has grossly affected the production of food; and also led to the loss of commercial forest products and plantations from which residents earn money and their livelihoods from. Jobs created were seasonal and very arduous claimed by one female respondent: each person has to brush underneath 90 palm trees per day to earn 20,000 Leones (about 2 USD) if completed but most times take beyond a day to complete.

In other districts or chiefdoms covered, the proportion of land acquired were very small compared to arable land that respondents claimed are available for their use. Though food security was an issue, residents reported they had access to available land for farming and thus had options to grow their own food. However, respondents claimed that farm labour was scarce or unaffordable during farming periods since it coincides with demand for company labour. Communities also claimed that forest products were lost as forest patches were cleared for mono-cropping.

Generally, therefore, it was observed that food security was impacted negatively by activities of large investments directly by loss of arable land, plantations or forest products and their associated income; or indirectly through loss of farm labour, inadequate opportunities or poor job conditions and the high cost of living associated with buying food.

## **3.2 Agricultural Investment Context**

### **3.2.1 Land Acquisition processes and mechanisms**

Based on interviews and focus group discussions held at the district, chiefdom and community levels, a number of processes, engagements and land lease mechanisms were identified. Though it appeared that acquisition processes varied from district to district and from chiefdom to chiefdom, similar patterns emerged that are captured in this assessment. This is exemplified by what could be referred to as the Miro Community Engagement Process Model (See Box 1).

### **3.2.2 Large-Scale Land Acquisition Agreements**

As detailed in the table highlighting Community Land Lease Engagement Processes in Annex 6, throughout all districts, most community engagements and negotiations for land acquisitions were not fully inclusive. In most cases, not all members of land owning families were involved in the decisions making process to agree on the size and cost of land lease. Central government agencies, paramount chiefs, Members of Parliament, urban elites (who are descendants of target communities) decide on behalf of local communities on land lease agreements. The responses given by land owners and local community members affected by large-scale land investments showed that land owners were lured to accept lease agreements because of promises of development programmes and jobs in their communities. But communities quickly realise that those promises were never fulfilled by investors since terms and conditions of the lease agreement do not cover those promises.

In view of the fact that all communities targeted during this assessment reported that they have not seen the contract or agreements signed, it is clear that all authorities involved in the land lease processes are not fully transparent and accountable to land owners and local communities they claim to represent. In some communities, land owners claimed they do not even know the size or cost of land leased. Given that the cost of land per hectare ranges from 10 USD to 12.5 USD (of which 50% is given to land owners; 20% to local councils, 20% to chiefdom councils; and 10% as national tax); land owners are unhappy that the lease fees are small, not negotiated by them and are distributed to local councils and chiefdom councils without getting any impactful development from these



institutions in their communities. Land owners are demanding for the review of the lease fees and any policies that stipulates it.

**BOX 1: THE MIRO COMMUNITY ENGAGEMENT PROCESSMODEL**

Miro Forestry and Timber Products (Miro) is a large scale agro-forestry company that has acquired 25,000 hectares of land in the Yoni Mabanta, Masimera and Mamila chiefdoms in the Tonkili District in Sierra Leone. The Company is involved in sustainable forestry development, production of sawn timber, electricity poles and plywood from *acacia magnum and maligna* trees planted. Miro currently cultivates 3,000 hectares (out of the 21,000 ha leased) and an additional 4,000 hectare outside the original lease. Miro is using incremental land development by adding 1,500 hectares every year to increase its production since 2018. Miro has been using the bottom up approach after top-down approach failed since their pilot phase was initiated in 2011.

With Company's experience over the years, there are now very few misunderstandings existing between the company and the communities. This is due to change in strategies. Initially, it had used the top-bottom approach. But as the company faced problems with community consultations and engagements, it now undertakes its own due diligence through an inclusive and participatory community engagement, which involves the following in a systematic order:

- Requests the landowning family to demarcate their land they are willing to lease;
- Company's Community Liaison Officers (CLO) will investigate true ownership and further ascertain there is no land dispute associated with the demarcated land. Once no dispute exists, the company's survey team jointly with the landowners then uses GPS to demarcate identified land;
- The company can reject a land offered if it determines that dispute associated with the land – either due to conflict with other communities or within families;
- The company can also not accept a land where communities want to give out more land than they need to cultivate. Miro determines the current population of that community and do a projection not to exceed 10% of the total size of the community land;
- Social assessment is conducted to determine social sites and for any encroachment;
- The company further conducts some environmental assessment on critical landscape and biodiversity features. For instance, the company identifies and excludes potential land for game reserve and natural forests for protection; and wet patches (swamps) for local farming;
- After due diligence is completed, a standard template is completed by the community with full knowledge of the whole processes;
- The community will decide on who among family members become their signatories to any land lease agreement;
- A 'White Document' is produced with terms and conditions of the lease agreement. Three copies of the contract agreement will be produced each for the community, government and Miro;
- Once the communities are made to understand all its content, the paramount chiefs are involved and our lawyers. The principle of Free, Prior and Informed Consent (FPIC) is strictly enforced.
- When the land is legally secured, the resurveyed land is registered; and
- This will be the land that Miro will develop for its operation.

However, some communities are dissatisfied with transparency and accountability of assigned representatives designated as key signatories for all payments. Miro is distancing itself from such issues even though

communities think the company should ensure adequate transparency and accountability measures are in place by whoever is representing them.

### 3.2.3 Crop compensation

Crop compensation is supposed to be implemented by the Ministry of Agriculture and Forestry (MAF) which determines the value of crops. Even though companies spend a huge amount of resources on crops compensations, land owners and users are complaining the values are not commensurate to prevailing values of crops. MAF when interviewed disclosed that the crop compensation guidelines are reviewed every 4 to 5 years. Given the frequent hike in inflation rate and resulting high cost of commodities, crop compensation prices are most times not reflecting actual commodity prices. This creates disadvantages and poverty in affected communities.

In Malen Chiefdom, Socfin provided crops compensation only for native oil palms that was cut down and replaced with new oil palms. The one-off value paid was very small (1,700 USD) compared to the value of the plantation the owner could have earned (30,000 USD) if native plantation was incorporated as part of an out-grower scheme for 50 years (Hannah Deen, Respondent in Sahn Malen). In the same chiefdom, land owners complained that other cash crops like cassava, coffee, cacao and kola nuts destroyed on leased lands were not compensated for. Isata Mbowa-Magbie cited that their father used to earn about 8 million Leones (800 USD) per year from sale of 25 bags of kola nut and 750,000 (79 USD) from 30 bags of coffee sales. She claims herself, siblings and other helpers who harvested also made some earnings from those plantations. But the Socfin crop compensation only covered oil palms and no other crops.

### 3.2.4 Relocation and Proximity of Communities

All communities visited within large-scale land investment areas were not relocated. Many plantation fields are very close to residential houses. The proximity of plantations to houses have created the potential for damages and conflicts. Communities interviewed claimed that whenever unfortunate incidences such as fire, theft and damages to plantations, nearby households or communities are held responsible and even face arrests or penalties for such incidences. Communities interviewed are very unhappy about this situation and would like companies to maintain the 500 meters buffer zones. The Environmental Protection Agency (EPA) is responsible to enforce mitigation plans and protect the social rights of local communities. It was discovered that the number of EPA staff in the districts are very low and effective monitoring is limited due to this fact. For the entire Southern and Eastern regions, about 5 staff covers 7 districts from the Bo main office, this is a serious limitation to monitor very powerful and influential companies.

### 3.2.5 Livelihood and job creation

In earnest, a good number of seasonal jobs and income earnings are being created by large-scale agribusiness investments for local residents and land-owning families. Most of the permanent jobs are skilled jobs which attract more qualified people from other locations. Unfortunately, most local residents and members of land owning families are unskilled and illiterate making it difficult for them to obtain permanent jobs. Jobs that are available for local residents and members of land owning families are mostly seasonal casual and low paid jobs. Community respondents are unhappy with low numbers of employment and its casual status. The daily wage ranges from 20,000 to 25,000 Leones (21. to 2.6 USD) per day for brushing or weeding under 90 palm trees. Communities complained that such work task is huge and many times plots are not completed per day and gets carried over to the next day especially for women and older people. Therefore, it is mostly impossible for one person to work for

complete 30 days. Respondents cited that conditions service are poor for casual workers as they are not entitled to medical services and are not priorities for transportation, thus making it difficult for casual workers to be regularly present at work.

### 3.2.6 Pollution and environmental degradation

In compliance with the Environmental Protection Act 2008 (as amended in 2010), all large-scale agricultural investments are required to conduct ESHIA to acquire environmental licenses which provides for environmental protection and mitigation plans. Notwithstanding, compliance and monitoring of their mitigation actions are not effective. Communities in Malen chiefdom and Lower Bambara chiefdom complained of various pollutions. In Malen, communities complained about pollution of streams and water sources which killed fishes even though the company rejected the claims. In Tongo (Lower Bambara chiefdom), communities are complaining of kimberlitic blasting vibrations and noise pollution. When Contacted, EPA in Bo denied any knowledge of the blasting activities by Stella Diamonds Company, and indicated it has not issued any blasting license to the company. The lack of knowledge of these pollution activities is due to the lack of physical presence of the EPA or the lack of coordination with other regulatory or monitoring structures or institutions within the region. While companies may fail to comply with agreed plans, they quickly put things in place when EPA is due to carry out their routine quarterly monitoring field visits. The EPA regional office do not carry equipment like pollution testing equipment and remote sensing tools during its monitoring visits to observe changes. Testing equipment are usually stationed in Freetown and can only be deployed in the regions when serious issues come up, but are not used in regular quarterly monitoring.

### 3.2.7 Disputes, conflict and redress mechanism

Disputes on land transactions are prevalent in all districts targeted. Disputes occur between families, communities over boundary demarcation disagreements; between company and land owners/communities because of employment issues, wages, theft, late payment of land lease fees, demand lease fees review or due to unfulfilled promises to undertake development programs.

While companies have redress mechanisms to address disputes and conflicts, the companies' redress mechanisms are not easily accessible and are not seen as impartial. Other structures exist at the chiefdom and community levels such as landowners' committees, development committees and chiefdom council to redress issues arising among various stakeholders. At the chiefdom and community levels, CSOs/NGOs/CBOs are also involved in disputes resolution (See box 2).

In the Tonkolili district, Miro convenes a multi-stakeholder forum (MSF) covering only its operations. The Multi-Stakeholders Forum is convened every month and it is the highest decision-making body, comprising of the PC, land owners and users, women's leader, youth leader, CSOs and NGOs.

At the **district level**, only ad hoc structures exist in all 5 districts visited. The Office of National Security (ONS) conducts regular weekly meetings known as District Security Coordination (DiSeC) meetings that convene all relevant stakeholders in the district to deal with all security issues, including human security issues such as land disputes and conflicts. The ONS addresses land issues when brought up to their notice. The ONS is a strategic convener of major stakeholders and regularly works with all decision making agencies and human rights based institutions like the Human Rights Commission (HRC-SL), the National Commission for Democracy and Human Rights (NCD) and NGOs. The Senior District Officer (SDO), who supervises PCs, is also a member of DiSeC and is

involved in resolving land conflicts by convening PCs and the entire chiefdom councils. To ensure land governance dialogue and dispute redress is effective, regular multi-stakeholder partnerships engagements at the district level are held.

At the **national level**, the VGGT Secretariat was set up and funded by the FAO under the Ministry of Lands, Housing and Country Planning to coordinate all stakeholders including relevant ministries, government agencies, NGOs, CSOs, private sector, academic institutions and land owners and users. The Secretariat coordinates the activities of three working groups or committees: Technical working group, Steering Committee and Inter-Ministerial Committee. The Secretariat also convened annual national Multi-Stakeholder Platform conferences that bring nationwide stakeholders together to discuss land governance issues and come up with a communiqué of recommendations for effective land governance. Unfortunately, the FAO funding to the VGGT Secretariat is very limited and activities of the Secretariat has stalled as result of lack of funds. There is need to revamp the secretariat and its working groups to foster national level multi-stakeholder partnership for the LFLI activities.

#### **BOX 2: NATURAL HABITAT CONFLICT RESOLUTION MODEL**

Natural Habitats Sierra Leone Limited (NHSL), a subsidiary of the Natural Habitats Group (NHG), in 2014 inherited a land conflict when it acquired from West Africa Agriculture a long-term agricultural lease concession of 30,700 ha for 99 years, covering the entire Makpele Chiefdom (41.218 ha) in Pujehun District, to develop a green field oil palm plantation. The land conflict involved two different groups of land owning families with dissention over the land lease agreement. The first group, the Makpele Land Owners and Users Association (MAKLOUA) opposed the lease agreement, citing lack of free, prior and Informed consent (FPIC), exclusion of some family members from the negotiation process, and the deprivation of the community of their livelihood. The second group, the Makpele Individual Landowners Association (MILA), supports the lease agreement because of the huge financial benefits from the lease rent payments. NHSL was committed and open to resolving the land conflict as it is obliged as a member to comply with the high standards and principles of the Round Table for Sustainable Palm Oil (RSPO) and Organic Certification.

Solidaridad, with support from the United Kingdom Department for International Development (DFID) through the “Land: Enhancing Governance for Economic Development (LEGEND)” project, in collaboration with FAO, NAMATI, WOFHRAD and Green Scenery, and using a multi-stakeholder process intervened and successfully negotiated a peaceful resolution of the land conflict between NHSL and the landowning families.

Guided by the National Land Policy 2015 and facilitated by the Government of Sierra Leone through the Ministry of Local Government and Rural Development (MLGRD), the negotiation resulted in NH ceding more than 27,398 ha of land out of the original lease concession of 30,700 ha to landowning families who wanted their land back, and maintained the lease agreement with families who consented. The release of the land has provided adequate land to the communities to cultivate. However, the lease rent remained the same as previously negotiated, and crop compensation was done in accordance with the standards set by the Ministry of Agriculture and Forestry (MAF). The negotiation had been possible because of the strong political commitment of the new Paramount Chief and his Chiefdom Council.

There is now peace in the chiefdom, and NH enjoys a very good relationship with both members of MAKLOUA and MILA. NHSL continues to lease land outside the old concession areas from other communities within the

chiefdom. To prevent the recurrence of similar land conflicts in the future, it has developed a transparent process and guidelines for land acquisition for its operations:

1. The Company consults with MILA through a multi-stakeholder platform (MSP) for any piece of land offered for lease by any land-owning family;
2. The principle of Free Prior and Informed Consent (FPIC) is strictly adhered to, allowing communities to decide whether or not they are willing to invest their land;
3. The Company through its Sectional Consultant investigates the land ownership involving all neighbors with land boundary with the land offered for lease to avoid any potential land conflict.
4. The Company conducts feasibility study jointly with the land-owning families and their neighbors through a Participatory Mapping Approach (PMA) to demarcate and map out the piece of land offered for lease. There is a one-week grace period to allow for the registration of any claim on the land, particularly from land users, before the finalization of the demarcation process. In the event of claim/dispute which cannot be resolve, the offer to lease is dropped.
5. The Company uses GPS to accurate demarcate the land parcel and create a buffer zone that protects all areas with social functions, including “sacred society bush”.
6. All inland valley swamps (IVS) within concession areas are excluded to provide additional land to the communities to cultivate.
7. Established a Village Land Area Committee through a Community Participatory Mapping to define the land use and ascertained family boundaries before the land agreement is signed.
8. Land agreements between the Company and the communities are signed at the local and district levels by (i) four (4) representatives of the land-owning families (2 females and 2 males, where possible), (ii) Town Chief, (iii) Section Chief, (iv) Paramount Chief, (v) Magistrate, (vi) District Council Chairman, and (vii) District Officer.
9. Established a Grievance and Development Committee to prevent potential conflicts and resolve them when they occur.
10. The Company provides benefit sharing option to land-owning families.
11. Through community socialization, communities are able to discuss PMA and identify their needs.

### **3.2.8 Development Engagements and Community Benefits**

Despite the high community expectations of development programmes promised by companies and the disappointments in meeting those promises, some development efforts have been carried out by investors in some communities. During the district community level engagements of this assessment, many development activities were identified that has been carried out by the respective investors, such as provision of jobs, support for farming, construction of wells, schools and hospitals; provision of scholarships, sharing of net profits in cash or produce; construction of roads.

In Tonkolili, the Miro Timber Company operates in three chiefdoms (Yoni Mabanta, Masimera, and Mamila). The Company provides one percent (1%) of their operational cost to corporate social responsibilities and five percent (5%) of net profit goes to a community development fund that is managed by the community through established structures, such as the Amalgamated Area Development Committees (AADC). Miro Company also supports education of community children by providing 450 scholarships, and now with the free education programme, such

assistance will be directed to school infrastructures development. The company also claimed to provide one-off farming support (including seeds, fertilizer & extension services) for the cultivation of 4 ha of maize and cassava to three communities and 10 ha of rice for another three communities in 2019. The Company further indicates that they will be supporting a further 50 ha. of farming in 2020. Miro plans to initiate an out-grower scheme with interested farmers or communities to engage in timber cultivation which the company will purchase.

In Kailahun District, the Gold Tree (GT) oil palm company has been providing 12,000 liters of palm oil to be shared among 6 communities that provided land to the Company as part of production profit from the Company. The communities claimed this quota was only given in 2017 but was withheld in 2018 because GT claimed that certain poles were stolen in their sites and punished communities for that reason - even though communities claimed that thieves were workers of GT and not from their communities. Communities cited that 200 million Leones (21,000 USD) is given by GT as community development fund for all 6 communities in the lease area. Similar community development fund is planned to be given to 7 communities by Natural Habitat (NH) in the Makpele chiefdom in Pujehun district. Natural Habitat gives 20,000 USD for communities that lease more than 1,000 hectares of land. The fund according to land owners and communities interviewed shall be used to support community projects such as construction of public facilities.

Beyond the development efforts by the investors, the Local Councils (LCs) and Chiefdom Councils (CC) are legally responsible for the development of local communities under their jurisdiction. Given that the institutions receiving in total of 40% of lease rents and have a duty and mandate to provide public services and development in local communities, these institutions must be also brought to task on development needs of local communities.

### **3.2.9 Institutional Capacity**

Institutional Capacity issues were widespread among government agencies especially those involved in direct administration and governance of Tenure rights. At the sub-national level, most government agencies (including Environmental Protection Agency, Ministry of Mines and Mineral Resources/National Minerals Agency, Ministry of Lands Housing and the Environment, Human Rights Commission) mostly exist at regional level covering between 4 to 6 districts; and sometimes covering two regions: for example in the case of EPA having one office covering the Southern and Eastern Region from Bo. Despite the small of staff that are outstretched in performing their duties across such wide coverage, these institutions are also not having the right resources and personnel at these sub-national levels to engage in decision making processes on land governance and natural resource management matters. Sub-national level offices rely on central personnel to provided technical support such as pollution tests, licensing decisions or compensation determination, despite the fact they are not situated within affected areas.

## **3.3 Mapping Analysis**

The issues of land governance and food security are multi-sectoral, multi-dimensional and cross-cutting in nature. It cuts across a wide range of interests and stakeholders at varied levels of interests, influence and power. Based on this country assessment, eleven (11) major institutions or categories of institutions were identified at the national and district levels. Theses stakeholders included government ministries, departments and agencies, NGOs, CSOs, farmers, development partners and the private sector (See list of national level stakeholders: appendix 1)

### **3.3.1 Key players and level of collaboration**

Among all key informants interviewed across various agencies at the national level, respondents acknowledged that they have been involved in one or more land governance activities such as policy applications, policy and

legislative reform processes, awareness raising, financing and technical assistance programs, decisions making processes and conflict resolution activities. However, respondents indicated that collaboration is fragmented and very weak among stakeholders at the national level. There is currently no functional platform for stakeholders' collaboration and coordination in relation to land governance and responsible agricultural investment issues and activities. It was discovered that all government agencies operate in silos in respect of their respective mandates. The assessment discovered that various MDAs involved other stakeholders at certain stages of consultations and validations meetings as well as selected on thematic committees. But these engagements and involvement are not based on a framework of convergence on policy strategies or its implementation. For example, while the MLGRD is reviewing the Local Government Act 2004 and enforcing the devolution of all 79 functions of MDAs, there are still no decentralization plans in some MDAs for such overarching devolution. While the MLGRD indicated that surveying and building permit licensing shall be devolved, the MLHCP currently has no plan in the short-term to devolve such functions. Currently the Ministry of Agriculture (MAF) has yet to apply the 5,000 Ha. cap on initial large scale agriculture investment put forward in the National Land Policy (NLP) for large-scale land investments in the country. Coherence and harmonization is largely lacking in policy reviews and implementations. This condition creates overlaps or grey areas in land governance processes that leads to land rights infringements which further affects food security issues. The decision to establish the VGGT institutional framework was an attempt to address the issues of weak collaboration and coordination amongst the relevant stakeholders within the land governance sector.

In 2014, the FAO supported the implementation of the Voluntary Guidelines for Responsible Governance of land, fisheries and forestry in the context of national food security (VGGT). Under the VGGT implementation framework, a multi-sectoral and multi-stakeholder institutional framework was established consisting of a Secretariat hosted by MLHCP, Technical Working Group (TWG), Steering committee (SC) and Inter-Ministerial Task Force (IMTF). The institutional framework was anchored within the structures at central Government to promote collaboration and coordination on tenure rights issues and programs on natural resource management. This framework helped to improve inter-ministerial coordination at technical, management and ministerial levels between MDAs and has enhanced collaboration between MDAs and CSOs. The Secretariat served as one-stop shop for all VGGT-related matters. This framework approach led the development of the VGGT compliant NLP in 2015 and the implementation of the national land reform processes in the country. But by the end of the FAO VGGT implementation project in 2018, the VGGT Secretariat is still supported by FAO under the UN Peace Building Fund, and continues to play a critical role in the National Land Reform Project, which is currently drafting the National Land Commission and Customary Land Rights Bills.

At the district level, there are very little coordination and synergy among MDAs on land governance issues. It was discovered that information on all land agreements were not available in the districts. MDAs will always refer to the central office in Freetown on information regarding the sizes of land leases or concessions. Thus, the Ministry of Mines and Mineral Resources (MMMR) and the Ministry of Lands, Housing and Country Planning (MLHCP) have never worked together on mining surveys in the districts. Similarly, Ministry of Agriculture and Forestry is also not informed of the sizes of land being cultivated by large-scale land investors in the sector. MAF at the district level is also not involved in the processes of crop compensation and is not keeping any records of how such transactions took place. The ONS, SDOs and Local Councils are only involved in land governance issues only when disputes occur or when they seek for percentage lease rents from those investors.

### 3.3.2 Policy Reform processes

During the period of this country assessment, more than 20 policies, laws and guidelines (also referred to as instruments) exist that directly relate to land governance and food security issues. However, most of these instruments are considered outdated, inadequate or inconsistent with national priorities or lack appropriate provisions to address tenure rights and security, especially in the context of protecting smallholders and vulnerable groups, including women and youths. As a result, more than 11 instruments are under review or fresh development across seven (7) sectors. Notwithstanding the implementation of these reform processes, collaboration and coordination seem to be lacking during this assessment. MDAs interviewed did not demonstrate awareness of some of the reform processes carried out by other related sectors. Hence, strategies and laws developed under such an environment may be inconsistent or incoherent with existing instruments, and ultimately undermine effective land governance and responsible agricultural investment in the country (See policy cluster table: Annex 2).

Overlaps still exist in mandates where various MDAs have eminent domain over land governance by Ministers of government for development purposes such as small to large scale mining (for MMMMR), large scale land for agriculture (for MAF), devolution of functions (MLGGRD), fishing rights (MFMR) and surveys, titling and permits (MLHCP), agribusiness investment approval Processes (SLIEPA/MTI) and ESHIA environmental licensing (EPA-SL). Respondents emphasized that the absence of collaboration among MDAs will complicate land administration and create tenure insecurity in the country. However, respondents during this assessment recommended that there is a need for strong collaboration and coordination of programs and activities in order to enhance institutional frameworks for efficient land governance. There is therefore a school of thought for the formulation of a land-use/land development policy that should legitimately elaborate land use analyses and collaboration mechanisms or strategies to guide land governance across all MDAs.

### 3.3.3 Power analyses and decision-making process

This section is based on SWOT analyses of various stakeholders targeted during this assessment. Subsections will provide cluster analyses of key stakeholders. **See stakeholder SWOT matrix for full analyses: Annex 3.**

### 3.3.4 Ministries, Department and Agencies (MDAs)

Across all MDAs interviewed, the Ministers of MDAs were reported to be very influential and the buck stops with them to make every final decision within their mandates. These ministers by extension of the President's declarations take decisions in every land governance and food security situation. Ministers generally rely on the advice and support of heads of agencies or departments in providing technical advice in reaching decisions. Therefore, building partner partnerships at the ministerial and technical levels within MDAs will serve as channels to influence policy reform and implementation processes.

### 3.3.5 Development Partners

Development Partners consist of all multilateral and bilateral agencies including UN agencies and financial institutions that are working on land governance and food security issues that include, but not limited to, the World Bank, Department for International Development (DFID/UKAID), European Union Delegation (EUD), GIZ, FAO, UNDP, UN Women, Irish Aid, etc. These agencies are highly influential in influencing policy processes by financing programs, providing benchmarks that serve as triggers for funding opportunities. These agencies also are very essential for partnership that will create visibility and access to a pool of data and knowledge resources.



### 3.3.6 Non-Governmental Organizations (NGOs)

These organizations referred to not-for-profit agencies that are either national or international NGOs.

These agencies provide funds for advocacy, campaigns, CSO mobilization and capacity building. Many NGOs work in silos on land governance and food security issues. Creating partnership with NGOs will also create national and international visibility. This puts pressure on duty bearers to engage and collaborate on land governance issues.

### 3.3.7 Civil Society Organizations (CSOs)

These organizations shall also refer to national NGOs, CBOs, Land owners and users, farmers associations, social groups and trade unions. They form the majority of citizens and persons who are targets or clientele of land governance processes. They have the people power and undertake evidence based advocacies that bring to the partnership grassroots legitimacy and support to influence policy reforms and improvements for equitable land governance and the promotion of food security.

### 3.3.8 Private Sector

The private sector consists of all investors both national and foreign, umbrella groups (including SLECAD). The private sector has huge amounts of resources including expertise and finances. They are highly connected to the political hierarchy which makes them influential in decision making processes and are generally protected through strong agreements and incentives to do business. However, the lack clear rules and laws, complex and multiple approval processes, makes them vulnerable to tenure insecurities. However, given the incentives that the private sector enjoys and the exploitation of the gaps in the country’s outdated laws, they are also very resistant to change especially policy reform processes that benefit smallholders.

### 3.3.9 Power Matrix

Below is a matrix of stakeholders’ power and interest towards an improved land governance programs in Sierra Leone:

<b>POWER</b>	<b>NEGATIVE INTEREST/IMPACTS HIGH POWER POTENTIAL OPPONENTS</b>	<b>NEUTRAL INTEREST/IMPACTS HIGH POWER NEED FOR ADVOCACY</b>	<b>POSITIVE INTEREST/IMPACTS HIGH POWER POTENTIAL CHANGE CHAMPIONS</b>
	<ul style="list-style-type: none"> <li>• Central Government</li> <li>• Ministers/Ministries –</li> <li>• Security Sector</li> <li>• Paramount Chiefs</li> </ul>	<ul style="list-style-type: none"> <li>• Development Partners –</li> <li>• FAO, EU, DFID, Irish Aid,</li> <li>• INGOs</li> <li>• IFIs – WB, ADB</li> </ul>	<ul style="list-style-type: none"> <li>• SLIEPA, EPA, NPAA, VGGT</li> <li>• Secretariat</li> <li>• Private Sector umbrella groups</li> <li>• CSOs, CBOs</li> </ul>
	<b>NEGATIVE INTEREST/IMPACTS LOW POWER POTENTIAL ALLIES OF OPPONENTS</b>	<b>NEUTRAL INTEREST/IMPACTS LOW POWER POSSIBLY UNAWARE OF POTENTIAL BENEFITS</b>	<b>POSITIVE INTEREST/IMPACTS LOW POWER POTENTIAL ALLIES</b>
	Private Sector – Large-scale investors	<ul style="list-style-type: none"> <li>• Consumers</li> <li>• Local land users</li> </ul>	<ul style="list-style-type: none"> <li>• Local Councils</li> <li>• Chiefdom</li> <li>• Councils</li> <li>• Farming Communities</li> <li>• Land Owners</li> </ul>

### 3.3.10 Approval structure and processes

Generally, approval structures and processes in the land governance sector and agribusiness investment sectors or related sectors are centrally based. Few functions such as artisanal mining and fishing are devolved at district/chiefdom levels. But the majority of the decision-making structures are vested in the Minister, who seeks technical advices from management level personnel. Decision making on land governance issues is not based on a multi-stakeholder perspective. Decisions making at the sub-national levels are only derived from consultations and endorsements made by chiefdom councils and land owners. But in large-scale investments, their positions can be overruled by government Ministers who take final decisions based on national priorities rather than reflecting on local ones (See approval structure and processes table: Annex 4).

### 3.3.11 Women's Issues

The assessment discovered that the consortium is largely male dominated in terms delivery team and consortium composition. No women-based or led organization is part of the consortium for the LFLI. Concerns were raised by a women's organization that the consortium is gender biased and urges the LFLI to consider the active participation of women in the Initiative's processes as well support a women's organization to advance land governance issues that affect women especially their right to land for longterm agricultural investments in food and cash crops.

### 3.3.12 Conflict Resolution

All respondents at all level acknowledged that land governance and land-related issues have the highest number of reported conflicts. Many of the conflicts are attributed to poor land administration and absence of records; violation of tenure rights especially of marginalized groups; inadequate and ineffective consultations during land acquisition, inadequate compensations and low lease rents; the lack of alternative livelihoods (temporary and low-pay jobs); poor quality of resettlement programs, water and air pollutions; old and weak land laws, absence of land use analyses and forecasting in relation to population growth; injustice and weak mediation processes.

Conflict resolution mechanisms are ad hoc at the national level. The national level approach relies on stipulating policy or legal provisions for the establishment of conflict resolution mechanisms. Implementation depends on localized structures to address conflict issues that arise in the event of land acquisition processes. Therefore, at sub-national levels, respondents urge that conflict resolution mechanisms must become part of multi-stakeholder dialogue processes. Respondents also highlighted the need for joint stakeholder monitoring programs to foster common understanding and solution to prevailing issues.

## 4 Conclusion

The Country Assessment at both the national and district levels consistently identified investment-climate constraints (e.g. land-related conflicts), including investment-policy obstacles, as primary impediments to large-scale agricultural investment in Sierra Leone. These constraints, which both inhibit foreign direct investment(FDI) and employment potential and consequently exacerbate poverty levels and food security in the five (5) rural districts, could be attribute to legislative and regulatory failures that require proactive institutional and policy reform approaches.

Most policies and laws are outdated or are not consistent with prudent and responsible land governance and agribusiness investment standards. The systems are non-inclusive and complex to navigate. Where compliant laws

and policies exist in the case of the VGGT compliant National Land Policy (NLP), resources are lacking or inadequate to support implementation processes. There is also an overarching lack of collaboration among stakeholders that leads to incoherence and non-harmonization of laws and processes. The assessment also identified that there are existing multi-stakeholder structures that were established during the VGGT implementation that has gone dormant due to funding constraints. The aforementioned challenges highlighted are adversely impacting the effectiveness of land governance and responsible agribusiness investments in the country. There exists, however, strong political commitment at the national level for land governance reforms among stakeholders as demonstrated in the more than 11 ongoing reform processes (see annex 2).

Throughout the field interviews, agencies, institutions and local structures were instead seen as working in silos without effective collaboration and joint decision making actions on most land governance issues in the country. The Assessment discovered that without active engagement of other actors stakeholders individually lacked the full capacity, resources and information to make prudent land governance decision.

## 5 Recommendations

The following recommendations are put forward towards improving the status of land governance and responsible agribusiness investment that shall serve as good entry points for the implementation of the “Land for Life Initiative” in the country:

- 1) Advocate for the strong need for effective coordination and collaboration at all levels through a multi-actor partnership framework. This approach will address the challenges of overlapping decision making and further address all forms of conflicts; improve investment climate and tenure securities of all actors through open and transparent engagements.
- 2) Identify and support existing structures such as the VGGT multi-stakeholder implementation framework to foster effective collaboration and coordination among stakeholder involved in the land governance sector, particularly at the district and local levels. Supporting Chiefdom Land Committees and Village Area Committee as provided for in the National Land Policy using existing local community structure with the principle of “leaving no one behind” could significantly help.
- 3) Support the establishment of sub-national multi-stakeholder platforms at the district, chiefdom and community levels where large-scale land investments are taking place in line with strategies set forth in the NLP. Also, learning can be drawn from the SiLNoRF experiences in facilitating sub-national MSP in the Bombali District.
  - District level MSP – should consider all stakeholders involved in land governance, food security, private sector and human rights-based advocacy. These stakeholders must include government agencies (Environmental Protection Agency, National Minerals Agency, Ministry of Mines and Mineral Resources, National Human Right Commission, National commission for Democracy, Local Councils, District Office, Ministry of Lands and Housing); CSOs and NGOs; and investing companies.
  - Chiefdom Level MSP must also identify all social groups and affected persons. At this level, stakeholders must include the paramount chief, section chiefs, representatives of land owners and users, private sector (companies), CSOs/CBOs/NGOs
  - Community Level MSPs must be facilitated among land owners and users including women and other marginalized groups; town chiefs or heads,

- 4) Support the popularization of the NLP and all associated reform processes to enhance awareness particularly within local communities. This also requires a functioning and strengthened multi-stakeholder platform for effective coordination and collaboration of programs and activities.
- 5) Advocate for the harmonization, simplification and clarity in approval processes in land governance to foster the protection of tenure rights and agricultural investment programs.
- 6) Promote gender equity, inclusiveness and effective participation at all levels in all land governance processes and agribusiness investment programs.
- 7) Advocate for conflict resolution mechanisms to also be part of the multi-stakeholder framework to promote joint monitoring, common problem identification and resolution.

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## 7 Annexes

### Annex 1: List of National Level Key Informants

Annex 1: LIST STAKEHOLDER INTERVIEWED				
STATUS COUNTRY ASSESMENT INTERVIEW				
No.	Institution	Interviewee	Status	Contact
1	VGGT Secretariat	Jobo Samba	Completed	078215650: jobosamba@yahoo.com
2	EPA	Joseph Sampunka	Completed	078053178: sapunka71@yahoo.com
3	SLIEPA	Victor Bangura	Completed	078322563: vbangura@sliepa.org
4	SLeCAD	Ahmed Nano	Completed	076642563: aknanoh@gmail.com
5	Sierra Leone Farmers Federation	Mr. Lesli Tucker	Completed	076595934:
6	Women in Agriculture	C/o MAF: Mariama Turay	Not completed	076766868:
7	NAMATI	Daniel Sesay	Not completed	076926090: dansesay@namati.org
8	Green Scenery	Mr. Joseph Rahall	Completed	076601979: josephrahall@gmail.com
9	WONNES	Mrs. Gertrude Karimu	Completed	076607075: gertrudekarimu@yahoo.com
10	NMJD	Mr. Abu Brima	completed	076645314: abuabrima@gmail.com
11	Christian Aid	Chinsia Pasco George	No response to participate	076713514: cpaschogearge@christian-aid.org
12	Trocaire	Michael Solis	Not completed	076177438: michael.solis@trocaire.org
13	WHH	Emurana Sowa	completed	078357056: emurana.sowa@welthungerhilfe.de
14	FAO	Dr. Samuel Mabikke	completed	079995473: samuel.mabikke@fao.org
15	AbdulaiBunwai at MAF policy level	Abulai Bunwai	Completed	076725738: abdulai.bunwai@gmail.com
16	MAF	Dr. Mohamed Ajuba Sherrif	Confirmed	076646442: medajuba@yahoo.com
17	MLHCP	Mr. Tamba Dauda	Completed	030027977: tambadauda673@gmail.com
18	MoLGRD	Alex Bonafa	Completed	078205060:
19	MO Mines	Daniel Bondo	Completed	076536367: dgbondo@gmail.com
20	Moj	Kadija Bangura	Not completed	076799036: kadija.jalloh@fao.org
21	Marine Resources and Fisheries	Mr. LahaiSesay	Completed	076379778: lahaisesay@yahoo.com

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22	Parliamentary Committee on Lands and Natural Resources	Honorable Quintine Sallia	Not completed	078588349; saliakonnehquintin@yahoo.co.uk
23	Human Rights Commission	Mr. Abdulai Y. Bangura	Completed	076808257: yollahbangura@yahoo.co.uk
24	ONS	Frank Williams or Mr. Rogers	Not completed	076658255: comendi2002@gmail.com
25	World Bank	Kemoh Mansaray	Completed	030074948: kmansaray@worldbank.org
26	SMEDA	Sharka Samuel Sannoh	Not completed	076685049:
27	WHH	Ursula Langkamp	Not completed	099124999: Ursula.langkamp@@welthungerhilfe.de
29	MAF	Rogerson	Completed	076240846: rogersonbm@gmail.com
30	Youth Commission	Ngolo Katta	completed	076606419: ngolokatta@hotmail.com

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## Annex 2: Policy and Reform Cluster Table

Responsible Agency	Policy/law Specify year	Implementing agency(ies) Consider national and local levels	Comments Specify overlaps and conflicts of competency	Weakness/Gap in existing	Strength	Gender	Review	Opportunities
Mines and Mineral Resources	<ol style="list-style-type: none"> <li>1. Mines and Minerals Act 2009;</li> <li>2. NMA ACT 2012;</li> <li>3. Artisanal Mining policies 2018; 4. Geodata Management Policy 2018;</li> <li>5. Mineral policy 2018</li> </ol>	<p><b>National:</b> (NMA)Ministry of mines; Mines Advisory Board; Local Councils; Chiefdom Council/PC;</p>	<p>Customary law application applications by Chiefs conflict with the principles of fairness, equity and access to land by marginalized groups especially women.</p>	<ul style="list-style-type: none"> <li>• inadequate consultation and coordination with other stakeholders in formulation;</li> <li>• Low levels of awareness of policy provisions</li> </ul>	<ul style="list-style-type: none"> <li>• Supporting alternative land use (of mined out plots) with inland fish farming;</li> <li>• provision for community consultation and consent before concession is signed for small and large-scale mining;</li> <li>• rehabilitation of mined out pits after extraction processes</li> <li>• standardization of pre-licenses procedures at chiefdom level</li> <li>• non-proliferation of AM licenses by a single holder</li> </ul>	<ul style="list-style-type: none"> <li>• Recognition of equity and women's access to mineral rights;</li> <li>• support to women to access finance for small for AM</li> <li>• women discriminated in artisanal mining due to customary laws</li> <li>• jobs are few for women (though qualified women are preferred)</li> <li>• engage traditional leaders to remove customary &amp; cultural biases against women for accessing mineral rights</li> </ul>	<p>1. Mines and mineral Act 2009</p> <p><b>Stage:</b> at concept stage; next step: stakeholder consultation</p> <p><b>Purpose:</b> Economic diversification mining and skills building to promote employment are core</p> <ul style="list-style-type: none"> <li>• Better regulation of artisanal mining to ensure progressive rehabilitation of mined out plots before new licenses are issues;</li> <li>• Promote FPIC in all categories of mining including those of small and large scales</li> <li>• Jobs and skills</li> </ul>	



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Responsible Agency	Policy/law Specify year	Implementing agency(ies) Consider national and local levels	Comments Specify overlaps and conflicts of competency	Weakness/Gap in existing	Strength	Gender	Review	Opportunities
							creation <ul style="list-style-type: none"> <li>Progressive levy of EIA fees to promote small scale mining investment;</li> <li>Environmental sustainability</li> </ul>	
MLGRD	6. Assumptions of Functions, 2005; 7. Decentralization Policy 2010; 8. Local Government Act, 2004	1. Dec. Sec; MLGRD; 2. Local Councils; 3. MDAs: Lands, MAF, Mines	Policies and laws of devolution not consistent with other Ministries' instruments – no mention of decentralization strategy in other MDAs policies.	1. Inadequate consultation and concurrence; 2. policy and law is not addressing current challenges; 3. currently don't address land governance despite primary dev. Responsibility (only serves as observers) 4. no consistent framework for land investment across all LCs	1. Clear framework for decentralization 2. Broad range of devolved functions (79) including lands. 3. LCs Register customary marriage that promotes joint ownership of family proper in rural areas 4. Devolution of lands survey and permits functions	1. Promote women's right to own land in marriage through customary marriage; 2. Gender and social welfare are decentralized that promotes land rights of marginalized groups	2. Local Government Act 2004 <b>Stage:</b> desk review and inception done; <b>Next step:</b> formation of thematic groups for LGA review	Need for the promotion of land related sector decentralized ion strategies aligned with LGA;
EPA	9. EPA Act 2008	EPA	1. Works with MMMR, Lands, MAF, and NPAA;	1. No specific safeguards on large scale	1. ESHIA 1 <sup>ST</sup> schedule on investments	Recognizes women's rights; weak	3. EPA Act 2008/10 <b>Stage:</b> review of	

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Responsible Agency	Policy/law Specify year	Implementing agency(ies) Consider national and local levels	Comments Specify overlaps and conflicts of competency	Weakness/Gap in existing	Strength	Gender	Review	Opportunities
			2. Mandates overlaps with National protected area authority on licenses to access to land in protected areas/wetlands	land in ESHIA guidelines 2. High cost of ESHIA Licenses fees 3. Don't regulate artisanal miners; 4. Weak coordination strategies	activities; 2. Promotes community consultations and feedback mechanism	safeguards on women's land rights	previous consultation done in 2018 <b>Next step:</b> further consultations with the new presidential mandate to transfer EPA back to Ministry of Lands  <b>Purpose:</b> develop sector specific ESHIA; review licenses fees and payment modalities;	
MFMR	10. Fishery Policy 2017; 11. The Fisheries (Management and Development) Decree/Act 1994; 12. The Fisheries (Fees) Regulations, 2006	MFMR	MAF, NPAA.  overlaps in mandates of wetlands management and inland aquaculture development/regulation	does not have strategies for land use management in aquaculture development;	1. Promotes aquaculture; 2. Access to artisanal fishers to all beaches	Promotes strategies for women's involvement in aquaculture	<b>4. Fisheries Regulation</b> Stage: at law officers' department for legal drafting  Next: ratification in parliament  <b>Purpose:</b> Improve fisheries governance; Address illegal, unregulated and unreported	

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							fishing; review fees and fines;	
MAF	13. Forestry Act 1988; 14. Conservation and Wildlife Policy, 2010; 15. Rice Policy; 16. Cacao and Cashew policy, 2018;			Lacks safeguards to protect small right holders against large scale land investments; lack strategies for agricultural land use strategies	Promotes crop diversification; strategies for sustainable small holder farming through commercialization	Strong gender recognition; Lacks strategies to promote women's long-term access to land for tree cropping	<b>5. Gender Policy (ongoing);</b> <b>6. National Agriculture Transformation Plan (completed)</b>	
	17. SLIEPA Act 2007;						7. AIAP The draft AIAP has been presented to stakeholders for feedbacks and comments	
	18. NLP, 2015 19. Provinces land act, Cap 122; 20. General registration, Cap 255						8. National land reform; 9. National Land Commission Act; Customary Land Rights Bill; Resettlement policy	

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### Annex 3: Stakeholder Analysis Matrix

Stakeholder	Strength/How could the MAP make best use of these strengths	Weakness/How could they be addressed/managed?	Opportunities/Under which conditions would this actor provide opportunities?	Threat/Which are the risks risk that need to be managed in engaging with this actor?
<b>MAF</b>	Agric regulation; technical support to farmers; decentralized; support for smallholder commercialization farming	Weak Monitoring; low budget; inadequate data; poor food security results	Policy reforms; institutional strengthening; funding from FDI	Donor fatigue; large scale land acquisition for non-food/export-based crop cultivation
	Advocacy/lobby for RAI; promote right to food and food security	enhance tools and capacity for monitoring and reporting; promote systems for sustainable productivity	Recognition of RAI and VGGT; food security drive	Promote responsible investments for local food production
<b>MLHCP</b>	Land governance partnership (VGGT secretariat); NLP; convening power;	Inadequate capacity; poor/inefficient land administration; not decentralized; low budget; low awareness of NLP;	NLP implementation; development of NLC/customary land rights bills	Lack of funding; institutional reforms;
	Anchor and leverage on national structures and processes already established by the ministry	Strengthen capacity and cascade structures at subnational/regional levels	Land governance reforms	Mobilize resources and support smooth transitions of roles
<b>MLGRD</b>	decentralization	Low number of devolved functions; low budget and capacity	Decentralization of all 79 functions including surveys/permits; district level decision making on land administration;	Non-compliance of devolution by other MDAs
	Sub-national partnership on land governance	promote partnership and coordination on devolution of relevant functions	Implementation/reform of LGA 2004	Promote sector decentralization strategies and plans
<b>EPA</b>	Regulation; monitoring;	Lack safeguards for large scale land acquisition; high EIA levy irrespective sector/environmental footprint; lack of joint/open monitoring	Legitimacy to promote RAI; cooperation from investors	Lack of community confidence in ESHIA processes & monitoring;
	Access to data/information; protection of tenure rights;	Enhance Partnership for coordination of activities; promote VGGT in ESHIA guidelines	Reform of EPA Act 2008, Resettlement policy;	Joint monitoring and information sharing
<b>NGOs</b>	Finance; CSO mobilization; advocacy/campaign; capacity (expertise/data)	Poor coordination; lack joint plans/strategies;	LFLI;	NGO policy reform;
	International visibility and resource	Use of LFLI framework	Partnership building	Strengthen support and capacity of

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	mobilization; capacity enhancement			CSOs
<b>CSOs</b>	Advocacy/campaign; strong community mobilization; local legitimacy/recognition; mediation	Poor coordination; lack joint plans/strategies; weak capacity/expertise; lack of resources	Local perspectives; knowledge and research	Partisanship; lack of funds
	Visibility and local legitimacy	Coordination framework and mobilization	Partnership/networking; LFLI	Defining strategy and clear goals; resource mobilization
<b>SLIEPA</b>	Investment promotion; policy influence; knowledge/investment process management	Lacks decision making authority;	AIAP reform/review process;	Institutional reform (subsumed under National Investment Board)
	Support RAI	Advocacy and awareness raising	Partnership and resource mobilization	Continue support and partnership to promote RAI
<b>Office of the President/Chief Minister</b>	Decision making; enforcement;	Political motivated; economic/fiscal policy based	Fast tracking reform processes	Lack of resources; slow implementation
	visibility	Promote far-reaching proper narratives and	Protection of local tenure rights; promotion of food security	Partnership building; advocacy and resource mobilization
<b>FAO/World Bank/EU/DFID and other donors</b>	Knowledge; finance; technical assistance; policy influence	Long institutional processes involved for support; disconnect with local contexts;	Visibility and credibility; funding programs	Shift of government development focus/strategy; misappropriation of funds;
	Influencing improved policy and legislative triggers for effective land governance and RAI	Capacity support to national stakeholders to access donor support; objective locally driven research activities	reforms; effective collaboration and partnership	Develop and prioritize strategies and programs; efficiency of systems and implementation processes
<b>Investor/Private sector</b>	Finance; expertise; knowledge; technology; productivity	Lack of cooperation; abuse of local land rights; inadequate/temporary jobs; low wages; disruption of livelihoods;	Partnership building; resource/knowledge transfer	Community protests; insecurity; asset vandalization/pilfering; tainted reputation;
	Technology transfer; support to small farmers	Reforms; Poverty reduction programs; livelihood/skills training support by public institutions (CSOs/NGOs/Govt)	Reforms; collaborative advocacy/campaign	promote awareness/access to redress and participatory decision-making platforms

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<b>Chiefdom Council/PC</b>	Land administration; decision making; mediation	Poor consultation; marginalization of women/youths and other groups; rent-seeking;	Change of discriminatory mentality and action	Political influence; culture/tradition; loss of legitimacy
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	Promote strong negotiating power and protection of local land rights	Awareness raising; Advocacy/ lobby on land rights	Reforms of laws/policies/AIAP;	Cultural and traditional beliefs
<b>Human Rights Commission</b>	Impartiality; human rights protection; influence policy/public opinion; mediation	Non-decision making/enforcement; do not regulate or punish	promotion of human right-based investment processes (RAI)- including international safeguards	Political meddling; non-compliance by defaulting party; inadequate funding
	Rectify the image of CSO reputation as biased and against investment	advocacy and partnership building with all stakeholder to bring change	Reforms of laws and regulations;	Provide adequate considerations to concerns on opposing sides; provide resources for thorough investigations
<b>Farmers Association</b>	Membership; national coverage; mobilization; partnership; advocacy;	Lack of capacity and resources;	Visibility and legitimacy;	Seen as unproductive and
	Partnership; advocacy and mass mobilization	Provide capacity assessment and prioritize support need	Reforms; LFLI; smallholder farmer programs	Promote success model of small farmers
<b>Communities/ families</b>	<b>Ownership of land; Numbers;</b>	<b>Weak coordination; low levels of knowledge; poverty;</b>	<b>Mobilization by CSOs/NGOs; LFLI;</b>	<b>Partisanship; elite capture; poor/non-consultation</b>
<b>Local councils</b>	<b>district Development mandate;</b>	<b>Limited or no devolved functions; limited decision making; low budget;</b>	<b>Devolution Reforms;</b>	<b>Centralization of functions;</b>
<b>Security agencies</b>	<b>Conflict and disaster management; Powers to maintain order; investigations, arrest and prosecution;</b>	<b>Excessive use of force; bias; taking political orders;</b>	<b>Partnership/Coordination; LFLI;</b>	<b>Violent resistance; conflicts; reassignment</b>
<b>MOJ</b>				
<b>Parliament</b>	<b>Oversight/monitoring; legislation</b>	<b>Low awareness of policy processes; inadequate knowledge/information; partisanship;</b>	<b>Partnership; LFLI;</b>	<b>Tenure; politics</b>

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#### **Annex 4: Approval structure and processes**

Agency	Structure and Process
<b>MLHCP</b>	<p><b>Making Structure:</b> Director of Survey &amp; Lands, director of country planning, director of environment; Permanent Sectary; Minister</p> <p><b>Approval Process</b></p> <p>Western Area</p> <ol style="list-style-type: none"> <li>1. Apply for piece of arable land</li> <li>2. Pay 21 years lease fee (previously, investors hoarded the land without development)</li> <li>3. Demand for collateral (up to 1 Million USD) and put conditions for immediate development or risk forfeiture (current practice)</li> <li>4. Approval is given by the minister Provinces (customary)</li> </ol> <ol style="list-style-type: none"> <li>1. Apply through MLHCP</li> <li>2. Collaborate with MLGRD to engage land owners</li> <li>3. EPA conducts facilitates ESHIA /consultations; provides license</li> <li>4. PC signs MoU</li> <li>5. MLHCP approves and signs survey plan</li> </ol>
<b>MAF</b>	<ol style="list-style-type: none"> <li>1. Approval of Agribusiness investor through SLIEPA</li> <li>2. Or, approval through private sector desk (director of Extensions)</li> <li>3. Access capacity and viability of investment</li> <li>4. Gives attestation (registration with MAF)</li> <li>5. Local councils and other MDAs (eg.MLHCP/EPA) are consulted</li> <li>6. Director General reviews processes</li> <li>7. Minister approves and signs</li> </ol>
<b>MMMR</b>	<p>Artisanal Mining</p> <ol style="list-style-type: none"> <li>1. Identify land</li> <li>2. Get PC approval</li> <li>3. Receipt of payment, consent of land owner presented to NMA regional office</li> <li>4. NMA reviews and issues licenses</li> <li>5. Environmental impact monitoring is done by NMA Small/Large Scale Mining</li> </ol> <ol style="list-style-type: none"> <li>1. Provide size and work plan for identified land and present to NMA</li> <li>2. Mining Advisory Board vet investors and make recommendations for licenses</li> <li>3. No initial consultations with land owners</li> <li>4. Government later consults land owners</li> <li>5. If land Owners disagree, Minister can apply eminent domain powers</li> </ol>



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<b>MFMR</b>	<p>Licensing of artisanal fishers/ canoes: devolved to LCs</p> <ol style="list-style-type: none"><li>1. Application is made at respective LCs</li><li>2. canoe/boat inspection is done</li><li>3. licenses fees paid</li><li>4. fishing right granted: Licensing of canoes every 3 years</li><li>5. Net destruction of wrong size used</li><li>6. Anyone including foreigners can</li></ol> <p>Establishment and management of fish ponds and inland lakes: devolved to LCs</p> <ol style="list-style-type: none"><li>7. Identification of sites</li><li>8. Construction of fish ponds</li><li>9. Management of fish ponds d. Management of inland water bodies including lakes</li></ol> <p>Central Government structure</p> <p>Minister (political head), Permanent Secretary (administrative head) and a Director of Fisheries (the professional head) who has the technical knowledge in fisheries</p> <p>Large scale fishing Approval</p> <ol style="list-style-type: none"><li>1. Application is submitted by citizen of sierra Leone</li><li>2. Locals consultant prepares fishing plan and capacity</li><li>3. Investment must be sierra Leonean owned of joint venture with foreign investors,</li><li>4. Local partners with at least 51%, while the foreign investors have 49% and below;</li><li>5. <b>Director of fisheries reviews application</b></li><li>6. <b>Minister approves licenses</b></li></ol>
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<p><b>EPA</b></p>	<p><b>Decision making Structure: Board of Directors</b> – boards Chair, executive Director and two others are appointed by the President; about 11 institutions (Fisheries, Petroleum Directorates, Mines, Land; water resources, NPAA, MAF,</p> <p><b>Approval Process:</b></p> <ol style="list-style-type: none"> <li>1. The investor applies for ESIA license through a consultant;</li> <li>2. The investor is screened by EPA –the Natural resources management and the field operations and this is done is dine</li> <li>3. The investor’s consultant presents a scoping report is submitted to the EPA;</li> <li>4. ESIA Study conducted</li> <li>5. Draft report is submitted to EPA – EPA does an internal review and if adequate, there is a public disclosure stage to ascertain that due processes were followed 0 consultations were done and that vies expressed were followed. There is provisions that some items may be objected by the community</li> <li>6. Then the confirmed report is submitted to the Board of Directors – they take decision on whether to grant or not based on the content of the ESIA Report;</li> <li>7. Once Board approves, the applicant is invited from fee negotiations;</li> <li>8. Payment is done</li> <li>9. Compliance is monitored</li> </ol>
<p><b>SLIEPA</b></p>	<p><b>AIAP processes</b></p>

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## **Annex 5: Questionnaire**

### **INSTRUMENT A: National Level Key Informant Interview Guide**

**Key Informant Category: Government/MDA; NGO; INGO; CSO; UN Agency;**

**Private sector**

Name of Institution:	
Position of Official Interviewed:	
Location:	
Date:	

#### **Introduction**

WHH is consortium partners of the multi-country 'Land for Life Initiative' (LFLI), that focuses on land governance and agricultural investments. The LFLI aims to contribute to the formulation and implementation of policies on land tenure and responsible agricultural investments. Under the LFLI, a country assessment is commissioned to identify and analyze the national land governance and agricultural investment systems to promote the right to food in Sierra Leone by reviewing existing policy and legal framework with regard to land rights and agricultural investments; identify the key challenges to be addressed in the area of land governance; identify the existing structures that govern land and agricultural investments.

As consultants working for the LFLI consortium in Sierra Leone, we would like you to kindly accord us your valuable time to ask you some questions about your perspective on land governance and agricultural investments issues in Sierra Leone. We would like to assure you that the information you will provide here will be used only for the purpose of this assessment and will be treated as confidential

**Thank You**

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		<b>Questions</b>	<b>Answers</b>
A	<b>Stakeholder Profile</b>	1. Please tell us what activities and programs does your institution engage in related to land governance and agricultural investment in Sierra Leone	
B.	<b>Food Security</b>	2. What is your view on the current food security situation in Sierra Leone?	
		3. (a) Is there a need for improvement in the food security situation in the country? If yes, how?	
		4. (a) Are there any existing policies/strategies that support food security in the country If yes, how does it impact food security situation in the country?  (b) Are there any provisions of existing policies that protect land rights of women and youths?	
		5. Does any policy/strategy address the issues of access to land for agricultural investments	
		6. What are the land-based investments in the country?	
		7. (a) What are the large-scale agricultural investments? (b) How do land-based investments impact food (in)security in the country?	
		8. Are there any impacts of largescale agricultural investments on Small holder rights? If yes, state: (b) what are the specific impact on	

		women youths and PWDs?	
		9. What challenges marginalized groups (especially women, PWDs and youths) face to access land for agriculture?	
		10. Are there any other concerns or challenges resulting from agricultural investments that impact food security in the country? If yes, please state:	
C	<b>Land Governance</b>	11. What emerging land issues that need to be addressed?	
		12. (a) What are the current reforms in land governance within your institution, if any? (b) what are the reforms in other relevant land related sector?	
		13. What are the major land rights issues addressed by the reform processes?	
		14. (a) Who are the key stakeholders involved in reform processes (b) What is the level of their participation? (technical, management and ministerial)	
		15. (a) At what stage is the current reform process? (b) Describe the stages completed in the said reform processes? (c) What are the next steps in the reform process?	
		16. To what extent are aware of the existence national land policy (NLP)?	

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		17. (a) What are the impact(s) of the NLP on the activities/work of your institution? (b) What aspects of the NLP has been implemented?	
		18. What is the status of implementation of the National Land Policy (NLP)?	
		19. To what extent has the NLP been implemented at sub-national levels?	
		20. Who are the actors involved in the implementation of the NLP?	
		21. What are the challenges facing the implementation of the NLP?	
		22. (a) What are the existing structures for stakeholder participation and consultation in the land governance reform processes? (b) How inclusive are the structures? <i>NOTE: which stakeholder is leading; Who are the participating stakeholders; What are the roles of stakeholders and levels do participate</i>	
		23. What is the policy and legal gaps or shortcomings in land governance?	
		24. What are the major challenges impacting land reform process?	
D	<b>Decision making process</b>	25. What are the institutional structures for decision making in land- based investments? (b) What is the level of participation of marginalized groups (women, youths, PWDs, Land owners/users etc.)	
		26. At what levels are decisions taken for land-based investments	Are you aware of the AIAP development process?
		27. Who are the major decision makers influencing decisions in land-based investments?	
		28. What factor/interests influence decisions making processes in land-based investments?	

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		29. Are you aware of the Agricultural Investment Approval Process (AIAP) development process	
		30. What is your level of participation in the AIAP development process?	
		31. How will the Agricultural Investment Approval Process (AIAP) influence effective land governance in the country?	
E	<b>Grievance Redress</b>	32. (a) What are the legal provisions for expropriations and compensation in land-based investments (b) How are the legal provisions enforced	
		33. Are there any known issues of conflicts around agricultural investments within your operational areas? If Yes, what are the main issues?	
		34. Who are the key actors involved in the conflicts mentioned (in 8) above?	
		35. Are there any existing conflict resolution mechanisms to address conflicts in agricultural investment operations? If yes, please state:	
		Which actor(s) that play key roles in mediation processes?	
	36. Are conflicts/issues resolved through litigations? 37. If yes, state conflicts:		

**INSTRUMENT B: District/Local Interview Guide**

<b>Key Informant Category: Government/MDA; NGO; INGO; CSO; Communities; Private sector</b>	
Name of Institution:	
Position of Official Interviewed:	
Location:	
Date:	

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**Introduction**

WHH is consortium partners of the multi-country ‘Land for Life Initiative’ (LFLI), that focuses on land governance and agricultural investments. The LFLI aims to contribute to the formulation and implementation of policies on land tenure and responsible agricultural investments. Under the LFLI, a country assessment is commissioned to identify and analyze the national land governance and agricultural investment systems to promote the right to food in Sierra Leone by reviewing existing policy and legal framework with regard to land rights and agricultural investments; identify the key challenges to be addressed in the area of land governance; identify the existing structures that govern land and agricultural investments.

As consultants working for the LFLI consortium in Sierra Leone, we would like you to kindly accord us your valuable time to ask you some questions about your perspective on land governance and agricultural investments issues in Sierra Leone. We would like to assure you that the information you will provide here will be used only for the purpose of this assessment and will be treated as confidential

**Thank You**

		Questions	Answers
<b>A</b>	Stakeholder Profile	1. What work do you engage in that relates to land	
<b>B.</b>		2. What is your view on the	
<b>Food Security</b>		current food security situation in district/chiefdom	
		<b>3. (a) Is there a need for improvement in the food security situation? If yes, how?</b>	
		<b>What is the process to acquire land in this district or chiefdom</b>	
		4. (a) What large-scale agricultural investments exist in your area?  (b) How do land-based investments impact food (in)security in the district/chiefdom?	



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		<p>5. Are there any impacts of large-scale agricultural investments on Small holder rights? If yes, state:          (b) What are the specific impacts on women youths and PWDs?</p>	
		<p>6. What challenges marginalized groups (especially women, PWDs and youths) face to access land for agriculture?</p>	
		<p>7. Are there any other concerns or challenges resulting from agricultural investments that impact food security in the district/chieftdom?          If yes, please state:</p>	
C	Land Governance		
		<p>8. To what extent are aware of the existence national land policy (NLP)?</p>	
		<p>9. (a) What are the impact(s) of the NLP on the activities/work of your institution?           (b) What aspects of the NLP has been implemented?</p>	
		<p>10. What is the status of implementation of the National Land Policy (NLP)?</p>	

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D	Decision making process	11. What are the institutional structures for decision making in land- based investments?  (b) what is the level of participation of marginalized groups (women, youths, PWDs, Land owners/users etc.)	
		12. Who are the major decision makers influencing decisions in land-based investments?	
		13. What factor/interests influence decisions making processes in land-based investments?	
E	Grievance Redress	14. Are there any known issues of conflicts around agricultural investments within your operational areas? If Yes, what are the main issues?	
		15. Who are the key actors involved in the conflicts mentioned (in 8) above?	
		16. Are there any existing conflict resolution mechanisms to address conflicts in agricultural investment operations? If yes, please state:	
		17. Which actor(s) that play key roles in mediation processes?	

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	18. Are conflicts/issues resolved through litigations? If yes, state conflicts:	
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**Annex 6: Community Land Lease Engagement Processes**

<b>Port Loko (Maconteh Chiefdom)</b>	<b>Tonkoli (Yoni Mabanta)</b>	<b>Kenema (lower Bambara Chiefdom)</b>	<b>Kailahun</b>	<b>Pujehun (Tuasu, Makpele Chiefdom)</b>
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<ol style="list-style-type: none"> <li>1. Investor met Member of Parliament (MP) in 2011</li> <li>2. Investor and MP visited the Paramount Chief (PC) to express interest in land</li> <li>3. PC contacted Section chiefs to identify land owners in identified land</li> <li>4. PC calls meetings with land owners and users to meeting to express interest for investors</li> <li>5. PC and MP convince communities that company (Sierra Leone Agriculture – SLA) will bring jobs, build wells, schools and hospitals for communities</li> <li>6. Communities agreed to offer land on the grounds of development promised them</li> <li>7. Land deal was negotiated by PC and MP with Investors</li> <li>8. Terms and Land lease fees were determined by PC and MP</li> <li>9. Contract was signed by the PC, MP and some people not known by communities</li> <li>10. 41,000 hectares of land was leased by SLA Ltd.</li> <li>11. 101,000 Leones was paid per Ha for 2years</li> <li>12. 51,000 Leones/Ha for another 2 years (till 2015)</li> <li>13. Last payment was made in 2015 and SLA went</li> </ol>	<ol style="list-style-type: none"> <li>1. Investors met with elites in big towns, the PC and government officials</li> <li>2. Miro (Company) called meeting in Bonkababay village to seek communities' commitment to offer land</li> <li>3. Villages pledged land for the Miro timber investment</li> <li>4. 21,000 hectares of land was committed by villages in three chiefdoms (Yoni Mabanta, Masimera and Mamila)</li> <li>5. Communities were promised development such as water wells, court barry, roads, scholarships, jobs</li> <li>6. Miro surveyed land committed by villages</li> <li>7. Contract was signed by town chief representing land owners and users.</li> <li>8. Town chief and land owners were not informed of the terms and conditions of the contract signed.</li> <li>9. Communities claimed they have not seen contract</li> <li>10. Land lease rent is paid every year</li> </ol>	<ol style="list-style-type: none"> <li>1. Investors took over land since 2004</li> <li>2. MP then brought investors without consent of PC nor communities</li> <li>3. Land owners and traditional leader resisted concession by were forcefully prevailed over by the then Vice President to accept investors</li> <li>4. Large amount of land was leased than communities wanted to give out to a single investor</li> <li>5. Concession covers 4 sections out of seven sections in the district</li> <li>6. Communities claim they do not know size of land leased</li> <li>7. Several companies have inherited and transferred ownership to other companies with land owners consent</li> <li>8. No land owner was part of the land survey conducted by the current mining company(stellar Diamonds)</li> <li>9. Company is creating</li> </ol>	<ol style="list-style-type: none"> <li>1. Investor (Gold Tree - GT) was brought into the chiefdom by Minister of Agriculture</li> <li>2. Minister acquired over 2,000 hectares of land from 6 communities</li> <li>3. PC, Minister and GT signed agreement without the involvement of land owners</li> <li>4. PC claims company is its 'child' and does promote the interest of local communities and land owners</li> <li>5. Communities are demanding for renegotiation directly with GT</li> <li>6. Company promised to build schools, water wells, electricity and scholarships to contributing communities; but promises have not been fulfilled</li> <li>7. Communities are restricted to access water sources and streams where sand and fishes are obtained</li> </ol>	<ol style="list-style-type: none"> <li>1. Entire was lease by traditional leaders (PC)</li> <li>2. 2010/11, West Africa Agriculture (WAA) acquired about 28,000 hectares of land</li> <li>3. WAA only developed oil palm nurseries and left</li> <li>4. WAA transferred ownership to Natural Habitat (NH) without the knowledge of land owners and users</li> <li>5. PC renegotiated with NH and land size was reduced to 2,300 hectares</li> <li>6. Contract was signed by PC and community representatives for a period of 50 years</li> <li>7. Only 217 hectares are currently cultivated by NH</li> <li>8. Promised to construct oil mill in the chiefdom but NH has not done that but instead oil palm fruits are transported to Daru in Kailahun for milling</li> <li>9. Promised to build schools and hospitals but NH provides 20,000 USD per year for to communities for</li> </ol>
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<p>bankrupt</p> <p>14. SLA abandoned the oil palm plantation after failing to pay lease rents and wages of workers</p> <p>15. Breach Court action was taken against SLA</p> <p>16. SLA failed to appear in court and high court ruled in favor of communities and workers.</p> <p>17. Communities reposed land and oil palm plantation</p> <p>18. Assets were auctioned and some bills were paid.</p> <p>19. Community is currently looking for a credible investor to negotiate with directly to invest in the plantation</p>	<p>11. Kithboi village receives bulk sum of 8 million Leones for 72 hectares</p> <p>12. 13 million Leones was received by Kithboi as one-off crop compensation fee</p>	<p>jobs but very few land owning members have been employed</p> <p>10. Company imposes restrictions the use of swamps for farming within their concessions – even though swamp is not used for mining activities.</p> <p>11. Land owners and traditional leaders are not informed of lease rent per hectare/acre</p> <p>12. Government is more interested in the money it is receiving from investors than community interests</p>		<p>land that exceeds 1,000 hectares – this can be used for community development in the 7 communities</p> <p>10. Family land maps has been developed and shared with them</p> <p>11. Jobs opportunities promised are still very few due low scale of cultivation</p>
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**Supporting Partners:**

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**Implementing Partners:**

In Sierra Leone, five legally established non-profit national civil society organizations partner as a Consortium to roll out the Land for Life-Initiative. The Network Movement for Justice and Development (NMJD) is acting as Consortium Lead. The other four organizations are: United for the Protection of Human Rights (UPHR), Community Empowerment for Poverty Alleviation (CEPA), Partners Initiative for Conflict Transformation (PICOT), and Sierra Leone Network on the Right to Food (SiLNoRF).



**Disclaimer:**

All opinions presented here are those of the authors and do not necessarily reflect the views of Welthungerhilfe, or any other entity supporting the Land for Life Initiative.

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