INTRODUCTION

Purpose of the Manual

This Civic Education Manual is designed to help women's groups, women-serving agencies, local civil society partners, and women in Sierra Leone understand their land rights under the Customary Land Rights Act. It simplifies legal terms and provides guidance on advocacy and implementation of women's land rights.

Understanding the Customary Land Rights Act

The Customary Land Rights Act provides a legal framework for women to own, inherit, and use land without discrimination. This manual breaks down the law into key concepts and actions to promote women's equal rights.

Importance of Women's Land Rights

Women's access to land is crucial for economic independence, agricultural productivity, and social empowerment. This manual supports efforts to eliminate discriminatory practices and create a more equitable society.how women can own, inherit, and use land without discrimination.

The manual was developed by the Campaign for Good Governance (CGG) with support from UN Women Sierra Leone. It provides simple explanations of the law, ways to advocate for women's right to land, and guidance on ensuring the law is implemented.

The language used in this manual is simple and easy to understand.

This initiative is part of the Accelerating Community Knowledge on Women's Protection and Rights project, supported by UN Women and Irish Aid.

Section A

MODULE 1: BASIC INFORMATION AND DEFINITION OF KEY TERMS IN THE CUSTOMARY LAND RIGHTS ACT

Part one of the Act talks about the basic information you need to understand before learning about the rest of the law.

Here are the Key Terms and Their Meanings.

1. **Authorized Officer:** A person who works with a Chiefdom Council Committee, the National Land Commission, the Environment Protection Agency, or the National Protected Area Authority to manage land issues.
2. **Bye-laws:** Rules created by communities to manage their land and natural resources.
3. **Chiefdom Council Committee:** A group of leaders in a chiefdom. This includes the Paramount Chief, Chiefdom Speaker, Section Chiefs, Members of Parliament, Councillors, and respected people from the chiefdom, following local customs and traditions.
4. **Chiefdom Land Committee:** A committee formed under the National Land Commission Act of 2021 to help manage land in the chiefdoms.
5. **Community:** A group of people living together in a village, chiefdom, town, or city.
6. **Community Land** is land owned or used by a community. This can include public spaces like cemeteries, playgrounds, markets, and sacred sites.
7. **Community Member:** Anyone (male or female) who lives in a community. This includes people born there, those married into the community, or people who have moved there for other reasons.
8. **Customary Land:** Land that is owned or managed according to local customs and traditions, especially in the provinces.
9. **Customary Land Pledge:** When family land is temporarily given to someone as security for a debt, following customary law.
10. **Customary Land Rights:** The rights people have over land under customary law. This includes:
    a. **Primary Rights:** The right to own, sell, transfer, manage, and pass on land.
    b. **Secondary Rights:** Like the right to use a path, access natural resources, move cattle, or fetch water from a river.
11. **Customary Law:** Traditional rules that guide how people live, own land and manage property in their communities. These rules must be fair, just, and in line with the 1991 Constitution and other national laws.

MODULE TWO: CUSTOMARY LAND RIGHTS AND NON-DISCRIMINATION

1. The Right to Acquire Land

Every **citizen of Sierra Leone** has the right to acquire land that is governed by customary law.

2. Elimination of Discrimination

Elimination of Discrimination means ending unfair treatment or removing biased practices relating to owning, using or acquiring land. Simply put, no one can be denied the right to own, use, or acquire land because of their:

- **Gender** (whether male or female)
- **Tribe**
- **Religion**
- **Ethnicity**
- **Age**
- **Marital Status** (whether single, married, divorced, or widowed)
- **Social Status (**education, occupation, or family background)
- **Economic Status** (whether rich or poor)

3. What Advocacy Strategies or Actions can Women's Groups Undertake to ensure fair access, use, and acquisition of Land?

1. **Advocate for the Government to Protect Customary Land Rights:** Ensure everyone's land rights are respected.
2. **Promote Fair Access to Land:** Ensure land transfers are fair and do not discriminate against anyone whether male or female..
3. **Ensure Transparency and Accountability:** Land management should be open, clear, and responsible.
4. **Preserve Land for Future Generations:** Land should be managed wisely to benefit future generations.
5. **Equal Access and Rights to all:** Ensure that everyone can use communal resources like water, forests, and grazing land without facing discrimination.

MODULE THREE: WHAT DOES THE LAW SAY ABOUT GENDER EQUALITY IN LAND RIGHTS?

1. On Gender Equality, the law talks about:

a. **Equal Rights:** Under customary law, both men and women have the same rights to own, use, inherit, and manage land.
b. **Invalid Laws:** Any customary law that limits or stops women from having these rights is no longer valid.

2. Joint Ownership means that two or more people own a piece of land together. No single person owns the land alone. Everyone who is part of the ownership has equal rights to use, manage, and make decisions about the land.

a) **For Married Couples:** Land acquired during marriage or domestic partnership must be registered in both names

b) **In Case of Divorce or Death:**

- After divorce, the land is fairly divided.
- After death, the surviving spouse keeps rights to the land as per inheritance laws.

3. On Family Ownership, the law talks about:

a. **Equal Family Rights:** Both male and female adults can manage family land.
b. **Inheritance:** When family land is divided, both men and women have equal rights.
c. **Surviving Spouse Rights:** A widow or widower can live on family land unless they remarry outside the family.

4. Membership in Land Committees- Who should be in the Land Committee?

a. **Equal Opportunities:** Both men and women can be appointed to land committees.

b. **Women's Representation:** At least 30% of each committee must be women.

c. **Protecting Women's Rights:** According to the law, committees must respect women's land rights.

MODULE FOUR: CHIEFDOM COUNCIL COMMITTEE AND FAMILY LAND TITLE

1. Chiefdom Council Committee

The Chiefdom Council Committee is responsible for managing land issues in chiefdoms through local land committees.

2. Family Land—Who owns it, how is it managed, and who makes decisions about it?

- **Ownership:** Family land belongs to the family unit, not just individuals.
- **Equal Rights:** All family members, regardless of gender, have equal rights to the land.
- **Management:** Land should be managed sustainably for future generations.
- **Decision-Making:** The family head cannot make decisions alone; they must consult the family.

3. Collective Consent: Whenever the head of a land-owning family wants to enter into a land transaction under Customary Law, The following must be done:

- **Family Agreement:** At least 60% of adult family members (both men and women) must agree before any land transaction.
- **Proof of Consent:** Consent must be documented with signatures or thumbprints.
- **Negotiation Committee:** A team representing both genders handles land negotiations.

4. Certification & Registration

- Land agreements must be certified by the Chiefdom Council Committee. The Paramount Chief or representative must ensure the document is dated, signed and stamped.
- After certification, documents are registered at the District Registry.

MODULE FIVE: COMMUNITY LAND

1. Communal Land in Towns & Villages

- **Ownership:** Belongs to the community and is managed by local land committees.
- **Sustainability:** Committees must create rules for fair and sustainable land use.

2. Communal Land in Chiefdoms

- **Management:** Overseen by the Chiefdom Land Committee.
- **Equal Access:** All community members can use the land according to community rules.

3. Tenancy under Customary Law

- **Types of Tenancy:** Families can lease land for different periods.
- **Long-Term Leases:** Cannot exceed 50 years, with an option to renew for up to 21 years.
- **Fair Rent:** Rent must be reviewed every five years based on inflation.

4. Pledging Family Land

- **Registration Required:** Family land must be registered before it can be pledged.

5. Public Land

- **Management:** Handled by local committees on behalf of the community.
- **Benefits:** The community benefits from the land and its resources

MODULE SIX: PROTECTED CONSERVED OR ECOLOGICALLY SENSITIVE AREAS

What are Protected, Conserved, or Ecologically Sensitive Areas?

These are special places in the environment that need to be cared for because they are important for nature, wildlife, and people's well-being.

1. **Protected Areas:** These are lands or water bodies that the government or communities have decided to keep safe. They could be forests, parks, or wildlife areas where certain activities, such as hunting, farming, or cutting down trees, are controlled to protect the environment.

2. **Conserved Areas:** These are places where **communities work together to take care of the land**, forests, or water. People can still use the land for farming, fishing, or collecting firewood, but they do it in a way that does not harm the environment.

3. **Ecologically Sensitive Areas:** These are places like **rivers, wetlands, coastal areas, and mangroves** that can be easily damaged. If not protected, they can lead to problems like flooding, fish loss, poor soil, or drought.

1. What does the Customary Land Rights Act Say about Environmental Protection?

The law says that- Sensitive areas like wetlands, forests, and wildlife locations must be protected.

2. Prohibited Activities: Mining, farming, construction, and other harmful activities are prohibited in protected areas.

3. Anyone causing environmental damage must restore the area, and traditional practices that protect the environment will be supported by customary rules.

4. Use of Natural Resources: Communities can use nearby natural resources for traditional purposes, but their use may be limited if resources are at risk, with the government providing alternatives.

5. Managing Resources: Local committees create rules to manage and protect natural resources.

Section B

SECTION B

Parts Seven to Ten of the Customary Land Rights Act help communties, investors, and stakeholders understand their rights and responsibilities.

MODULE SEVEN: CUSTOMARY LAND RIGHTS AND RESPONSIBILITIES

1. **Following the Rules (Section 24)**

Investors must follow the rules in this Act and national investment guidelines when using customary land.

2. **Protected Areas (Section 25)**

No investments are allowed in protected areas unless they meet the following conditions in:

- National Protected Area Authority Act (2022)
- Environment Protection Act (2022)
- Marine protection laws

3. **Lease Limits (Section 26)**

Foreigners can lease land for up to 50 years only.

At least 10% of shares in foreign land investments must belong to Sierra Leoneans, with priority to local landowners.

4. **Maximum Land for Investment (Section 27)**

- Agriculture: Up to 15,000 hectares
- Mining: Up to 10,000 hectares
- Other investments: Up to 5,000 hectares
- If land is unused for 5 years, it returns to the owners.
- Communities should not face land shortages due to leases.

5. **Community Consent (Section 28 & 32)**

At least 60% of adult men and women in the community must give written consent for land investments.

6. **Providing Information (Section 29)**

Investors must inform communities about:

- Project plans and risks
- Business details
- Government approvals

7. **Legal Support (Section 30)**

The government may help communities with legal advice during land negotiations.

8. **Lease Agreements (Sections 31 & 33-34)**

Investors must sign formal lease agreements with landowners, and agreements must include environmental, social, and health conditions.

9. **Land Registration (Section 35)**

Land must be registered before any negotiations.

10. **Compensation (Sections 36-39)**

Communities must be compensated for lost resources, crops, or land disturbances.

11. **Bank Accounts (Section 41)**

Lease payments should go into community bank accounts with accountable signatories.

MODULE EIGHT: INVESTMENT-INDUCED DISPLACEMENT AND RESETTLEMENT

1. **Avoiding Displacement (Section 43)**

The states that investments should not displace communities unless absolutely necessary.

If displacement is unavoidable, the following must be taken into account:

- Communities must consent.
- Investors must cover all resettlement costs.
- Women and youth must be part of the decision-making.
- Resettlement must not worsen living conditions.
- Compensation and new housing must be provided before moving people.
- A 5-year guarantee on new structures is required.

MODULE NINE: GRIEVANCE REDRESS

1. **Handling Land Disputes (Section 44)**

   Land tenure disputes arising in the communities can be resolved through:

   - Town/Village Land Committees
   - Chiefdom Land Committees
   - District Land Commission
   - National Land Commission (for appeals)
   - Local Courts (if unresolved)

Environmental or mining complaints must be channelled to the Environment Protection Agency or the National Minerals Agency. The Chiefdom Council has the right to enforce written decisions.

MODULE TEN: MISCELLANEOUS PROVISIONS

1. **Legal Updates (Sections 45 & 46)**
   - Changes to older laws allow communities to take legal action and receive rent payments directly.
2. **Regulations (Section 47)**
   - The Minister can make new rules to support this Act.
3. **Transitional Rules (Section 48)**
   - Old registration processes continue until new land institutions are fully operational.

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Section C

MODULE ELEVEN: KEY TAKEAWAYS ON THE CUSTOMARY LAND RIGHTS LAW FOR WOMEN

Women's Rights to Land

Under the Customary Land Rights Law, women have the same rights as men to:

- Own land
- Use land
- Inherit land
- Transfer land
- Manage family land

Protection Against Discrimination

No woman can be denied access to land based on:

- Gender
- Tribe
- Religion
- Marital status
- Social or economic status

Joint Ownership of Land

- If a married couple acquires land, it must be registered in both names.
- If a marriage ends, the woman has the right to a fair share of the land.
- If a husband dies, the wife has the right to stay on the land unless she remarries outside the family.

Family Land Rights

- Men and women in a family have equal rights to represent the family in land matters.
- When family land is divided, both men and women must receive equal shares.

Women in Land Committees

- Women must have equal opportunities to serve on land committees.
- At least 30% of land committee members must be women.

What to Do If Your Rights Are Violated?

If you face challenges accessing land:

1. Report to the Chiefdom Land Committee.
2. Seek legal assistance.
3. Contact women's advocacy groups for support.
4. Report cases of discrimination to the National Land Commission or the courts.

CONCLUSION

Women in Sierra Leone have strong legal protections under the Customary Land Rights Law. Understanding these rights is the first step toward ensuring equal access to land and resources. If you experience discrimination, seek help and assert your rights.