

**NOTE:**

“The Customary Land Rights Act 2022 is a milestone, but rights only live when enforced. If we integrate gender, transparency, and enforcement across all related laws and give communities real tools for consent and redress, Sierra Leone can finally turn land justice from aspiration into reality.”



**FOR FURTHER INFORMATION ,please contact:**

Human Rights Defenders Network -SL

23 Rasmusson Street, Brookfields,

Freetoen, Sierra Leone

Email: [Hrdefenderssl@gmail.com](mailto:Hrdefenderssl@gmail.com)

Website: [www.hrdnsls.org](http://www.hrdnsls.org)

Cell Phone: +232 77 398 893/ +232 34 775 997





# HUMAN RIGHTS DEFENDERS NETWORK-SL

## GAPS IN SIERRA LEONE'S LAND LAWS: A HUMAN RIGHTS PERSPECTIVE

# (A CRITICAL REVIEW OF THE CUSTOMARY LAND RIGHTS ACT, 2022 AND RELATED LAWS)

disclosure mechanism exists.

No penalties for misuse or failure to report payments.

**Suggested reform:** Require annual external audits of community accounts and public posting of rent statements in chiefdom offices.

### 10. Linkage with Other Land-Related Laws

#### Relevant statutes:

Registration of Instruments Act (Cap 256) — still governs deeds, not titles.

Mines and Minerals Act 2009 (s. 34A) — partially amended by CLRA s. 46 but still allows state-issued mining leases that can override community control.

Chiefdom Council Act 1960 — repealed only in part; continues to give chiefs broad administrative powers.

Local Government Act 2022 and National Protected Area Authority Act 2022 — not fully harmonized with the CLRA on environmental and land-use planning.

**Suggested reform:** Conduct a comprehensive harmonization review of all land-related laws within one year of CLRA implementation.

#### C. SPECIFIC RECOMMENDATIONS :

##### **"This law is historic —but incomplete."**

1. It recognizes customary ownership but lacks enforcement, monitoring, and harmonization (ss. 3 –4, 9, 48).

##### **"Customary chiefs remain too powerful."**

2. Without audits and checks (ss. 9, 13–14), accountability is weak.

##### **"Gender equality must move from paper to practice."**

3. Enforcement of ss. 5–8 requires sanctions and gender monitors.

##### **"FPIC must be credible and verifiable."**

4. Strengthen ss. 28–32: make legal aid mandatory and verification independent.

##### **"Dispute resolution should be swift and accessible."**

5. Simplify s. 44 with ADR and set timelines.

##### **"Transparency and audits must become law, not goodwill."**

6. Enforce s. 41 with public reporting and penalties for misuse.



## A. GENERAL OVERVIEW

Sierra Leone's Customary Land Rights Act, 2022 (No. 20 of 2022) represents a historic shift in recognizing customary land ownership, gender equality, and community participation.

It seeks to:

1. Recognize and protect customary land rights (Preamble; s. 3);
2. Eliminate discrimination in landholding (s. 4);
3. Guarantee gender equality in ownership and management (ss. 5–8);
4. Introduce Free, Prior, and Informed Consent (FPIC) before any investment (s. 28);
5. Regulate large-scale land investments (ss. 26–34);
6. Protect ecologically sensitive areas (ss. 20–23); and
7. Provide redress for grievances (s. 44).

Despite these reforms, major legal, institutional, and implementation gaps remain, which weaken the law's effectiveness and risk leaving vulnerable groups, especially women, youth, and rural communities, without genuine protection.

## B. KEY GAPS AND CRITICAL ISSUES

### 1. Institutional and Implementation Gaps

**Relevant provisions:** ss. 9, 12, 44, 48

Fragmented authority: The Act distributes land administration among Chiefdom Councils, Chiefdom Land Committees, Town/Village Land Committees, District Land Commissions, and the National Land Commission, yet does not clearly define coordination or conflict-resolution mechanisms among them (ss. 9, 12, 44).

**Risk:** Overlapping mandates and bureaucratic confusion about who certifies, registers, or resolves disputes.

## 6. Environmental and Sustainability Gaps

### Relevant provisions: ss. 20–23

The Act mentions "ecologically sensitive areas" but does not define the mapping or designation process.

The term "authorized officer" (s. 20) lacks a clear appointment and funding framework.

There is no linkage to climate-change adaptation obligations.

**Suggested reform:** Align CLRA Part VI with the Environment Protection Act 2022 by requiring joint environmental monitoring plans and community co-management agreements.

## 7. Dispute Resolution Framework — Long Ladder, Slow Justice

### Relevant provisions: s. 44

Disputes move from Village/Town Committees → Chiefdom Committees → District Commission → National Commission → Local Courts.

No timelines or sanctions for delay; Local Courts still operate under outdated law (Local Courts Act 2011) often criticized for bias and limited capacity.

**Suggested reform:** Insert time-bound (90-day) resolution periods and authorize ADR panels at district level to fast-track community disputes.

## 8. Compensation and Valuation Unclear

### Relevant provisions: ss. 38–39

The Act references "market value" or "rates set by government" but provides no valuation standard or right to independent assessors.

No procedure exists for appealing disputed valuations.

**Suggested reform:** Establish valuation guidelines under the National Land Commission and allow independent valuers chosen jointly by investors and communities.

## 9. Financial and Administrative Weaknesses

### Relevant provisions: s. 41

Communities must open bank accounts for rents, but no auditing or

Weak enforcement: Sections 11 –12 require certification and registration of land transactions but contain no penalty for chiefs or family heads who bypass these procedures.

**Transitional uncertainty:** Section 48 keeps the Registration of Instruments Act (Cap 256) in force “until” the new institutions under the National Land Commission Act 2022 are operational, without setting a timeframe.

**Result:** Dual systems and legal limbo, where both frameworks may be inconsistently applied.

**Suggested reform:** Insert a clear transitional schedule and empower the National Land Commission to issue binding harmonization regulations within 12 months of commencement.

## 2. Customary Authority and Accountability

### Relevant provisions: ss. 9, 10, 13 –14, 19

Chiefs retain wide influence through Chiefdom Councils and certification powers, which may perpetuate elite capture contrary to the Act’s democratization spirit.

There is no statutory requirement for audits or public disclosure of community leases, rents, or decisions.

**Result:** Persistent opacity and potential abuse of office.

**Suggested reform:** Amend ss. 9 –14 to require annual public financial reports by land committees and introduce penalties for unapproved lease certifications.

## 3. Gender Equality Provisions – Progressive but Weakly Enforceable

### Relevant provisions: ss. 5 –8

Section 5 guarantees equal ownership, inheritance, and control for men and women, yet the Act creates no enforcement mechanism or remedy for discrimination.

Section 8(2) sets a 30 % quota for women in land committees but does not state consequences for non-compliance.

**Risk:** Customary norms continue to override statutory equality, especially in

patriarchal chiefdoms.

**Suggested reform:** Insert a new provision mandating gender monitors and making women’s participation a precondition for validating committee decisions.

## 4. Free, Prior, and Informed Consent (FPIC)— Procedurally Weak

### Relevant provisions: ss. 28 –32

Section 28 requires FPIC from 60 % of adult male and female members, but the Act fails to outline how consent is verified, recorded, or challenged. Section 30 only says government “may support” communities with legal assistance —making protection optional rather than guaranteed.

No standardized consent form or language translation requirement exists for low-literacy settings.

**Risk:** “Consent” can be manipulated by elites or investors.

**Suggested reform:** Prescribe a standard consent template, mandate independent verification by CSOs, and replace “may support” with “shall provide” in s. 30.

## 5. Investor Safeguards Overshadow Community Interests

### Relevant provisions: ss. 26 –27, 33–34

Section 26 caps foreign leases at 50 years and reserves 10 % equity for Sierra Leoneans —but no rule prevents investors using subsidiaries to exceed land size limits under s. 27.

The Act omits explicit penalties for violating FPIC, environmental, or social commitments.

**Result:** Large-scale investor can legally comply yet still exploit communities.

**Suggested reform:** Add anti-circumvention and penalty clauses in Part VII and require investors to post performance bonds refundable only after compliance verification.