

# National Conference of Paramount Chiefs on Land and the Constitution



**Green Scenery**

**ALLAT**

**PICOT**

Mohamed and Zainab Turay Hall

Haikal Academy

Kakua Chieftdom,

Bo District.

24<sup>th</sup> May, 2014

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# **1. EXECUTIVE SUMMARY OF THE REPORT ON NATIONAL PARAMOUNT CHIEF CONFERENCE ON THE THEME: "OUR CONSTITUTION...OUR LAND....OUR COUNTRY"**



The National Conference of Paramount Chiefs on the theme: "Our land...Our Constitution...Our country" is the fourth of its kind organized in Sierra Leone by local actors and their international partners to discuss contemporary issues relating to natural resources management especially land in the face of the current influx of multi-national companies engaged in Foreign Direct Investments involving land.

The one day conference was organized by national non-governmental organizations – Green Scenery, Action for Large Scale Land Acquisition Transparency ( ALLAT) and Partners Initiative on Conflict Transformation ( PICOT) in collaboration with the Ministry of Local Government and Rural Development and the UN based Climate, Energy and Tenure Division, Natural Resources Management and Environmental Department of the Food and Agricultural Organisation ( FAO).The conference which attracted nearly 85% Sierra Leone's 149 Paramount Chiefs and their National Executive members, the Deputy Minister of Local Government and Rural Development, the Mayor of the host Southern Regional City – Bo; will remain on record as the single event that brought together all female Paramount Chiefs to sit together with their male colleagues to discuss their common destiny – LAND.

The day-long deliberations focused on, among others, previous actions on land and natural resources management, the laws relating to land and implications for gender, a draft protocol for investors in need of land, a Bo District Council initiated policy guidelines on large-scale land acquisition, a case study of

land lease agreements in Sierra Leone, a critical analysis of the national land policy in Sierra Leone, and the voluntary guidelines on the responsible governance of land, fisheries and forests.

The delegates engaged in frank exchanges of lived experiences and encounters with investors posing as development partners of government in a dialogue session.

With technical professional support of Conference Facilitators, delegates worked in eleven district groups to thoroughly discuss questions on:

***-The long term effects of the acquisition of large acreages of land on the cultural, economic and social lives of host communities.***

***-The community involvement in large scale land acquisition and lessons learnt***

***-How the operations of Foreign Direct Investors may undermine peace and stability of host communities.***

The outcomes of group discussions emphasized that:

- There is very little community involvement in land acquisition which is compounded by the lack of data on available land, leading to inadequate knowledge within the community of land acquisition and its implications for livelihood and food security. There is therefore an urgent need to recognize and respect all legitimate tenure rights holders and their rights.
- Caption 122 of the laws of Sierra Leone dealing with land matters should be an entrenched clause in the revised constitution.
- There are real concerns among all Paramount chiefs over the repeated long term agreements often spanning from 50 to 100 years which places such leases outside the control of families and communities for several generations yet unborn.
- There are disturbing evidences of continued environmental degradation in communities where mining and agribusinesses are located. This is further worsened by the mass movement of people, mainly job seekers, into host communities creating socio-cultural problems and administrative difficulties for chieftdom authorities.
- There is evidence of massive erosion of socio-cultural practices of the host communities with negative implications for traditional authorities and residents
- There was a unanimous call for the establishment of a House of Chiefs in the revised constitution, instead of Paramount Chiefs representatives in parliament.
- In view of the limited time available to study and fully digest the large volume of information documents provided by the conference facilitators, the National Executive of Council of Paramount chiefs was mandated by the membership present to set up a sub-committee on the NCPC to review all suggestions and formulate concrete recommendations on land and paramount chieftaincy matters to the National Constitutional Review Commission – CRC.

The joint initiative of Green Scenery, ALLAT and PICOT to highlight the multi-faceted issues relating to land and our constitution as seen through the critical lenses of the traditional rulers and custodians of



over 80% of land in Sierra Leone was commended by all delegates especially at a time when the National Constitutional Review Commission is looking forward to grassroots contributions to the review process.

Sheku K Mansaray

May 2014

## **2. HIGHLIGHTS OF THE OPENING CEREMONY OF LAND COFERENCE WITH PARAMONT CHIEFS HELD IN BO ON 24 MAY 2014**





**i) OPENING PRAYER**

SPECIAL PRAYERS WERE OFFERED FOR THE COUNTRY AND LEADERS WHOSE HANDS LIE THE POWER TO PROTECT THE CALLED SIERRA LEONE AND ALL OTHER NATURAL RESOURCES IN MUSLIM AND CHRISTIAN FAITHS.

**ii) INTRODUCTION OF CHAIRPERSON**

Mr. Paul Koroma of ALLAT introduced the Director General of the Ministry of Local Government and Rural Development, whom he described as an experienced administrator, highly knowledgeable on matters of local governance especially working with Paramount Chiefs. Mr Paul Koroma presented Mr. Aiah J. P. Lebbie as the Chairman of the Conference and Land and the Constitution amidst applause from Paramount Chiefs.

**iii) CHAIRMAN OPENING REMARKS -MR AIAH LEBBIE**

In his opening remarks, Mr. Lebbie expressed happiness for the massive turnout of Paramount Chiefs to this all important meeting. He said the chiefs are the major stakeholders in land acquisition in this country.

He encouraged all speakers to use the lingua franca – krio - as the medium of communication so that every participant will equally benefit and will contribute confidently. He reiterated that during the colonial era, Sierra Leone was divided into two - colony and protectorate. Freetown was regarded as the colony while the hinterland was referred to as protectorate now called the provinces. He said the Paramount Chiefs were the custodians of their land.

That the basic asset for the people is land where they get their livelihood to support their families. He said that, we are all here to talk on a very important issue that will benefit all of us and our children.

He concluded by appealing to all and sundry to be objective in their contributions

**iv) WELCOME ADDRESS BY P.C. PRINCE LAPIA BOIMA- KAKUA CHIEFDOM, BO DISTRICT**

The host Paramount Chief welcomed his colleagues, Government Officials and NGO representatives in these words.

“I am glad to see my colleague Paramount Chiefs, Government Officials including my Deputy Minister and indeed our collaborating NGO representatives who have always stood by us in times of need. I welcome you here today as we discuss the very purpose of our existence - land” He opined that one of the major responsibilities of Paramount Chiefs is to properly take care of the land under their purview. He observed that due to the weak laws in the provinces, it was relatively easier to acquire land in the provinces than in Freetown or the Western area. He admonished his colleague Paramount Chiefs to ensure that they did not let the land in their custody fall in the wrong hands of people who can deprive other parties of its use. This, he said, would render their subjects poorer and peaceless.

He heartily welcomed every one present to the all important conference and wished them fruitful deliberations

**v) STATEMENT FROM BO DISTRICT COUNCIL**

Bo District Council was represented by the Deputy Chairman, Mr. Martin M.B. Goba.

In his presentation, he said that, Bo district council in collaboration with welt hunger hilfe (WHH), Councilors and Civil Society organizations have prepared a draft policy Guideline on large scale land acquisition in the Bo district awaiting approval. If approved, he said, would be first of its kind which other districts would emulate. The policy was developed by a working group comprised of representatives from members of parliament of Bo, Paramount Chiefs, Bo unit security, national movement of justice, Green Scenery, hunger Welt Hilfe, Council and the legal profession.

Further, he said that, the policy was based on existing guidelines of SLIEPA, the guidelines for sustainable agriculture and Bio energy investment and existing legislation. He commented that for the past years, there has been an increasing interest from agribusiness companies in agricultural land in Sierra Leone and foreign direct investment in agriculture has now increased dramatically, as a result, there is an increasing trend of large scale land acquisition and investment. He said these investments have the potential for positive social and economic impact if executed in a responsible and transparent manner. However, he said if not managed responsibly and transparently, they can have a disastrous social, economic and environmental impact. Thus, the policy guideline has been developed to ensure that land owners in making room for investment, are treated equitably.

He reiterated that the policy is aimed at ensuring that land owners continue to enjoy at least the same standard of living they were enjoying prior to the investment transaction. On the 19<sup>th</sup> may, 2014, the

council in collaboration with its development partners presented the draft policy to the paramount chiefs of Bo district so that their input could be factored into the draft policy before final presentation to parliament for endorsement. It so the desire of the council for Paramount Chiefs to take ownership of the draft policy as it is intended to protect them and their subjects from unscrupulous investors, he said.

In addition, he said that, the council's mandate is to seek the welfare of her people and to usher in development in all the respective localities. Developments such as, building schools, markets, health centres, etc are done on the land. He emphasized that, development can never be realized in the absence of land and where there are contentious over land, development would be for fetched in those areas.

He concluded his statement by advising all Paramount Chiefs to work in collaboration with Green Scenery and partners to ensure that protective measures are put in place that will benefit all. He said, the contribution of Bo district council to the process of developing acceptable policy guidelines for large scale land acquisition will be presented the conference by Mr. James Musa.

He thanked all for their attention.

**vi) COMBINED STATEMENT FROM PARTNERS (ALLAT) BY MR PAUL KOROMA**

In his presentation, Mr. Paul Koroma revealed that a group of NGOs came together to work on various themes on environment, agriculture, mining, land acquisition and a host of others. He informed delegates that issues of land acquisition formed a focal point of discussions by Civil Society which has given birth to this conference.

He emphasized that who so ever wants to invests in land should ensure that proper documentation is put in place that will be of mutual benefit to all. He encouraged all Paramount Chiefs present to fully participate in the discussions and make objective contributions that will help them in their various chiefdoms in dealing with land acquisition.

He concluded by re-echoing what other speakers have said about the importance of the conference for the benefit of our children who will inherit the land we now protect.

**vii) STATEMENT FROM CAIRMAN, COUNCIL OF PARAMOUNT CHIEFS**

The Secretary General, National Council of Paramount Chiefs, PC A.B.Y. Koroma of Kalansogoya Chiefdom, Tonkolili District tendered an apology on behalf of the Chairman for his absence. He expressed thanks and appreciation to the organizers of this conference pertaining to land acquisition which he described as a major concern to all chiefdoms in this country. He said that, their subjects depend on them, the chiefs, for protection and guidance.

He stressed that the meeting was an eye opener for all of them because their subjects always cry to them for help to secure their land. He wondered how much benefit land owners can derive from large investments when 90% of the people depend on the land. He commented that in many chiefdoms in the country, a lot of dissatisfaction have been expressed by land owners that the compensations from large



investors are not equal to their land in use. He lamented that land owners were suffering as a result of poor land agreement between the land owners and investors. He was optimistic that this conference would equip them with more knowledge and understanding on land acquisition by investors that will benefit the land owners.

He ended up by thanking all members present for their attention

**viii) KEYNOTE SPEAKER- DEPUTY MINISTER OF LACAL GOVERNMENT, HADIRU KALOKOH**

The Deputy Minister focused his presentation on salutation, appreciation and key issues. He conveyed warm traditional greetings from his Minister to all paramount chiefs and invited personalities who made it possible to attend the very important conference.

In his appreciation, he recognized the effort of Green Scenery and Partners Initiative for Conflict Transformation for organizing the conference for major stakeholders in this country . He apologized for the absence of the Minister of Local Government who was on another assignment but extended her felicitation to all present.

He said that, land is one of the most essential factors for the existence of man. As a factor of production, it is the principal source of livelihood for mankind and major determinant of human activities he said. According to him, mankind's history has been influenced by his desire to possess and control land. He said migrations, conflicts, wars have been a result of this desire.

He stressed that even in the modern world today, the desire to control land account for the major causes of conflicts such as, migrations to the new world and territorial expansions leading to boundary disputes among nations, communities and individuals. Land is the most valuable resource for mankind because of its potency to generate life, provide livelihood, maintain political authority and economic power, he said.

Furthermore, he commented that, because of its intrinsic value, land ownership has to be clear and unambiguous for its use to be legitimate. If not, he said, there will always be a conflict of some sort over land.

He reiterated that a substantial part of the work of his Ministry is facilitating the solution of cases of land between communities, chiefdoms and individuals. That in some cases even between land owing families and traditional rulers. That cases also erupt with the activities of a new cadre of professional land merchants who use their knowledge of the processes and procedures of land acquisition, to perpetrate land grabbing and fraud, thereby perpetrating conflicts over the ownership of land,

In addition, he said that, the advent of our increasing economic development which has brought in an influx of investors in various areas of endeavor has also brought in its own form of conflicts. As a Ministry, they now have to deal with cases of disputes between landholding families, between families and traditional rulers and even individuals regarding who should legitimately receive surface rent, crop compensations, agricultural development funds, or diamond area community development funds. In the circumstance, formulating a comprehensive land policy that will give the necessary directions to landholding and land disposal will be appreciated by MLGRD, he said

He commended the organizers of this conference: Green Scenery and Partners Initiative for Conflict Transformation (PICOT) for targeting Paramount Chiefs, our traditional rulers, by way of sensitization on the rudiments of land disposal and ways of incorporating land issues in the constitutional review process. Paramount Chiefs are strategically placed in any debate on land holdings and disposal, he said, he stressed that by virtue of their positions as traditional rulers, chiefs and the custodians and moral guarantors of the kings of their people so their choice as major participants for the conference was indeed very appropriate.

He concluded by entreating all participants to be diligent in their contributions to the discussions, bearing in mind that land matters are matters of life and livelihood. That constitutional provision must bear the test of time.

He thanked all for listening and graciously declared the conference opened.

**ix) VOTE OF THANKS BY P.C MD MARIAMA JAWARD TAMIA (III) NIAWA CHIEFDOM  
KENEMA DISTRICT**

To end the opening ceremony, a vote of thanks was delivered by P.C Md. Mariana Jaward (III) of Niawa Chiefdom Kenema District who happened to be the latest Paramount Chief to be inaugurated.

She started by thanking the almighty God for granting them safe travel to the conference center in Bo.

She appreciated the effort of all Paramount Chiefs who made it possible to attend this very important Conference and thanked them. Madam Jaward Tamia specially thanked the Deputy Minister and his Director for taking time off their busy schedules to join them at the Conference. She thanked Resource Persons, organizers and their funding partners for the initiative to call all major decision makers on land use to a conference of this nature. She wished all delegates well in their deliberations.

### 3. OVERVIEW/ BACKGROUND TO PAST PROCESSES IN RELATION TO LAND



The Executive Director of Green Scenery, Mr. Joseph Rahall, presented an overview and background to past processes in relation to land in Sierra Leone since large scale land lease took centre stage in direct foreign investments.

The first conference on natural resources was held in 2011 on the theme:

***“Sierra Leone, rethinking development and transformation after fifty years”***

The delegates discussed the following

- a. Regulations
- b. Land policy
- c. Land debates and cadastre
- d. Review of investment arrangements

The outcomes relating to land included:

- a. An affirmation that land remains the source of livelihood for the majority of the population
- b. That land is central to Sierra Leone’s development
- c. That land use must be enhanced to create wealth and promote local development
- d. That a national debate is urgently required to adopt a comprehensive land policy, ascertain and register land ownership and address other challenges relating to land use including women’s right to own/access tenure right.

The second conference was organized by Green Scenery in collaboration with the nationwide membership of ALLAT. The delegates at that conference included land owners and users drawn from all

districts affected by large scale land lease by multi-national companies. The major concern of conference organizers and delegates included:

- a. Absence of free, prior and informed consent in all communities and lack of transparency in the land deals.
- b. Poor consultations on land acquisition and deliberately excluding women and other relevant stakeholders.
- c. The seeming absence of binding regulations for large scale agro-investment and affections monitoring
- d. The absence of a recognized 'watch –dog' body to monitor large scale land deals in industrial investments in agriculture
- e. Weak community understanding of negotiating for large scale land deals
- f. Farmers' non access to independent legal services to support them in negotiating land deals.

**THE NATIONAL CONFERENCE FOR LAND OWNERS AND USERS MADE THE FOLLOWING RECOMMENDATIONS:**

- a. In the absence of free, prior and informed consent in all land deals with land owing communities, such land deals be reviewed after thorough education of stakeholders involved
- b. That all stakeholders especially women be involved in the review of existing land deals and all future negotiation for land
- c. An effective monitoring system be put in place involving stakeholders and serve as gate keepers on behalf of the communities
- d. Women should be included in consultations at all levels
- e. Government should establish effective regulations to safeguard land owning rural populations in the face of large scale land acquisition and industrial agriculture
- f. Women affected by loss of their farm land and livelihood be provided with safe healthy alternative livelihoods
- g. The large scale land investments be designed to increase food security, not decrease it

**PLEASE SEE APPENDIX 1 OVERVIEW AND BACKGROUND TO PAST PROCESSED IN RALATION TO LAND**



# **NATIONAL CONFERENCE OF PARAMOUNT CHIEFS ON LAND AND THE CONSTITUTION**

**“OUR LAND... OUR CONSTITUTION... OUR COUNTRY”**

**LOCATION: Bo City**

**VENUE: MOHAMED AND ZAINAB TURAY HALL, HAIKAL ACADEMY**

**DATE: 24th May 2014**

**TIME: 8:30am**

This Initiative Is Supported By:



## **5. “Our *constitution.... Our land... our country: The status and role of Paramount Chiefs in our society*”**

Madam Lois A. Kawa of Quality and Care Legal Consultancy and member of the Kawa ruling house in Bo district, made a revealing presentation on the topic:

### **“OUR CONSTITUTION....OUR LAND.....OUR COUNTRY: The Status and Role of Paramount Chiefs”**

Madam Kawa described land as a highly emotive subject which carries with it a strong sense of identity, and regarded as a highly important resource without which humanity cannot develop.

She however lamented that in many societies, some members do not have equal access to this very crucial commodity.

While madam Kawa acknowledged section 72(i) of the 1991 constitution of Sierra Leone and the chieftaincy act of 2009 for preserving the institution of chieftaincy in Sierra Leone, she called for a



wholesale review of cap 122 and recommended its replacement with modern legislation that suits the needs of present day Sierra Leone

Madam Kawa unequivocally advocated for the review of customs and traditions in favor of women's participation in decision making for community and national development.

She described women as nurturers and the bed rock of society and strongly advocated for a constitution that favors their inheritance right.

She commended the three gender acts of 2007 and pleaded with the Paramount Chiefs to take the golden opportunity of the current constitutional review process to harmonize customs and traditions with the emerging laws of Sierra Leone; emphasizing that customs and tradition are dynamic and not static.

Madam Kawa implored the chiefs to ensure equal access to land to prevent the escalation of societal ills as urbanizations, unhealthy competition for resources, commercial sex engagement, petty and severe crimes, child trafficking/harbor and rural backwardness.

She associated the endless cycle of poverty and deprivation in our rural communities with wrong decisions taken regarding land leading to endless socio-economic problems that seems to have no solutions.

SEE APPENDIX 2 PHOTO OF LOIS KAWA HERE

Mr. Emmanuel Gaima, former Director of the Decentralization secretariat, made a ground breaking presentation on the topic:

## ***6. “A look at a draft protocol for investors”***



Mr. Gaima affirmed the rapid growth post conflict Sierra Leone has been experiencing in the agricultural and mining sectors. He pointed out the issues of land was topical in our nation's development. He cautioned that the ongoing large scale farm land acquisition practices if not properly managed might result into outright conflict.

He highlighted the following as rationale for crafting a draft community protocol for incoming investors, which he hoped, land owning authorities will be interested to own and adopt:

- a. To provide a simple and easy to access reference for community actors in handling contracts with investors,
- b. To provide a “step by step” guide of how to approach cases of investors contact with communities in search of land for agribusiness and the extractives.
- c. It could be used by CBOs as a frame to review the negotiation of land acquisition agreements and protocols in conducting advocacy on land use and livelihood.
- d. The manual could also support capacity building initiatives on land management at the community level
- e. Prudent investors could use the protocol to guide the preparations for community entry thereby insuring themselves against controversy and doing business in presumed bad faith.

Mr Gaima led delegates through twelve transparent practical steps from the first contact of the investors with the community to the stage when the investor is publicly informed of the negotiated position of the land owning community regarding the required land.

**SEE APPENDIX 3 A DRAFT COMMUNITY PROTOCOL INVESTORS**



## **7. BO DISTRICT COUNCIL DRAFT POLICY GUIDELINES ON LARGE-SCALE LAND ACQUISITION**



Mr James Musa secretary of the development committee of the Bo district council presented “policy guideline on large scale land acquisition”

Mr Musa led delegates through a colorfully illustrated easy to follow power point presentation highlighting the following:

- a. A brief historical background to the crafting of the Bo district council policy guideline for the acquisition of land for agribusiness and the extractives
- b. Objectives for crafting the guidelines
- c. The principles on which the guidelines were crafted
- d. Institutional frame work of the Bo district council relating to large scale land acquisition
- e. Endorsement and implementation of the guidelines
- f. Monitoring ,review bad adaptation of guidelines

**SEE APPENDIS 4 POLICY GUIDELINES ON LARGE SCALE LAND ACQUISITIONS**



## **8. LARGE SCALE LONG TERM LAND LEASE AGREEMENT – A CASE STUDY OF THE MALEN CHIEFDOM LEASE AGREEMENT WITH THE GOVERNMENT OF SIERRA LEONE AND A SUB- LEASE AGREEMENT BETWEEN THE GOVERNMENT OF SIERRA LEONE AND THE SOCFIN AGRICULTURAL COMPANY SIERRA LEONE LIMITED**



A legal practitioner, Patrick Gender Johnbull Esq. led delegates through a presentation highlighting the details of what should be in a lease agreement for large scale land acquisition, using the Socfin land lease for the ongoing investment in the Malen chiefdom.

Lawyer Johnbull explained in details but simple terms the meaning of a land lease agreement; the main characteristics of a lease agreement as an exclusive possession and definite possession; how a lease is created; what validates or nullifies a lease; and lease registration process in the Western Area, the provinces and abroad.

The legal luminary presented a thorough analysis of the land lease agreement between the government of Sierra Leone and the natives of Malen chiefdom bringing out the flaws and glaring weaknesses in the content of the agreement. A similar analysis was done of the lease agreement between the Sierra Leone government and the Socfin Agricultural Company Sierra Leone limited for the same land.

Mr Johnbull observed that it was not clear in the lease document whether the tribal authorities were afforded legal representations to adequately guide them in the entire lease process.

Secondly, it was obvious that whatever consent must have been given by the lessor in this agreement it must not have been an informed one and thus could have been obtained in bad faith.

Lawyer Johnbull noted the meager benefits against the colossal losses for the land owners as a result of the existing agreement.

The presentation exposed the disadvantages of a lease agreement that bypasses all community protocols because of the intimidating presence of government authorities who primarily promote the interest of the investors.

**SEE APPENDIX 5 A LOOK AT LEASE AGREEMENT. A CASE STUDY OF MALEN CHIRFDOM LEASE AGREEMENT WITH THE GOVERNMENT OF SIERRA LEONE AND SOCFIN AGRUCULTURAL COMPANY**

## **9. A CRITICAL ANALYSIS OF THE FOURTH DRAFT OF THE LAND POLICY IN SIERRA LEONE.**



Mr Joseph Rahall, the Executive Director of Green Scenery presented critical review of the fourth draft of the comprehensive national land policy for Sierra Leone.

In his presentation Mr. Rahall pointed out that while the draft policy identifies in equitable access to land as one of the problems in land management, the document failed to mention it as one of the concerns that needs to be addressed.

He emphasized that the policy aspiration should include the issue of achieving equitable access to land in the country. He highlighted other areas of conflict in the policy document as follows:

- a. The eminent domain of the state as stated in chapter 3 of 1991 constitution - bordering on the compulsory land acquisition by government
- b. Inconsistencies in dealing with discrimination based on culture and tradition
- c. Review of outdated and unenforced land laws
- d. Access to land for investment
- e. Registration land titles
- f. Establishment and management of land bank

**SEE APPENDIX6 LAND POLICY INITIATIVE, A CRITICAL REVIEW OF THE FOURTH DRAFT COMPREHENSIVE NATIONAL POLICY FOR SIERRA LEONE**



## 10. THE INTERNATIONAL VOLUNTARY GUIDELINES ON THE RESPONSIBLE GOVERNANCE OF TENURE OF LAND, FISHERIES AND FORESTS



Ms Leila Shamsaifar of the global secretariat on the voluntary guidelines on the responsible governance of tenure of land, fisheries and forests led delegates through the voluntary guideline.

She described land as the basis for life and by far the most important irreplaceable assets any community can own. Yet this asset is under considerable pressure from investors around the world.

She described the guideline as the first internationally accepted consensus document on access and control over natural resources which focus on the following

- a. Rules, processes and structure through which decisions are made about access to land, fisheries and forests and their use.
- b. The manner in which the decisions are implemented and enforced.
- c. The way that competing interest in land, fisheries and forest are managed.

She explained the Sierra Leone situation wherein investors in agribusiness have leased almost one million hectares amounting to 18-25% farm land in the country. She emphasized that while such investment can create opportunities as know- how, jobs, market access, increase job security and infrastructural development, land leasing communities run the huge risk of losing the land and livelihood in the face of irresponsible governance of tenure.



It is in the light of this development that the government of Sierra Leone has entered into a bilateral land partnership agreement with Germany and FAO to improve governance of tenure in the country.

The scope of partnership includes:

- a. Encouraging economic development through commercial investment and the same time dealing fairly with existing legitimate tenure right holders and involving them in the process.
- b. Ensuring that the citizens of Sierra Leone realize the true benefit promised by the investments
- c. Finding a balance between the conflicting demand on our natural resources

The partnership is concerned with how Sierra Leone will look like after 50 years in investment while preparing the ground for an informed reform process in the implementation of the voluntary guidelines.

Ms Leila Shamsaifer informed delegates that the partnership intervention will focus on:

- a. Support for the development of a multi- stakeholder platform
- b. A review of the legal framework in the context of the voluntary guidelines
- c. Developing a learning programme for change agents based on learning needs of stakeholders
- d. Land administration, large scale agricultural investment and enabling technologies
- e. Fisheries tenure mapping for institutional strengthening and capacity development
- f. Forestry tenure through capacity development of forestry division
- g. Right to food/ resource mechanism

In summary, the partnership will support Sierra Leone in its strides towards improved governance of tenure of our natural resources.

**SEE APPENDIX 7 TURNING PRINCIPLES INTO ACTION IN SIERRA LEONE**

**LEILA SHAMSAIFAR**

## 11. GROUP WORK SESSION BY DISTRICTS



Mr. Edward Sam, Conference Facilitator, presented three questions for delegates to frankly discuss in the light of realities in their chiefdoms and note their findings for a plenary presentation. Eleven district groups were formed as Kambia and Kono districts formed one group.

The following questions were discussed in the group work sessions

1. What are the long term effects of the acquisition of large acreages of land?
  - I. CULTURALLY
  - II. ECONOMICALLY
  - III. SOCIALLY
2. What is the community involvement in large scale land acquisition and what lessons can be learnt from this?
3. How can the operations of FDIs undermine peace and stability in any region?



## GROUP WORK PRESENTATION OF GROUP WORK REPORTS

Representatives of the respective districts presented their findings in a plenary session.

*Details of the various group presentations can found in appendix 8*



## **12. QUESTIONS AND ANSWER SESSION WITH PARAMOUNT CHIEFS**





Throughout the conference, Paramount Chiefs asked several important questions, made comments, observations and inputs to clarify issues presented. Their contributions were recorded as follows:

- i. People come into our chiefdoms for mining activities without duly informing us as Chiefs
- ii. We can only co-operate in mining processes if we are fully involved in the entire planning right from the beginning.
- iii. Those sacred shrines of our people that have been cleared either for mining or agribusiness are examples of disrespect by alien investors.
- iv. Speaking on the overview presented by Mr. Rahall and that of Lawyer Johnbull on land policies and leases, we beg for answers as to how could those bad laws can be amended and how the bad agreements can be reviewed.
- v. The reason why things are out of hands is that Paramount Chiefs were not involved in most of the land leases especially for mining.
- vi. As far as the Southern and Eastern are concerned, we believe that women too have the right to rule as Paramount Chiefs; It is not fair to generalize that our tradition discriminates against women. In some case women have served at the helm of secret societies that are male dominated. Women have never been prevented from taking any position in the South/Eastern provinces as it obtains in other provinces in Sierra Leone.





- vii. We as chiefs have also discovered that the district councils are not capable of administering land related issues. We have only found out that only paramount chiefs are able to do that
- Viii. In my opinion, all investors must go first to Paramount Chiefs before reaching the land owners
- ix. P.Cs are only being used as scapegoats because, people prepare documents outside the Chieftdom and would only bring them to us for signing. But when we refuse, they will turn our people against us that we do not want development for our people. There are instances where people have been instigated against their chiefs by authorities in higher quarters.
- x. There is an instances in Kailahun where the ministry of agriculture was at the center of a land deal worth three hundred million Leones (le300,000,000). It will surprise all that up till now the land owners have not received their compensation money. As it is, the people are ready to do anything in order to get their money.
- xi. We came to discuss about the constitution at the conference, but it seems as if all the time we have spent on just FDIs. What then do we recommend for constitutional review?

- xii. There is a dire need for us to go back to the old friendship treaty that was signed with the Colonial masters
- xiii. We want to know who should actually control land agreement
- xiv. I was disappointed that somebody said documents have been put to parliament on behalf of Paramount Chiefs for ratification. Which Paramount Chiefs prepared that document?
- xv. We suggest that CAP. 122 in the constitution be reviewed to an entrenched clause.
- xvi. I wish to remind this conference that PCs in the south have once rejected a document brought to us by Ministry of Lands,(probably the draft land policy) because we did not agree to the terms in there.
- xvii. We would like to appeal to government to please return the responsibility of land administration to the PCs because land matters are purely the business of PCs
- xviii. The house of parliament must speed up the legislation of land laws
- xix. We need a house of chiefs so that all land matters would be channeled through that House, and that everything we may do there will be to the big advantage of our people.
- xx. We must do our best to avoid confrontation with the central government over land administration. If we do it becomes difficult to have our own way
- xxi. I don't believe decentralization has actually taken effect in the country. Rather, it is the central government that has relocated itself and in the process, used PCs as scapegoats
- xxii. PCs should not be sent to council as representative but must become automatic members to the councils
- xxiii. Politics and political interests have now prevented PCs from presiding over land cases. The Mende man calls a PC - "NDOR MAHEI" meaning "Chief for the land". But why has it changed?
- xxiv. Also, the word "paramount" means "ONTOP" not "BELOW"
- xxv. The most disappointing thing is for the Judiciary to take over the local courts when they could not even handle their own issues of injustices in the higher courts. It will be wise to review the constitution so that the central government leaves the local courts with PCs to continue appointing their court chairmen.
- xxvi. According to our culture, you cannot become a PC if you do not own a piece of land. We as a country had gained independence long since. Therefore, let people's entitlement be returned to them
- xxvii. We implore the constitutional review committee to treat land issues very seriously.
- xxviii. It was observed that PCs did not mention anything on "surface rent" whether or not it should be paid proportionally.
- xxix. Also that it was good and timely that boundaries between chiefdoms and districts be clarified.

The facilitator thanked PCs for expressing their concerns and commented as follows:

- a. I wish to assure you all on behalf of the organizers that all your comments, questions and concerns have been noted for further discussions.
- b. Customs and traditions are dynamic, therefore, some practices are bound to change over time.



- c. In the olden days, P.C ruled their people, but now a days, they only administer their chiefdoms
- d. Please note that the various presentations are not coming from government, but these are outcomes of series of research done over a long period of time

### **13. FINALIZING AND SIGNING OF POSITION STATEMENT**



The Director of Green Scenery presented a three-page communiqué highlighting the deliberations, outcomes and conclusions of the conference.

After a protracted discussion on the importance and sensitive nature of the document, PCs suggested and agreed to take copies of the draft communiqué to their people for consultations. It was agreed that PCs discuss the communiqué at district council of PCs , regional council of PCs and then to the national council before the next meeting planned for June 16, 2014. This suggestion was unanimously agreed as a process of issuing a signed communiqué for onward submission to appropriate authorities as the position paper on behalf of all Paramount Chiefs in Sierra Leone.



## **14. CLOSING REMARKS AND END OF CONFERENCE.**

In his closing remarks, Mr Lebbie first thanked all participants for spending their precious time in discussing what he described as important state matters. He further encouraged them to ensure that all deliberations were put into good use and for the general interest of all

Mr. Lebbie promised to work with the organizers in seeking more funds for the next meeting as planned.

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The conference ended with distribution of hand outs materials presented during the conference and other administrative arrangements.

The conference ended at about 6:30pm.

### ***Rapporteurs***

*Shecku K Mansaray*

*Edward Luseni*

*Joe Umaru Lahai Koroma*

