



## Getting prepared for the Voluntary Guidelines on Land?

### Context and Actors in the Sierra Leone Land Sector

Sierra Leone is a country where governance, ownership and tenure of land are of high relevance for the livelihood of its population. As the country is pilot country for the international community and the Food and Agriculture Organization of the United Nations/FAO to apply the “Voluntary Guidelines for responsible governance of tenure of land, fisheries and forest/VGGT” it is important to understand the local context and to analyze how far local civil society is already informed and prepared to get involved in this and other relevant processes.

Within Sierra Leone a huge amount of arable land is already under concessions for large-scale projects by international companies. Intensification of the agricultural productivity through the enhancement of external investments is one priority of national policies on food security and economic development. Attracted by this policy, in the districts of Bombali and Tonkolili, ADDAX Bioenergy, a daughter company of the Swiss ADDAX & ORYX Group, has established large-scale sugarcane plantations for ethanol production. In Pujehun district, the Socfin Agricultural Company Sierra Leone Ltd. (Socfin SL), a subsidiary of the Belgian corporation Socfin (Société Financière des Caoutchoucs) has invested in rubber and oil palm plantations. Many other companies are engaged in mining operations.

In various parts of the country actors from civil society, especially farmer associations and local communities, demonstrate against landgrabs which are carried out by investors with the involvement of government and traditional chiefs. Human rights violations and direct violence against local actors are increasing. Landgrabbing and the defence of the legitimate rights of local communities and land users are at the moment (beyond the Ebola crisis) core concerns for a broad range of Bread for the World partner organisations and other civil society actors in the region – specifically around large-scale investments in land.

Sierra Leone is the pilot country for two international processes initiated at UN-level: on the one hand and directly relevant for the land sector are the VGGT. The FAO together with the German Government will support Sierra Leone in the application of the VGGT. On the other hand the “International Dialogue on Peacebuilding and Statebuilding” had a Conference from 17 to 19 June 2014 in Freetown about the “New Deal for Engagement in Fragile States” as a follow-up to the International Conference on “Aid Effectiveness” in Busan 2012. The “New Deal” intends that in fragile contexts, the international donors pay specific attention to mutually agreed Peace- and State-

building Goals. Both international processes build on general guidelines, including frameworks for interaction, institution building, good governance and the active involvement of civil society actors. They require information, preparation, capacity building for state and non-state actors as well as resources and engagement. Both processes were started with the aim for them to be implemented in parallel during 2013/2014. And both processes build on strong involvement and participation of the local civil society – yet very little is known about these important processes beyond the sphere of the implementing partners.

Land issues and land grabbing are of high relevance in the region and for our partner organisations. As information and networking are strong elements within our partnership, Bread for the World, together with a group of partners and consultants, decided to commission a specific context and actor analysis for the land sector in Sierra Leone. The study was conducted in 2014 before the Ebola crisis broke out and drastically worsened the whole situation. The crisis has put the whole country/region under immense pressure of mere survival. The background against which the study was conducted changed massively not only through the infection rate, high mortality and traumatising of the surviving parts of the population but also through the general breakdown of the economy and social services, heightened food insecurity and uncertainty regarding the end of the crisis.

Nevertheless (and knowing that even against the background of the Ebola crisis, landgrabbing in Sierra Leone continues or is even increasing), the study and this publication aims to be a starting point for civil society to get prepared for the process of preparation for the application of the VGGT in Sierra Leone, which has already started and will hopefully soon be continued and expanded. It aims to help civil society organisations and Bread for the World to know more about the different players in this field and to improve cooperation and coordination of land-related strategies and activities.

### **Civil society and the chances of international processes**

Challenges for civil society engagement in political processes are manifold:

A broad range of international actors is already present in Sierra Leone, but information about their concrete activities and outreach is lacking. Nor do the local/national civil society actors know what the others

are doing exactly. Networking and collaboration is a matter of further engagement, often hampered by insufficient knowledge, and lack of transparency, information-sharing and mutual strategising. Furthermore, civil society and human rights activists are often threatened and intimidated by powerful actors from the political elite or investors backed by authorities.

The piloting of the VGGT in Sierra Leone offers the possibility for the different stakeholders of getting involved in political and administrative procedures for land, water, fisheries and forests. Multi-stakeholder processes are intended to get started along with the application of the guidelines. Yet a broad range of civil society actors are neither informed about nor involved in the process which is led by the FAO with support of the German Government. Also limited is information and knowledge about the local civil society themselves, about other relevant actors, their expertise and position and their potential to influence political processes and programmes.

Many of Bread for the World's partner organisations in the Mano River region (Sierra Leone and Liberia, where land issues are creating extreme stress and the FAO has already scheduled national workshops for 'awareness raising' about the VGGT), are actively engaged in the land sector. These partner organisations are working on different topics, ranging from food security and human rights, women in agriculture and land rights to rural development, lobbying and advocacy as well as media and communication. Beyond the financial support, the partners are also supported through consultancy services as well as through the secondment of personnel and Civil Peace Servants (CPS) – which plays an important role for partner support, peacebuilding and conflict transformation in the post-war societies of the whole Mano River region.

### **Colonial Heritage and Legacy of war - perspectives of reviewing governance**

Sierra Leone's civil war ended in 2002, but the country is still affected by the impact of the war, albeit at a moderate level. The humanitarian situation of the population was already before the outbreak of Ebola very critical compared to other African countries, as shown by its ranking at 177 out of 187 countries in the Human Development Index 2012. Nevertheless, annual economic growth (15.2 percent) and industrial growth (> 40 percent) are very fast. Foreign investment is favoured and promoted by government. Approximately 1.1 million hectares (and herewith more than 20 percent of Sierra Leone's arable land) have



The context of the Sierra Leone land sector: 8 prominent factors

been leased to mostly foreign companies in recent years, mainly for oil palm and sugarcane plantations which produce palm oil and ethanol for export. At the same time Sierra Leone is dependent on the import of staple food. The Government promotes the modernisation of agriculture and considers rural land in Sierra Leone as “underused” or “not used”, although it provides firewood, grazing area, medicinal plants and other goods to its citizens and restores soil fertility as fallow land. Much of the land is subject to customary law through which the land is mostly owned by families, based on oral tradition. The customary law denies the ownership of land to women in most areas. Statutory land laws and formal land titles are only applied in the Western Area around Freetown, where public land administration offices are in place.

Land policies date from colonial times and are not comprehensive. They require updating, the incorporation of women’s rights and the strengthening of customary tenure for communities. Women are under-represented in the political sphere, are discriminated against in the customary system and suffer from gender-based violence, although some policies call for equal rights for women and specific police units have been established to deal with domestic violence.

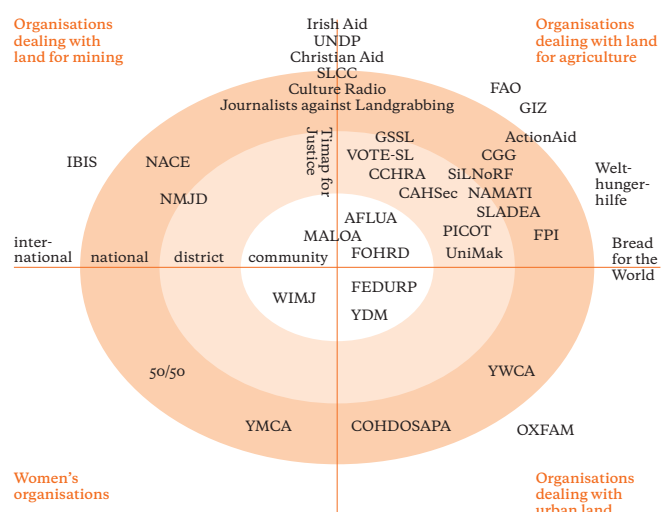
Within Sierra Leone some progress in societal life and towards democratisation can be observed: There are a multitude of civil society organisations (CSOs) which have space to operate. 12 years after the end of civil war, the level of violence is relatively low and conflicts are not based on ethnic and religious factors. On the other hand the still very high level of poverty, food insecurity, maternal/child mortality and illiteracy are major problems for the country and its population. Nutrition and natural resources are big concerns and

availability of land is significant both for livelihoods and for economic and political power. Cases of land conflicts make up a significant proportion of all court cases, in a justice system which is considered inaccessible and suffering from political interference. Corruption and the collusion of government officials with paramount chiefs and investing companies play an important role in large-scale land deals. While weaknesses in the land sector and an investor-friendly policy persist, actors at various levels make efforts to improve on gender equity, community participation and social benefits in land issues. Guidelines for agricultural investment have been elaborated by the District Council of Bo and by the Bioenergy and Food Security Working Group in order to improve participation and transparency, but these are not binding.

Although the Ebola crisis caused the interruption of many activities and hampered processes, the international community still keeps Sierra Leone as a pilot country for the implementation of the above mentioned two international frameworks (VGGT and ‘New Deal’). At this stage it becomes even more important for all actors to keep attention on the land and natural resources sector as, especially in times of crisis, landgrabbing is a big factor. Ongoing and/or restarted processes such as the Constitutional Review, the discussion of the National Land Policy and the implementation of the VGGT are windows of opportunity to achieve progress towards more participation, equity and transparency in the land sector.

**Civil society engaging in land issues**

In Sierra Leone many actors such as community-based organisations, NGOs working at district and



Overview about thematic foci and areas of work of local organisations and international actors in the land sector of SL





Water and fertile soils attracting foreign investors: wetlands in Sierra Leone near Makeni

national level and international organisations are engaged in the land sector. Most of these organisations are rather specialised and land is not their primary focus but rather indirectly addressed. Their background is food security, environment, women's rights, mining, rural development, slum development, adult education, human rights or other activities. Approximately 50 organisations engaged in the land sector have been identified during the study, but others also work in this field. Many organisations are active in one or two districts only; 11 organisations cover more than two districts.

The organisations in the land sector of Sierra Leone can be clustered into four main sectors - working on land for agriculture, on urban land, on land for mining and, mostly women's organisations, working on women's rights in rural development - and categorised on four levels - community, district, national, international.

At the **local level**, community-based organisations have been formed by land users and owners affected by large-scale land acquisitions - Affected Land Users Association (AFLUA), Malen Land Owners and Users Association (MALOA). Other organisations, formed by professionals based in the communities, are working for the development of their members in different thematic areas.

At **district and national level**, two NGOs provide legal services to those affected by land deals: Timap for Justice and NAMATI. The Campaign for Good Governance (CGG) is an important NGO for consultations, having good relations with gov-

ernment. Green Scenery Sierra Leone (GSSL) is engaging strongly on land as a member of various networks and has a voice also at **international level**. Culture Radio and the Sierra Leone Network of Journalists against Landgrabbing (SLeNJALG) reach large parts of the population, but are less known on the NGO scene. The 50/50 Group and Young Women's Christian Association (YWCA) are women's organisations addressing land rights for women as one of their issues. Sierra Leone Adult Education Association (SLADEA) (adult education), Network Movement for Justice and Development (NMJD) (natural resources), Young Men's Christian Association (YMCA) (urban land) and Freetong Players International (FPI) (awareness creation and advocacy) are other organisations covering a larger number of districts.

Some organisations (Green Scenery, CGG, NMJD, University of Makeni) have engaged to establish dialogue forums and bring civil society organisations together. Several organisations, such as the Bread for the World partners Culture Radio, SLADEA, Council of Churches, Freetong Players International and YWCA, focus on awareness building and information on land issues and land deals.

Important international organisations engaging directly in the land sector of Sierra Leone are Action Aid, FAO, United Nations Development Programme (UNDP), IBIS (on mining), OXFAM and Welthungerhilfe. Most international NGOs work through or with local partners. Other international organisations with no office in Sierra Leone play a crucial role in supporting CSOs in Sierra Leone.

Several networks and alliances are active in the land sector:

- Action for Large Scale Land Acquisition Transparency (ALLAT) on large-scale land acquisitions,
- National Advocacy Coalition on Extractives (NACE) on mining and extractives,
- Natural Resources Governance and Economic Justice Network (NAREJ) on natural resources,
- Sierra Leone Network of the Right to Food (SiL-NoRF) on the right to food,
- Women's Forum of women's organisations,
- Network of Evidence-Based Lobby and Advocacy (NEBLA),
- INGO Forum of International NGOs and
- The Bread for the World - Civil Peace Service Forum, which was the initial group for this study.

However, the membership of these networks is limited. There is no overarching permanent platform on land. While some of the networks have no own funding, others compete with NGOs for donor funds. Several organisations are part of various networks; in NACE even two ministries are members.

A major weakness of civil society in the land sector is the low level of knowledge of most organisations on customary and statutory land laws, land policies, land deals and international initiatives as the VGGT. Other weaknesses are low numbers of staff, limited capacities and the lack of systematic cooperation on land which is necessary to form a common platform. The sharing of information on activities, research etc. is hampered by mistrust. On the other hand, there have been some conferences bringing together a large number of organisations; the last was the National Conference on Land and the Constitution on the 24th of June of 2014.

Important strengths are the high motivation of staff, the involvement in consultations at policy level, the existence of networks and dialogue forums and the efforts of many organisations towards strengthening women's rights on land. Civil society is strong in awareness raising, empowerment and advocacy and has increasingly engaged on land policy and laws. But only few organisations support rural communities in negotiations and the drafting of agreements with investors.

In the Constitutional Review and the discussion of the National Land Policy a number of CSOs have been involved, but others have not been considered. Both processes are ongoing. The FAO started the implementation process of the VGGT in April 2014 with a multi-stakeholder forum involving many CSOs. In June 2014 a national coordinator was appointed by the FAO and next steps are to follow. The FAO is open to using the results of this study for civil society involvement in the process. CSOs have been involved in other consultations on relevant legislation such as the Mining Act. On the other hand, the vulnerability assessments realised in the framework of the New Deal for Engagement in Fragile States were mainly done by consultants, with a very low level of participation of civil society organisations.

Civil society perceives a conflict with investing companies, government and paramount chiefs on land issues, although not all companies, chiefs and government officers are seen as hostile. The atmosphere is moving from a confrontational situation towards a climate of dialogue. This is marked by a conference of paramount chiefs with civil society in May 2014, ongoing multi-stakeholder meetings in Makeni involving all relevant actors, the reception of the consultants at the ADDAX headquarters during this study and the openness of some government ministries to civil society. The University of Makeni (Uni-Mak) is connecting the conflict parties by facilitating regular meetings; the FAO's multi-stakeholder meetings can have a similar function. On the other hand, mutual suspicion, the allegation of incitement, corruption, the unwillingness of some actors to engage in dialogue and the fear of some CSOs of being co-opted by government are continuing. While ADDAX has entered into dialogue with civil society and some mining companies are in direct contact with NACE, other companies such as Socfin are unwilling to talk to or negotiate with civil society. Dialogue is often seen as one-sided, depending on who invites and who finances it. And those facilitating dialogue may be accused of being too close to government or to investing companies.

Although the planned implementation of the VGGT coordinated by the FAO is very little known among civil society, CSOs are willing to enter into dialogue and engage in the various consultation processes. Some actors of civil society are already involved in consultations, but there is a need for a coordinated and streamlined approach. These consultation processes should not be separated, but rather linked to each other and address the issues relevant for the land sector and land investment, such as gender, participation and transparency.

## Conclusions and Recommendations for national and international actors

In this situation it is important for **civil society** to engage in comprehensive information sharing about the land sector and large-scale land acquisitions. It is recommended to establish a common platform, in order to strengthen the awareness and capacity of affected communities and of communities which are susceptible to acquisitions of their land. The platform should help increase the security of member organisations by mutual sharing of information about threats and intimidation, to prevent the negative impacts of land acquisitions by producing joint radio programs, jointly-written leaflets and other material and to elaborate and communicate a common position on issues related to land. This common position should be incorporated in the National Land Policy, the Constitutional Review and the implementation of the VGGT. The National Conference on the Constitution and Land on 24 June 2014, which was held by CSOs, was a success and the positive experiences from that process may serve as a first step towards creation of a common platform. Priority in the starting phase should be given to define a common objective and a common agenda. CSOs should also aim to reach agreements with investing companies and the Government on joint research or field missions on the impact of large-scale land leases. Combined multi-stakeholder research could increase the acceptance of research results by all actors involved and thus qualify informed decision making.

**Multilateral and bilateral governmental organisations** should support independent and joint research - not financed by the investing companies - on the impacts of large-scale land acquisitions. Capable researchers can be identified in Sierra Leone, but it is necessary for the capacity of civil society in research methods to be enhanced in order to ensure valid and accepted results. Multi- and bilateral donors should support strengthening the capacity of CSOs and other actors on land issues.

In the establishment of the multi-stakeholder forum for the implementation of the VGGT, the **FAO** should ensure the integration of the different segments and levels of civil society organisations (organisations working on land for agriculture, organisations working on urban land, organisations working on land for mining and women's organisations). In cooperation with civil society organisations, the FAO should establish an Internet-based platform for comprehensive information sharing about the land sector and large-scale land acquisitions.

A priority of **international non-governmental organisations** should be to strengthen the capacity of civil society organisations on statutory and customary land laws, on land deals, on the VGGT and on the draft National Land Policy as well as on research and evidence-based advocacy in this field. This would support their ability for active and meaningful participation in consultations and monitoring of the application of the VGGT and the national land policy in Sierra Leone.

As their second priority, international non-governmental organisations should support a common civil society platform, mentioned above, preferably shared between different funding organisations. It should also support evidence-based advocacy, using the results of independent research.

Finally, international non-governmental organisations should provide financial and logistical support for networking among partners on land issues, encouraging and supporting new relevant and vibrant partners. The interaction of civil society with traditional leaders on land should be supported. Also attention should be given to dialogue among stakeholders, improving the communication and facilitation skills of partners and other organisations with focus on non-violent communication and mediation. The international connections of international non-governmental organisations with other civil society organisations outside Sierra Leone may serve to pressure companies unwilling to engage in dialogue.

**All actors** have to engage in a sensitive manner and provide security to individuals and organisations in Sierra Leone who are threatened by intimidation and prosecution.

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