

Green Scenery

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The Country's Natural Resources Are Nature's Gift To Us. What We Make Of Them Are Our Gift To Posterity

Women's Rights and Access to use and own Natural Resources like Land

By Alfred Isa GASSAMA

This Policy Brief is set to propound women's rights and access to natural resources as indicated in the National Land Policy (NLP) and the Voluntary Guidelines on the Responsible Governance of Tenure of Land Fisheries and Forests in the context of national food security (VGGT). It intends to espouse reasons/causes of violations of women's rights to access, use and own land in the country. It speaks to the impacts of these violations and proffer recommendations for policy and behavioral change that guarantees equitable rights for all citizens (particularly, the women) to access, use and own natural resources like land.

INTRODUCTION:

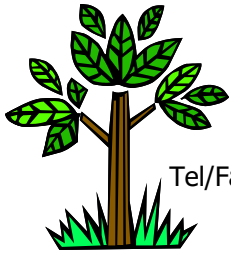
In Sierra Leone, women form the larger proportion of the population and equally so land users, particularly in rural communities. They are most often responsible for the livelihood functions of the homes. They are engaged in providing food for the home, collection of firewood, fetching water, fishing activities and laundry. Women take on the bulk of the labour in subsistence farming. Taking these monumental tasks, women's rights and access to land and the other natural resources are limited. This is an indication of deprivation leading to under-empowerment and under-development.

In the past, government's have shown minuscule interest in protecting and promoting women's land rights in Sierra Leone. As recent as March 2017, a new National Land Policy (NLP) was launched by the president of the republic. In that policy, women's land rights are protected. The Government of Sierra Leone have committed itself to the implementation of an international standard, the FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land Fisheries and Forests in the context of national food security (VGGT). Given that the VGGT is a soft law, yet, a country's commitment for its application makes it incumbent by that state to apply them. Therefore, Sierra Leone's commitment means that the VGGT should be applied. Little wonder features of the VGGT are integrated in the NLP. Furthermore, even the constitutional review committee attempted to also integrate the VGGT principles into the suggested constitution.

The National Constitution, be it the 1991 or the suggested one decries discrimination in every form. For instance, the 1991 Constitution in Chapter Three (3) (27)2 states that "Subject to the provisions of subsections (6), (7) and (8), no person shall be treated in a discriminatory manner by any person acting by virtue of any law in the performance of the functions of any public office or any public authority". This is a fundamental human right protected by the constitution of Sierra Leone. Chapter Three of the National Constitution is parented by the Universal Declaration of Human Rights (UDHR).

The VGGT, even though voluntary, is sprung from International Human Rights Laws, and these laws are binding by every state. The voluntary guidelines in its principles, both Guiding and Implementation take into account the promotion and protection of women's rights to land, or access thereof.

The new NLP is a very progressive government policy given despite the fact that it has its own drawbacks. However, the NLP is largely aligned to the VGGT and a lot of efforts on the promotion and protection of women's tenure rights is visibly observed.



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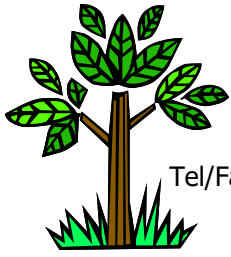
What is presented in the paragraphs above is what the over 50% of the population of this country is yearning for. Yet, the real-life situation, is completely different. Women are discriminated against for access and rights to use and own land. A cursory look at how women relates to land and natural resources as well as deprivations and their impacts are seen herein:

WAYS IN WHICH WOMEN USE LAND IN SIERRA LEONE:

In Sierra Leone, rural women mainly use land for the following:

- Farming or garden work
- Processing of palm oil and other food crops
- Collection of firewood
- Collection of herbs
- Burning of charcoal
- All domestic uses of water (cooking, laundering)
- Collection of mud/clay and other materials for shelter.





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TYPES OF LAND RIGHTS DEPRIVATIONS FACED BY WOMEN

Women are deprived of their rights to access, use and own natural resources for many different reasons. Some deprivations are in the form of forceful violations and/or punishments for what a woman or her relative(s) could have done.

- Non-protection of legitimate tenure rights: Regarding Sierra Leone's original customary legal regimes, tenure rights for men and women are unequal and bear elements of gender-based discrimination. Considering the customary law in the country, land ownership is patriarchal and thus, women have little or no tenure rights though they mostly work on land .
- Forceful violations: women are deprived of their land rights when faced with a corrupt authority, traditions that do not support women's right to own land, ignorant people that do not respect women rights to land, inadequate policies, family dispute (failure to adhere to a family/authority), and marital status and when large scale land investment is highly demanded by authorities etc.
- Punishments from judgment: this occurs in two forms formal (with a written document) and informal (without a document). In either case, women are mostly deprived of land rights due to seizure of land or banishment that could have been associated with a judgment.

CAUSES OF LAND RIGHTS DEPRIVATIONS FACED BY WOMEN

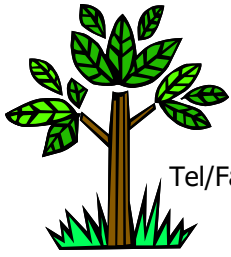
Dealing with effects of judgments on their past actions or punishments, a woman would be deprived because of failure to adhere to requests from the husband or his family or community authorities.

Regarding forceful violations, women had been suffering because of nature of customary regimes/traditions, ignorance and corrupt practices of people etc.

In this regard, women from all regions of the country (rural or urban) are thought to be exposed to such violations or punishments (formal or informal) for property rights (property ownership, utilization, governance and management), particularly in cases of land as a major natural resource.

It is worth noting that the Central Government and its Sierra Leone Investment and Export Promotion Agency (SLIEPA) have articulated strong interest in accepting Foreign Direct Investment (FDI), particularly those associated with large scale land investment (LSLI). By acquiring large tracts of land in rural areas, the influx of LSLIs have posed robust competition (conflicts) between communities and investors; investor and investor; community and community; individual and individual etc. in this regard, women become more vulnerable to be violated or deprived of their rights and access to land and natural resources. Such deprivations may have evolved due to the following

- Corruption: Due to weak governance, many officials (law authorities – national and local) in the country are characterized with corrupt practices in their domain which makes women more vulnerable to mischief (such as sexual harassment and bribery) in ensuring their legal rights. However, in most cases, the women deny the malevolence request from such officials and hence the women end up losing their tenure or property rights.
- Traditional practices/cultural beliefs against women's land rights: In Sierra Leone most traditions do not support women's tenure rights to land and other properties. In the past, men were the sole bread-winner of families and this school of thought had been in existence since the inception of the VGGT when Green Scenery, FAO and a few other institutions started to propound women's rights and access to land. The National Land Policy have been launched by the president in March this year (2017) and have enticed



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some other institutions in the drive to advocate for gender equality and women's rights to access, use and own land and other natural resources.

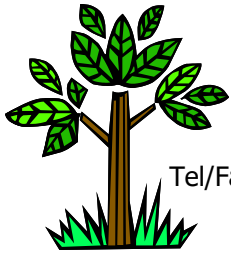
- Inadequate policies and enforcement towards women's land rights: Women tenure rights had been deprived and violated before the inception of the VGGT in Sierra Leone since there had not been policies or laws that protect their tenure rights to land.
- Intervention of large scale land investments (LSLIs): The interventions of LSLIs in the country have rendered women more vulnerable to violation of their tenure rights. Men's quest for land rents and benefits has agitated the deprivation of women to their inheritances and property rights.
- Judgment by law (seizure of land or banishment from a community) due to a crime: Banishments of people from their communities occur in very rare cases. However, people (including women) are driven from their communities mainly because of crime(s) committed/alleged and as such lose their properties (land, house etc) and tenure rights. Regarding some of the traditions in the country, land can be seized by the authorities when there is conflict over tenure rights particularly among family or community members. In such cases, women's tenure rights are deprived.
- Extensive recognition of men as breadwinners of the home: Most of the Sierra Leone traditions recognize men as bread-winners of homes. This effect has favoured men to land tenure over women from ancient days to now. Even in families, the male child (children) inherits all properties left by the parents leaving the sisters deprived of their rights to inheritances.
- The traditional belief that women are weaker sex and should not be family heads, therefore cannot own land or other properties: Most women have also kept and accepted this phenomenon as fact. In an African setting, most customary regimes allow men to be family heads. This extends even when the husband is dead and the wife is still alive, the son/brother/father/uncle of the husband becomes the head of that family and as such deprived the tenure rights of the wife since there are inadequate policies and enforcement that protect women tenure rights.
- Denial of forceful marriage: In many instances where the wife has no son (or child) and the husband is dead, there are traditions that will force the woman to marry a member of the husband's family or she loses the properties left by her husband. This issue is very common in the rural areas where culture is of more value.

IMPACTS OF LAND RIGHTS DEPRIVATIONS FACED BY WOMEN

Most of the impacts of depriving women from their tenure rights are: loss of family livelihood, food insecurity and poor nutrition affect the family, poor health conditions and early deaths also occur, and people are traumatized about all these abnormalities.

Additionally, the affected family will have reduced (or lack of) income generation facilities and the ladies will shift to increased prostitution which may in-turn lead to their disrespectfulness in the society. Again, when women tenure rights are deprived, the men develop more ego over the women. This defect encourages women's dependence on men for livelihoods and security; reduced respect for women and forceful marriage.

Furthermore, due to visibly huge impacts of ecological damage and climate change as a result of LSLI,



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opportunities for communities/families to practice their usual subsistence farming is hindered, thereby increasing people's dependence on exported food commodities.

CHALLENGES OF STRENGTHENING WOMEN'S LAND RIGHTS

- Sierra Leonean laws have inadequate provisions that protect women's land rights
- Government's effort to implement the NLP is reduced.
- Corrupt practices of authorities still hinges on intimidation of women, sexual harassment and forceful marriage.
- The level of awareness raising of the VGGT and NLP at local level (in the country) is inadequate.
- Yet, there are inadequate funds allocated to responsible institutions to implement the National Land Policy nationwide.
- Presently, there is less (inadequate) professional expertise in the country to do the policy implementation.
- Finally, there is high rate of illiteracy amongst women, as such, they are limited to formally advocate for their rights.

RECOMMENDATIONS

- Amend the constitution to remove discriminatory provisions, in particular, related to customary law and family law
- The VGGT and NLP must be effectively and efficiently implemented in the country
- The Gender Equality Bill must be effectively and efficiently implemented
- Increased community awareness raising on VGGT and NLP must be done through community barry meetings, media campaign, talk shows and dramas, use of posters and handbills etc
- Based on situational context, community bye-laws on natural resource management should also favor women's rights to access and own natural resources, especially land.
- Since the economy of Sierra Leone is hugely dependent on natural resources, government's priority/funding to implement existing policies of gender equality and women's rights to access and own land should stay on the increase.
- Government should set severe penalties or punishments for corrupt practices that can violate women's rights to natural resources.
- Communities should be encouraged to modify certain traditional rules that had been hampering gender equality and women's rights to access and own natural resources (land).
- In cases of large scale land investments, women should be a priority to participate in all negotiations, transactions, decision making and documentation processes.
- Large scale land investors should adhere and comply to their corporate social responsibilities directed towards women to promote alternative livelihood systems in affected communities
- Recruitment (or training) of professionals and community stakeholders for policy implementations should be adequate.

2018