

# NAMATI

SIERRA LEONE

NEWSLETTER

## Unpacking the Mystery

“The arc of the moral universe is long, but it bends towards justice.” The iconic words spoken by Dr Martin Luther King jr. are intrinsically woven into Namati’s mission to promote equity within the land sector in Sierra Leone.

For over a decade, Namati, a non-profit organization has been working to bring about transformation in several countries by advocating for improved legislation and bringing awareness to poor and marginalized communities of their rights. We aim to build a movement of people who know, use and shape the law.

Our key method is training and deploying community paralegals. Trained in basic law and in skills like mediation and organizing, these paralegals support community action leading to concrete remedies. With their help, communities in six countries have stopped unlawful factory emissions, curtailed deforestation and reclaimed ownership of their customary lands.

“Unfortunately for many people, the law is a mystery, something that only those who are trained deal with. What we try to do is to unpack this mystery,” says Namati Sierra Leone Director Sonkita Conteh. Drawing on our deep, comparative experience across multiple countries, Namati hosts and supports the Grassroots Justice Network, the world’s largest community of justice organizations, many of whom to advance climate and environmental justice in particular.



## SOMETHING TO CELEBRATE!

### One More Seed Signs Historic Agreement

*T*he pounding of drums, the rhythmic chatter of segureh and the dancing of women were symbolic. Within a land investment space plagued by disorder, the celebrations were an indication that victory is possible. They were a culmination of 8 years of





Dr. Roberto Mirani, Chairman One More Seed (centre) signs historic deal with Ngovokpahun Village.

grueling back and forth negotiations, during which two revolutionary new laws were passed. Land investment in Sierra Leone has been characterized by unlawful deals conducted between investment companies and chiefdom councils meant to represent actual landowning families. Left out of the negotiation process, landowning families do not get Free Prior and Informed Consent (FPIC) and typically end up getting a raw deal. Forced to make do with inadequate and inconsistent compensation for their properties, they often have to endure the effects of company activities such as air and water pollution. Verbal promises made by companies to develop local infrastructure such as roads, schools, health facilities etc. often remain unfulfilled.

In the case of Ngovokpahun Village, landowners were being severely underpaid for land that they were not convinced Italian Agriculture had surveyed correctly. "We decided to push for a renegotiation of the agreement," recalls Namati Programmes Officer Baindu Koroma. This began with participatory mapping of the land that included representatives of Namati, the company, the landowning families and the Ministry of

Lands, Housing and Country Planning. After reaching a consensus on the total acreage of the land in question, the push towards renegotiations continued in earnest. However, the outbreak of the coronavirus pandemic in 2020 rendered community visits by Namati impossible and slowed the process down to a crawl.

Complete normalcy would return two years later and the renegotiations continued. By this time, two laws - the Customary Land Rights Act and the National Land Commission Act had been passed. The Italian Agricultural Company had also changed its name to One More Seed. The new lease agreement had to be negotiated in line with the CLRA, which is designed to eliminate discrimination under customary law. This was very good news for the landowners of Ngovokpahun. "It meant that landowners were now entitled 90% of money paid in lease rent, whereas before, they only got 50%. The remaining 50% went to chiefdom councils, district councils and the Sierra Leone government in withholding tax," Baindu explains. It also meant that landowners were now required by law to negotiate directly with company, instead of through chiefdom councils. Now in



*Situated in Kenema, Baidu Koroma and her team mediate lease agreements and settle disputes all across the Eastern Region.*

position to request better compensation for their lands, the landowners were able to increase their payment from 5 dollars per acre per year to 15 dollars per acre per year.

The signing of the new lease agreement between One More Seed and the landowning families of Ngovokpahun proved that the new laws could be a game changer. It was a glimpse of the overall outcome intended for land investment in Sierra Leone – dancing on all sides!

## NAMATI SHOUTOUT!

Paramount Chief Desmond Mahayie Kargobai is a land advocate and ally. He invited Namati to pilot the Community Land Protection project in Selenga Chiefdom.

As the newly elected Paramount Chief Member of Parliament for Bo District, PC Kargobai's understanding of land and environment issues put him in a unique position to express their significance to his colleagues in parliament and push for action.



Natural Habitats Group Managing Director Mohamed Kamara



Section Chief, Seitua, Alusine Sama



# Landowners Receive 17% Rent Increase...

*but other Issues Persist*

**T**he Bo team facilitated a meeting between oil palm company Natural Habitats and land owning families to review their 5-year lease agreement. The Customary Land Rights Act of 2022 puts landowning families in a position to negotiate for a higher lease rent payment than before. The negotiations were a success with the landowners managing to secure a bump of 17% to what they were previously being paid.

Underlying that success, however, were complaints from landowners that Natural Habitats had not paid the Community Development Fund – a sum of \$10,000 that the company is required to pay to the communities each year – for several years now.

Namati Programme Officer Abdulai Tommy explained that



Bo Programmes Officer Abdulai Tommy

with regards the Community Development Fund, “We have made frantic efforts to ensure that the company pays the money due you,” he stressed. “We have to be careful not to do anything to jeopardize the investment. We believe in dialogue and engagement and that is what we have been doing.”

To his credit, Natural Habitats Group Managing Director Mohamed Kamara made no excuses, nor did he attempt to argue against any of the points raised against his company. Instead, he renewed his commitment to address the areas in which his company had fallen short. “We will set up a committee to ensure that we do all these things,” he promised.

If the Community Development Fund is not paid, the landowning communities would be well within their rights to sue for breach of contract.

## NAMATI SHOUTOUT!

Paramount Chief Saffa Monya Tamu has been instrumental in Namati’s work on the conservation of the Gola Forest.

He was also key in the resolution of a major dispute over land size between an investor and landowners in his chiefdom.





## MASABA COMMUNITY— UNTANGLING THE KNOT

**N**amati is often the mediator between powerful investor corporations and vulnerable landowning communities. But, this is not always the case.

Presently, there is massive logging going on in government-reserved areas that fall within lands owned by Masaba community. This is against the law but some community members benefit from it. Due to a leadership gap, the Makeni team has to breach divisions within the community in order to effectively address the situation.





## CSOs and the Struggle for Common Ground

**T**he event was billed as a roundtable dialogue session but the accusations and counter accusations flew from opposite sides of the hall. Organized by the National Investment Board, the object of the discussion was for government institutions, CSOs and private sector investors to have an open discussion on building and managing relationships to foster an enabling environment for private sector investment in the country. It was a rare opportunity to bring together players who are usually on opposing sides of land investment issues under



*Deputy Director of Programmes Daniel Sesay: "My concern is where we see MDAs being overly protective of investor interests. The NMA acts as agents of Chinese companies, which is appalling."*

the same roof.

As was to be expected, some feathers were ruffled. From the high table (odd choice for a roundtable discussion), the Managing Director of an investor company said one of the key reasons for a toxic relationship between companies and communities is the "interference" of CSOs – a statement that proved to be so incendiary that it had to be withdrawn. Beside him, National Mining Agency Community Affairs Manager fielded accusations from CSOs of the Sierra Leone government siding with foreign investors

***“Hundreds of villages have lost access to rivers, streams and other surface water sources because of bad mining practices by companies.”***

***— Namati Director, Sonkita Conteh***



against vulnerable communities.

Foreign Direct Investment is up in Sierra Leone, according to the National Investment Board. This growth is due in large part to increased activity in the agribusiness and mining sectors. With the expansion of the investment space, the contentious relationship between investors and local communities has become more pervasive.

During the roundtable event, a stream of discourse revolved around the reasons behind this. Natural Habitat Managing Director Mohamed Kamara, that CSO interference in discussions between companies and communities is a key reason behind what he described as a

“toxic” relationship. This statement received some pushback from CSO representatives in attendance, who proceeded to outline the myriad injustices communities face at the hands of companies, thereby necessitating CSO involvement. Mr. Kamara withdrew his comment in favour of a less incendiary word, noting that he had been speaking based on his personal experiences with CSOs over the past 16 years. However, the notion of CSOs as “fault finders” or being anti-development lies at the heart of the adversarial nature of the land investment space.

Also inimical to the relationship is the perception of government not playing a neutral role within the investment landscape. Namati Deputy Director of Programs Daniel Sesay expressed concern over government representatives being overly protective of investor interests to the detriment of the communities and the environment. “The National Minerals Agency acts as agents of Chinese companies, which is appalling,” he stressed. NMA Community Affairs Manager Henry Kamara denied any bias on the side of the government. However, Namati has often found itself at odds with government institutions on issues of landowner grievances and environmental conservation.

The question of how the relationship between investors, the communities with whom they do business and the CSOs that mediate cannot be answered in a single day. As long as greed and self interest continue to be the key drivers, peace within the sectors may be a long way off. The creation of a space for honest discourse, however, is crucial move in the right direction.

# The Mining Threat Worsens

**A**t first glance they look like mountains on the horizon. They are actually huge mounds of leftover materials from the processing of mined iron ore. Rain washes the contaminated dirt into the swamp, rendering it no longer able to sustain the growth of crops. What was once miles of fertile swamp-land and the primary source of income for rice farmers, has been rendered useless. "Two years ago, I had to travel as far as Mangay to do my farming. This year I was unable to do that," says Chief Kamara who is also the Headman of Chaindatha Village.

"Not many farmers can afford to go elsewhere to borrow land and hire machines," explains Hassan Sesay, Programme Officer for Namati in the North-West. The majority of farmers who cannot afford to do that are left without a livelihood."

In other areas, the problem takes a different face. Major water channels have been blocked due to mining activity. This causes the water content in swamps to swell, transforming them into lakes. As the rains intensify, the water level rises and extends to areas where people have planted their crops. The crops are destroyed.

In this part of Sierra Leone, many mining companies do not know what the law says. They do not work according to the law. They pay undisclosed amounts of money to paramount chiefs of affected communities instead of observing the proper procedures.



**Above:**  
*Every rainy season, the water level rises until this road is entirely submerged and boats are needed to get across.*

**Left:**  
*Namati Community Mobilizer explains that the water level in this swamp is expected to rise even further.*

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