

POLICIES AGAINST HUNGER

Conflicts over Land

Dispute Resolution and De-escalation

Working Group 2

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Legitimacy of land rights - preconditions to secure informal/traditional/customary/common land and tenure rights and to prevent increased tensions and conflicts

Conflicts over Land: Dispute Resolution and De-escalation



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- 1. What are the most relevant preconditions to secure all legitimate land and tenure rights from a Sierra Leonean perspective? To what extent must the experienced violence and injustice during and after the civil war as well as remaining political structures be considered?**

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Preconditions to secure legitimate land rights.

There are two types of land ownership existing in Sierra Leone

- Freehold ; in the capital city Freetown
 - Land must be available,
 - There must exist a willing seller
 - A willing buyer must be available

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- Communal land ownership

- Communal land

(Land held in trusteeship by the socio-political head of the community on behalf of the community as a whole.)

- Family land

(The principle interest is held by a family group with a common ancestry)

- None of this land can be sold or leased with out consultations

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- Land must be available for leasing
- Land owning families must be identified and they must be willing to lease out their land
- For community land, consultations with the community inhabitants are required to gain community consensus.
- In cases of land ownership, disposal of land would require the signatures of the chiefdom council.

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- **To what extent must the experienced violence and injustice during and after the civil war as well as remaining political structures be considered?**
- Causes of Sierra Leone's conflict were largely structural some of these are still manifest and can be proximate causes for conflict re-occurrence

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- i. Poor governance including issues of transparency
- ii. Weak and compromising justice system
- iii. Uneven wealth and opportunities distribution
- iv. Freedoms and the larger human rights issues
- v. Resource capture – appears to be the most current phenomenon.

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2. What is necessary to prevent violence and to prevent the aggravation of underlying conflicts?

❑ A temporary moratorium that will allow all stakeholders to slow down activities. For government to put in place coherent policies, regulations and monitoring structures and processes based on outcomes of in depth research on a wide range of issues including complaints of communities and Civil Society Organizations.

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- Government should undertake a comprehensive land inventory that should be used to produce a land cadastre and land use plan.
- Communities must be supported with titling of their land
- A review of all land deals to correct anomalies and allow genuine participation of those affected by this phenomenon especially those who own land
- Women should be empowered to have greater access and ownership of land through out the country
- Due recognition and respect should be paid to traditional and cultural tenure to land, however this tradition and culture should be made to ensure women's access to and ownership of land is guaranteed

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3. In which way can the implementation of the Voluntary Guidelines on the Responsible Governance of Tenure of Land Fisheries and Forests (VGGT) be supportive to secure legitimate land and tenure rights and prevent the escalation of conflicts?

**Specific example from a southern perspective.
Reflection on potentials for the protection of legitimate land rights through the implementation of the VGGT in Sierra Leone.**

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- Considering the Principles of implementation which recognize a range of considerations : Human rights, justice and rule of law, gender, equity and equality, transparency and accountability, and sustainability.
- These are remarkable tenet that will assist Sierra Leone as a country, protect its citizens, especially the very gullible and vulnerable.

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The VGGT implementation in Sierra Leone will help create an enabling environment:

- Protect the human rights of citizens by reinforcing guarantees to own property and safeguarding these rights against impunity
- Tenure rights are recognized by law however, their safeguards have been subjected to manipulation and misinterpretations since the advent of Foreign Direct Investment in the land sector.

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- The police have demonstrated high handedness in many instances when there exist standoff between corporate entities, their workers or the communities. Implementing the VGGT will impress the distinction between blind protection by the police, and human rights in business.
- Research findings have pointed to lack of transparency, poor community participation in large scale land acquisitions in Sierra Leone. The VGGT may guide investors, their agents and the state to improve on these best practices

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- The state will benefit from responsible investments where revenue to the state is assured compared to some speculating investors indulging in opaque transactions involving millions of Dollars with none reaching the state.
- Smallholder producers in Sierra Leone contribute some 50% to the Gross Domestic Product. 65% of the population are self employed in the farming sector. Implementing the VGGT is likely to safeguard against unemployment, insecurity of livelihood and food security. It will foster poverty reduction by way of safeguarding against dispossession of legitimate tenure right holders.

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- The VGGT creates the environment for women to have access and tenure rights over land. This guarantees equal opportunities for all gender in Sierra Leone
- VGGT will provide the environment for the establishment for regulations, policies, and inter MDAs coordination.
- Monitoring of investments will also be promoted

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Thank You for your attention