

# Land reform in Sierra Leone: The benefits of public-private dialogue



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Sustainable economic transformation in Sierra Leone, through increased private sector investment in agriculture, would drive economic growth, creating more productive employment and improved livelihoods.

This case study examines the importance of public-private dialogue (PPD) in bringing about policy decisions that support responsible investment in agribusiness. It highlights how Invest Salone helped broaden the discussion between the private sector and the government on proposed reforms to land legislation in Sierra Leone.

## What is PPD?

PPD is a structured process of regular consultation between the government and the private sector which is intended to drive business environment reform through joint problem solving. The private sector brings experience and analysis, which can help the government design better policies. The private sector can also provide helpful feedback on implementation.

## Why is PPD important?

Dialogue between the public and private sectors can be an effective tool to help governments and businesses accurately diagnose investment climate problems, design appropriate policy reforms and discuss the ramifications of measures before they are implemented. It can help to raise awareness of policy changes, assist in keeping up pressure for action and can make policy reforms easier to implement. PPD also fosters trust, cooperation and mutual understanding between stakeholders. They are an important step in building business confidence and, in the long term, attracting investment to Sierra Leone.

## Creating the right conditions for agribusiness investment

Decisions on investment in agriculture are data-driven and analytical. Firms will assess whether or not the regulatory environment of a country is conducive to their operations, and base their choice of location on



commercial expediency. The following are key factors that investors take into consideration:

- Transparent, well-defined and straightforward processes for agreement with local stakeholders such as landowners, service providers and the government
- Well-defined regulatory and legal frameworks for investment
- Well-defined processes to access land for production
- Effective contract enforcement within an independent judicial system.

## Land policy reform

Sierra Leone has demonstrated a strong commitment to improving land governance. A process of reform that began with the National Land Policy 2015 was given legal effect in September 2022 with the Customary Land Rights Bill 2022 and the National Land Commission Bill 2022.

These bills are the culmination of detailed work and extensive consultation with many stakeholders. They are intended to both protect the rights of Sierra Leoneans to their land and create a framework for investment in agribusiness.

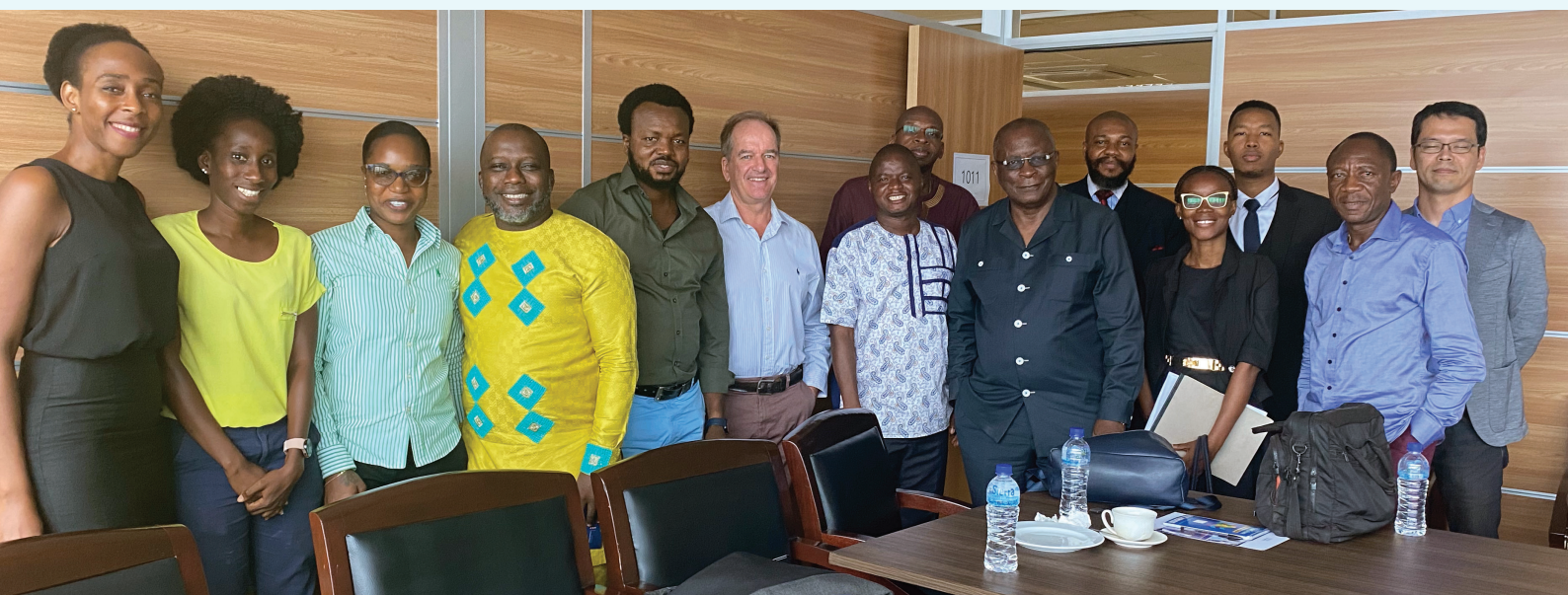
As with many laws that attempt significant change, various groups, including members of the private sector, civil society organisations (CSOs) and Paramount Chiefs, identified areas of concern during the drafting of the bills, such as potential negative economic impacts and gaps in the consultative process.

Invest Salone worked with the agribusiness sector to better understand the nature and extent of its concerns. This included commissioning a review of the content of the bills and facilitating a discussion on its findings with The Ministry of Lands, Housing and Country Planning (MLHCP), CSOs and the World Bank. As a result, dialogue was reopened between the government and the private sector.

A series of productive PPDs followed, which allowed the private and public sector to work together to amend the bills so that all stakeholders could benefit from the outcome.

*“ Being able to discuss our concerns with the government during the public-private dialogues was very beneficial. It allowed the private sector to have their say on a bill that would shape the investment landscape for years to come. ”*

Le Roux Dupper, Business Operations Manager,  
Miro Forestry SL Ltd.



Private sector stakeholders from around Sierra Leone at a roundtable discussion in Freetown in April 2022 to review proposed reforms to customary land legislation

## Timeline

### OCTOBER 2021

The Government of Sierra Leone presented two landmark bills to parliament: the Customary Land Rights Bill and the National Land Commission Bill

### JANUARY 2022

Invest Salone commissioned an independent review of the draft land bills and their potential impact on the acquisition process for large-scale investment

### FEBRUARY 2022

Invest Salone presented the review findings to the MLHCP, CSOs and representatives of the World Bank. As a result, the MLHCP asked Invest Salone to facilitate a roundtable discussion on the land bills with participation from relevant ministries, departments, and agencies; CSOs; private sector investors; and the World Bank

### MARCH 2022

Invest Salone co-facilitated the roundtable with Sonkita Conteh from Namati<sup>1</sup>

### APRIL 2022

At the request of the MLHCP, Invest Salone convened a further roundtable with the private sector to identify recommended amendments to the land bills to be presented to the Ministry. These recommendations were then used by the Ministry to inform further discussions

### APRIL–JUNE 2022

The MLHCP held a series of further consultations with all stakeholders to work on amendments to the laws

### JUNE 2022

The land bills were redrafted to include private sector recommendations

### AUGUST 2022

Parliament passed both the Customary Land Rights Act 2022 and the National Land Commission Act 2022

## Before PPD:

In its draft form, the Customary Land Rights Act limited lease agreements to an initial maximum of 5,000 hectares, and for a period not exceeding 21 years for non-citizens, with the opportunity to renegotiate another 21 years. The lack of long-term land rights would deter investment in agroforestry or other forms of agriculture, which require larger quantities of land and where the break-even point may only occur after many years. There was also a requirement for potential investors to obtain the consent of all adult family and community members for the lease to be valid. This was considered onerous especially in larger communities where it is difficult to identify every community member and/or because consent could be unreasonably withheld.

## After PPD:

The Customary Land Rights Act was amended to include land leases of 50 years with the possibility to extend for an additional 21 years. The hectareage was increased to 15,000, with the possibility of extension. And the requirement for 100% of the landowners to approve the sale was reduced to 60%. This gives investors much more security in Sierra Leone.

<sup>1</sup> Sonkita Conteh is the Co-Founder and Director of Namati, which works on land protection and environmental justice in Sierra Leone.



## Moving forward

The National Investment Board (NIB), which was created by an act of parliament to promote investment opportunities in Sierra Leone, recognises that effective PPD is an essential step towards improving the country's investment climate. A key element of its mandate is to initiate, organise and lead all PPD in Sierra Leone related to investment. As part of the process towards institutionalising PPD, Invest Salone is working with the NIB to create mechanisms for regular sectoral PPD, tracking agreed actions and organising PPD training for business membership organisations. This process will involve initiating and facilitating PPD, while also working on the process of institutionalising PPD.

“Facilitating productive dialogue between the private and public sector is hugely important to the future success of investment in this country. The Customary Land Rights Act is a good example of how the private sector, when consulted, can have a positive impact on policymaking.”

Jobo Samba, Director, GIS, Ministry of Lands  
Housing and Country Planning

