

FACT SHEET:

2022 SIERRA LEONE LAND LAWS

In September 2022, the President of Sierra Leone signed into law two innovative bills that significantly improve communities' ability to protect their land rights and work toward sustainable development.

The Customary Land Rights Act and the National Land Commission Act are some of the most progressive laws on land, environmental, and climate justice in the world. The laws and the strategies communities used to get them passed are models for the world to follow.

For decades, many communities in Sierra Leone have had their visions for development ignored in favor of corporate and government priorities. In places like Port Loko, communities have been forced to spend years in negotiations and litigation to undo decisions about their land, because their views were not included from the beginning. These new laws are a transformative change.

This victory would not have been possible without the direct involvement of communities across Sierra Leone. After using existing — and often imperfect — laws to protect their environment and enforce their land rights, hundreds of community members showed up to meetings to give their opinions on the bills.

When progress slowed, they organized to push the bills through. Landowners wrote an open letter to President Bio and called their Members of Parliament to urge enactment of the bills. People from across the country, especially women, peacefully marched to Parliament and made their voices heard through posters, placards, and a press conference. By combining the power of organizing with the power of law, the community won long-lasting, widespread change.



Here are the 5 main things you should know about the new laws:

1) Free, Prior, and Informed Consent

All local communities have the right to Free, Prior, and Informed Consent (also known as FPIC) over all industrial projects on their lands.

This means that investors and developers must ask the community for consent (permission or agreement) before they start any project (prior). Then, the community must decide on their own whether or not to consent to the project (free). Their decision must be based on correct, timely, and sufficient information about the project that is given to the community in a way they can understand (informed).

Under the new law, an investor must get the written free, prior, and informed consent of at least 60% of the male and female adult members of the family that owns the land, or a fair representation of the community with rights to the land. Before the investor and community members begin negotiating, investors have to give the community information about what the project will be, including its risks and benefits, the business plan, and any approvals already gotten from the government. Community members must give their consent during a family or community meeting. Minutes of this meeting must record the decisions of all male and female community members. To register a lease agreement with the Land Commission, investors must prove that they got community consent by showing a copy of the meeting minutes along with the lease agreement and any other lease documents required in the district or chiefdom.



2) Protection of Ecologically Sensitive Areas

Industrial development, including mining, timber, and agribusiness, is banned in old-growth forests, wetlands, wildlife habitats, and other ecologically sensitive areas.

Authorized officers must protect these areas from degradation or damage. Anyone who is found to have harmed the land will be fully responsible for reversing the harm and restoring the area.

3) Binding Lease Agreements

Binding legal agreements between communities and companies will include requirements for protecting the environment.

Previously, this information was only included in an environmental impact assessment carried out before a development project began. Now under the new law, any lease agreement signed between the community and investors must include detailed information about the expected environmental impacts of the project and what the company will do to avoid or minimize pollution, harm to plant and animal species, and damage to important places. This includes what the company must do to reverse pollution if it occurs and what amount it must pay if the community's health, livelihood, food security, and welfare are harmed. Additionally, all gender, environmental, social, and health conditions in licenses obtained from the government or commitments to shareholders are automatically incorporated into the lease agreement.

4) Creation of Land Use Committees

Local land use committees will make decisions about how community lands are managed.

The new law creates a National Land Commission and District Land Commissions. It also creates two types of local committees: Chiefdom Land Committees and Town or Village Land Committees. The Chiefdom Land Committees and Town or Village Land Committees will manage community lands. This includes resolving land disputes and enforcing rules for the sustainable use of land. The District Land Commissions will provide technical support to the local land committees and will also keep a register of government and public lands in the district. The National Land Commission will be the body that oversees everything related to the management of land in Sierra Leone.



5) Gender Equality

Previous laws in Sierra Leone say that women and men have equal rights to own, use, lease, and inherit land.

But these rights are often not enforced in practice, and existing customary laws (this means any rules that have the force of law in a chiefdom, village, or town) limit these rights for women. The new law reiterates women's equal land rights. When married spouses or domestic partners get land, that land should be registered in both their names. Women and men also have equal rights to make decisions about family land. They must be treated equally when this land is divided among family members. Under the new law, any customary laws that limit women's rights to act equally to men will have no legal effect. The law also says that women must make up at least 30% of the land use commissions and committees. These committees must make sure that women's rights are protected and respected.