

# Implementation of Community Land Protection and the National Land Policy: Independent Research Findings

Dr. Caitlin Ryan, University of Groningen, the Netherlands

[c.m.ryan@rug.nl](mailto:c.m.ryan@rug.nl) +31631984267

Ibrahim Joseph Conteh, University of Makeni

Josephine Margai

Melissa Maymouna Fatty, University of Groningen

## Executive Summary:

This report draws on independent research in 17 communities across six districts that participated in two different projects for ‘community land protection.’ Communities participated in these projects with the support of local NGOs/CSOs, with the oversight of the VGGT Secretariat of the Ministry of Lands, and the Food and Agriculture Organization (FAO), and with funding from donor partners. This report may provide evidence that could be useful for all of these actors in seeing what is working well and where potential sticking points are for implementing the elements of the new Customary Land Rights Act and National Land Commission Act.

Particularly for communities who went through the main pilot supported by FAO, there was a **clear and obvious satisfaction with having gained a greater understanding of the land boundaries**, both within and between communities. This also reflected a further perception that **conflicts and disputes had reduced** after the project. In relation to women’s inclusion, **while both women and men were overwhelmingly more familiar with women’s entitlements** to land rights, there is still a frequent **discrepancy between knowledge of women’s rights and women’s abilities to exercise those rights in practice**. In relation to socioeconomic outcomes, this is an effect that will likely take more time to emerge, but there is a clear disparity between communities that received an additional livelihoods element as part of the project, and those who did not, **which suggests that formalization of land rights alone is insufficient to drive economic development**.

## Introduction

The National Land Policy (NLP) and the subsequent twin land acts (Customary Land Rights Act and National Land Commission Act) reflect years of concerted effort by government, civil society, and donor partners to reform land governance in Sierra Leone. The CLRA, which had a foundation in the NLP, strikes a remarkable balance between formalizing pre-existing customary land governance in the provinces to give more formal, statutory rights to land-owning families, and addressing discriminatory practices, particularly through the explicit inclusion of women. As a result of the ways that the NLP and subsequently the CLRA focuses on the land rights of local communities, and on making land governance in communities more inclusive and transparent, it has attracted a great deal of attention, both from civil society groups in Sierra Leone, and in the international community. The attention to the NLP resulted in several international donor agencies funding pilot programs to assess potential ways of implementing the NLP within communities.

As an independent academic researcher, I am interested in the process because of the balance that the NLP strikes. After learning about a model that some civil society groups use to protect and increase communities' land rights, I wanted to learn more about how attempts to 'test' implementation of the NLP were going, with the expectation that implementation of the CLRA may follow similar models. In particular, I am interested in how early attempts at implementation relate to the following four aims that are common to both the NLP and the CLRA. 1) giving communities and families a clearer understanding of their land ownership rights, 2) the reduction of conflict and increased effectiveness of dispute resolution in order to reduce burden on courts, 3) greater inclusion of women in land governance and 4) the positive socioeconomic effects of land documentation (both in relation to increased productivity and to investment processes).

These four aims are inter-related, for instance, if communities and land-owning families have a clearer understanding of land rights, it is assumed that this will reduce the number of land conflicts. Likewise, it assumes that a clearer understanding of land rights and more formalized land governance could have a positive effect on increased agricultural productivity if greater tenure security incentivizes farmers to invest more into their land. There is another (assumed) correlation between the inclusion of women in land governance and a positive effect on both dispute resolution and on socioeconomic indicators. In this sense, these four aims should not be seen as perfectly separable, but rather should be seen as inter-related. As such, the aim of my research is to consider how methods of formalizing community land governance in Sierra Leone are functioning, and how they fit with the aims of the new CLRA.

Academic researchers have mixed results when investigating the effects of land tenure formalization on matters of dispute resolution, gender inclusivity, local governance, and economic development. The questions underpinning this project relate to the wider debates on how customary tenure can be formalized to protect communities' rights while also paying heed to the ways in which structural inequalities function, and how some actors might seek to capture processes of formalization (Peters 2004; Jacobs 2014; Berry 2017; Collins and Mitchell 2018; Moyo and Foray 2009; Moyo 2008). Research indicates that participatory, bottom-up models of community land registration may advance the rights of marginalized people (Knight et al. 2012), but there are knowledge gaps in how these processes are perceived by power brokers in the community, outside the immediate community, and within state-level institutions where institutional mandates for land authority changes.

The research project is broadly interested in the connections between formalization, wider statebuilding processes (particularly those that aim to increase gender equality and contribute to decentralization), and resource pressure in the context of commercialization. These questions are common in the literature on land reform in contexts of legal pluralism, and include: What systems of governance emerge from processes of formalization, and how do they reflect both new and old authority/systems? Who participates in them and how? How might they contribute to inclusive peacebuilding and broader processes of decentralization and devolution of authority? I derived these from a combination of review of existing academic literature, analysis of policy debates and reports, and preliminary discussions with key stakeholders (2018-2019) in the period before I started the main phase of data collection (2021).

In brief, the research found that particularly for communities who went through the main pilot supported by the FAO, there was a clear and obvious satisfaction with having gained a greater understanding of the land boundaries, both within and between communities. This also reflected a further perception that conflicts and disputes had reduced after the project. In relation to women's inclusion, while both women and men were overwhelmingly more familiar with women's entitlements to land rights, there is still a frequent discrepancy between knowledge of women's rights and women's abilities to exercise those rights in practice. In relation to socioeconomic outcomes, this is an effect that will likely take more time to emerge, but there is a clear disparity between communities that received an additional livelihoods element as part of the project, and those who did not, which suggests that formalization of land rights alone is insufficient to drive economic development.

## **Background on pilots**

My research focused on communities that had been part of one of two different pilot programs. The first, larger program was a joint effort between Namati, National Movement for Justice and Democracy (NMJD) and Green Scenery. The Food and Agricultural Organization (FAO) led the pilot, with support from the German Federal Ministry of Food and Agriculture and Irish Aid. The pilot began in 2018 in four districts: Bo, Bombali, Kenema and Port Loko (Mabikke et al. 2020). In total, 14 (adjoining) communities took part in the project.

The pilot used the Namati model of Community Land Protection (CLP). Community Land Protection has a series of five sequential steps (Knight et al. 2012). The outcome of CLP is that the community should have formed a Village Area Land Committee (VALC) to handle land matters that arise, and that they should have harmonized and demarcated their boundaries with their neighbors and the in-community boundaries between land owning families. In the donor-funded pilot, an additional outcome was the production of a series of maps showing the boundary demarcations between and within communities.

Namati worked in Bo (Selenga Chiefdom) and Bombali (Paki Massabong Chiefdom), NMJD worked in Kenema (Kaidu Laipama Chiefdom) and Green Scenery worked in Port Loko (Bureh Chiefdom). While my research found small variations in the process, overall the communities all received the same overall approach of CLP.

As a second, comparative case, I also visited communities where Solidaridad ran a project using some of the same logics of CLP in communities where investment companies were already present. The communities in the Solidaridad-run projects already had contact with Solidaridad, and where investing companies were already operating, typically in the form of schemes for farmers to sell their crops to buyers. Solidaridad incorporated elements of CLP and sensitization into their wider projects. This project operated across 3 districts (Tonkolili, Bo & Kailahun) and 9 chiefdoms (Yoni Mamela, Yoni Mabanta in Tonkolili, Mandu, Dea Malema, Njaluahun, Jawie and Luawa in Kailahun and Lugbu in Bo). According to Solidaridad, the key focus areas of the interventions within communities were to train and sensitize Traditional Authorities and communities on Agribusiness Investment Approval Process (AIAP) in line with Responsible Agricultural Investment (RAI) and to establish 69 VALCs in 9 chiefdoms.

The aims of both pilots are representative of the goals of the NLP (and now the CLRA) in several ways, such as: sensitizing communities about their rights to land, and including specific sensitization on women's land rights; helping communities harmonize and demarcate their land boundaries and improving dispute resolution and land governance in communities, namely through the establishment of Village Area Land Committees (VALCs). Now that the Land Commission Act has been passed, these VALCs have legislative backing, and will be further connected to the planned Chiefdom Land Commissions, District Land Commissions and National Land Commission in a way that should further the wider government objectives for de-centralization and increased local governance. The VALCs would thus also be integrated into more formalized and transparent sequential model for dispute resolution, which would have the aim of reducing pressure on courts to adjudicate land disputes.

## **Methodology**

The findings presented in this report are the result of two main stages of data collection. The first, in 2021, involved six weeks of research carried out by the lead author and a research team comprised of Josephine Margai and Ibrahim Joseph Conteh. In the two years prior to starting research in the communities, I had multiple meetings with representatives of government (VGGT Secretariat in the Ministry of Lands, SLIEPA, Ministry of Agriculture) with the NGO partners (Namati, NMJD, Green Scenery, Solidaridad), and with international partners (FAO). I spoke with all of these representatives again once I started the research in September 2021.

Over the six-week period, as a research team we visited 17 communities across six districts. We purposefully selected communities to include 12 of the communities that took part in the main pilot program in Bo, Bombali, Kenema and Port Loko, in addition to five communities that are part of the Solidaridad project (two in Kailahun and three in Tonkolili). Prior to visiting any community, we met with all the Paramount Chiefs in the respective chiefdoms (in addition to most section chiefs). In each community, we held an open community meeting, followed by a focus group discussion with the Village Area Land Committee. After this, we used some combination of individual interviews with members of the community who were not on the VALC, and visits to people's farm plots. The sampling for the individual interviews was purposive, because we sought to speak to a variety of people, including men and women, strangers and members of land-owning families, youth and elders. Not counting farm site visits (where we also spoke to some individuals), we conducted 73 individual interviews, 37 with women and 36 with men.

We also spoke with representatives of local governments in all districts. I was unable to secure a meeting with a representative of the Ministry of Local Government at a national level, and therefore their perspective is missing.

In 2022, as a research team we returned to all 17 communities to follow-up and validate our findings. This had a two-fold purpose of determining what, if anything, had changed in the previous 12 months, and also to check the overall reliability and generalizability of the findings contained in this report. In order to do this, I employed a cartoon artist to draw 5 main findings in picture form, to use as a tool to check with communities about what we found. (Annex 1 contains this poster). The Folke Bernadotte Academy funded the two stages of data collection as independent research under an open, competitive grants scheme.

## Analysis

Drawing on four of the objectives of the NLP and CLRA (increased awareness of land rights, reduction of conflict, inclusion of women, improving socioeconomic development) the research findings suggests some clear successes of the pilots relative to these goals, as well as limitations and shortcomings. These findings represent an overall conclusion drawn from across the 17 communities, but we also highlight the instances where we found divergences or differences, whether across or within communities. The biggest divergences are between the two different pilots (FAO-led vs. Solidaridad). This is not unexpected, given that the objectives and timelines for engagement for these two different programs are quite different. We present the findings together insofar as it is useful to directly compare the major differences that emerge, but also to see where some themes are common, no matter the content or duration of the project. Aside from this, across all communities we also compare in relation to men's and women's perceptions on whether women's actual opportunities related to land have changed, as well as in the socioeconomic effects that can be linked to the project, insofar as some CSO/NGO partners included robust livelihoods components (NMJD) some livelihoods component (Green Scenery) or no livelihoods component (Namati).

We present the findings in four parts, but would again stress that these are inter-related. We highlight where outcomes connect to other outcomes, such as where research participants linked increased awareness of rights to diminished land disputes.

### *'Understanding of land'*

Based on information gained from the CSOs/NGOs about how they work to improve people's understanding of land and land rights and based on analysis of the data we collected in communities, there are three different (though inter-related) ways to see what kinds of understanding people gained, and what that understanding is related to. Not only is this differentiation useful for thinking about 'understanding' of rights in relation to the NLP/CLRA and the pilots, but as we show in the next section, different kinds of understanding also have implications for the outcomes related to reduction of conflict. In brief, we have identified three ways to see what kinds of 'understanding' emerge from the pilots. **Firstly**, and perhaps most conventionally, there is an understanding of land in relation to 'knowing' the land's boundaries, either within or between communities. **Secondly** is an understanding of what land ownership 'means' - this relates to the capacity of communities as a whole and of individuals to understand the legal and social implications of 'owning' land, such as the right to make decisions about land, the right to exclude others from land, or the right to decide what to grow on land. **Thirdly**, is an understanding of the value of land – this is most frequently related to an improved understanding of land's monetary value and the monetary value of what people get from the land, in light of potential future investment companies coming to ask for land. It is also sometimes reflected in people's understanding of the social value of land. We discuss each of these in turn below, as we understand some of the differences in understanding to have potentially different effects in terms of conflict reduction, social inclusion, and socio-economic effects, but we would again re-iterate that they are not mutually exclusive.

#### Boundaries

Responses about ‘understanding’ of land were most frequently made in relation to understanding/knowing the boundaries of land. This was frequently framed as ‘knowing’ land through improving the *clarity* of the boundaries, of having maps or demarcation points to ‘show’ the boundaries and of the possibility for children to know the boundaries in the future. Nearly everyone we spoke to about the boundaries claimed that before the process they knew the boundaries because they had been shown by their elders. As such, the understanding of boundaries as a result of the project should be seen as a **formalized and regularized documentation** of the boundaries. This being said, there were also instances where respondents discussed disputes that arose during the process of boundary harmonization, or, disputes between communities that had long pre-dated the project, wherein knowledge of the boundary was claimed by different parties to be in different places. As such, almost every single respondent saw the process of harmonizing and demarcating boundaries as something which made them happy, which was a success, and which was a clear and identifiable outcome of the projects. This was true across 16 of 17 communities, and was true for a range of respondents (men, women, youth, elders) within all discussion settings (community meetings, focus groups, farm site visits and individual interviews). In the last community, which represents a bit of an outlier both in terms of the project intervention itself as well as being the only community where there are active court cases for land disputes, no one discussed knowledge of boundaries in positive terms or as something that had been achieved. This being said, ‘satisfaction at knowing the boundaries’ as the most consistent of all our findings. This being said, many people expressed a desire for permanent boundary markers, particularly during our 2022 follow-up visit.

#### ‘Meaning’ of ownership rights

Sensitization on the content of the NLP covered not only women's rights to land (discussed in a subsequent section) but also the **broader entitlements of land ownership**. This was most frequently expressed by community members as ‘knowing their rights’ if companies came, and that as landowners, they should be included in decision-making. Some respondents also discussed that not only did the process of boundary harmonization clarify boundaries, but also it made it more clear whom strangers should approach when they wanted land.

The question of what kinds of meanings ownership rights take as part of the process is slightly different in the Solidaridad - led project in Tonkolili, wherein farmers who are part of the scheme to sell oil palm fruit bunches to a company, expressed that the mapping done by the company shows ‘permanent ownership’ of the oil palm plantations by individuals.

#### Value

Based on a discussion with NGOs, part of the logic of discussing the (monetary) value of land is in helping communities have an improved condition if/when they were to enter into negotiations with companies for their land.

In community meetings, individual interviews and focus group discussions with the VALCs, there is a consistent reflection by communities that an outcome of the projects was increased awareness of **how to understand the monetary value** of their land. In several communities, it was evident that people had received the same message that they should ‘see’ their land as being their ‘supermarket’ and that they should consider the value of what they take from their land that they don't have to pay for.

Closely related to the question of boundaries is the increased knowledge of ‘the precise size’ - whereas clearly families knew their land before the project, they might not have known the actual acres measurement. We see this as a matter of knowledge of ‘value’ insofar as it becomes most useful as ‘relative’ knowledge. This could be either in the instance of a company arriving to negotiate (for instance, a family would then know what relative share of their land they might be willing to lease to a company) or, in terms of having a ‘value’ understanding of family land relative to other families in the communities. Again, it is not that families did not ‘know’ before which families in the community had the ‘most’ or ‘least’ land, but an acres measurement presents a different picture of the relative value share of different families’ land. This was most frequently expressed to us in terms of how having a document ‘shows what we have.’ In the majority of communities, at least one person would tell us the number of acres of land held by their family, however, this knowledge was expressed mostly by the heads of families, or on some occasions, a younger man. Women never volunteered to tell us the size of their family land.

Unsurprisingly, the question of land's value is different in communities where companies are already operating. This was partially evident in Kailahun, where one of the two communities has some land used for an out-grower scheme for cocoa. It was even more evident in Tonkolili. This is likely because as part of the (oil palm) company's operations, they **demarcated individual oil palm ‘plantations’** and treat the plantations as being owned by individuals, or as being owned by one individual, with another individual who has ‘user rights’ to work in that particular plantation. This is understood by some farmers as being the individualized ownership of plots of land (rather than ownership of trees situated on land owned by a lineage family).

### *‘Reduction of conflict’*

There is clear evidence that respondents see the project as having had a positive effect on conflicts and land disputes, particularly between communities. This was consistently **attributed to the process of boundary harmonization** and the outcome of boundary demarcation and mapping. Here, it is crucial to emphasize that people appreciated the maps and demarcation for the clarity they brought to understandings of boundaries, but this has to be seen as the result of the harmonization process that was, at times conflictual or conflict inducing. This illustrates the need to pay careful attention to the **actual process of harmonization**, which is what is responsible for the resolution of disputes.

The reduction of conflict after the pilots is most evident from interviews with Paramount, Section, and Town chiefs. Paramount Chiefs framed this as a potential outcome that had made the prospect of the project appealing to them. In terms of their expectations, they explained that they could see a **difference in the number of disputes** coming ‘out’ to them from places where the project ran in contrast to parts of the chiefdoms that had not been part of the project. The suggested explanation was that people’s formalized agreement about boundaries, in conjunction with the maps, resulted in there being less disputes and complaints coming ‘out’ to chiefs for resolution.

The Village Area Land Committees often explained ‘dispute resolution’ as their main role/task in communities. In a few focus group discussions, it was evident that they serve this function, particularly for resolving small disagreements between land-owning families.

However, in the majority of communities it is **not clear that the VALC is actually receiving any disputes**, as this was discussed in terms of ‘if disputes come to us in the future.’ It is difficult to come to a precise and common explanation for why disputes are not coming to these VLACs. One potential explanation is the process itself was so successful in harmonizing boundaries between families and between communities, that no disputes have arisen since the process. This would surely fit with some of the other findings of how people feel about ‘knowing’ their boundaries after the process. It is also possible that disputes are (occasionally) still arising, but that they are **being brought ‘elsewhere.’** The reason to raise this as a (partial, possible) explanation is that in individual interviews, respondents **almost never mentioned the VALC** as a place people would go ‘if they had a problem with land.’ Furthermore, in some interviews with town chiefs or other elders, they told us that land problems ‘come to them.’ The functioning of the VALCs in relation to dispute resolution is something that may require additional research over a longer period of time, as it is still a little unclear *why* disputes are not consistently being brought to them, and, more importantly, if and how it will matter if the VALC is not the ‘first stop’ to handle disputes.

### *‘Inclusion of women’*

To understand dynamics of women’s access to land and their inclusion in land governance we asked several different kinds of questions, and we asked them in different settings. This was important because at times, what was said about women’s access to land ***in practice was different*** from what was said about women’s *rights* to access land. Additionally, there are differences in what was said in open community meetings or in focus groups with the Village Area Land Committees than in individual interviews. In all three settings (open meetings, focus groups, and individual interviews), we asked what people had learned about women’s land rights during the projects. On this question it is abundantly clear that in all 17 communities, at least one person (and more often several people) explained that as part of the project they had learned that women have rights to land, including rights to inherit family land, and rights to their husband’s land if he were to die. Both men and women shared this knowledge, across a range of ages, and in community meetings and individual interviews. Knowledge of women’s land rights was even more extensive in the focus group discussions with VALCs. It is clear that this sensitization element of the projects across all six districts was effective in helping men and women understand what the NLP says about women’s rights to land.

This said, the outcome is more varied for two additional questions we asked. We asked these two questions mostly in individual interviews and farm site visits (rather than in open meetings or focus groups). For one question, we asked whether women had the same opportunities to access land as men. Here, we were much more likely to get negative responses, both from women and men. Women were more likely than men to say that **their opportunities were not the same as men’s**. When we asked why, frequent responses were: that women had less strength to clear land, or that women were prevented from accessing land. This also included at least one woman who was also a member of the VALC.

Interestingly, when we asked men if women’s *opportunities* to access land were the same as men, most men responded that women’s *rights* were the same. Some men responded that women had the same opportunities, and notably, 9 out of 36 (25%) either said that men



*should* have more opportunities to access land, or, that men should be the ones ‘to decide’ about land.

When we spoke to women who were members of land-owning families, we also additionally asked then if men and women have the same opportunity to *make decisions* about land. In response to this, **the majority responded that this was ‘for the men.’**

It is worth noting that there is geographic spread to the discrepancy between knowledge of women's rights and women's rights *in practice*. We heard negative responses (such as: that women do not have the same chance as men, or that men should be the ones to decide about land) in five of the six districts. Only in Kenema did women and men affirm that women are able to make use of the rights they learned about.

### *‘Economic effects’*

Within the academic literature that discusses the relationship between land tenure formalization and socioeconomic benefits, there is no clear consensus about formalization alone being sufficient to drive economic growth. While the often-cited research by De Soto claims economic growth to be a primary outcome of formalization of land rights, subsequent empirical research by other scholars found mixed or limited evidence of this. This is particularly true for women, where several studies have found no effect of formalization for women's economic development.

Additionally, there may be a significant time lag between formalization of rights and economic growth. Since at the time of the initial pilot projects as well as during the first stage of our research, the CLR and NLC acts had not yet been legislated, the land rights of communities and land-owning families were still not recognized under statutory law. As such, our findings for this section should be understood as preliminary. This said, the variation in socioeconomic outcomes across the four districts with the FAO pilot suggests that certain measures could make a demonstrable difference in the ability of communities to translate land rights into socioeconomic gains.

The communities that undertook the project with Namati as a partner reported to us that during the project, they had asked for material help with farming, such as in the form of tools, seeds, and/or fertilizer. According to what Namati told them (and what was later confirmed in interviews with Namati), they were not able to provide this as part of the first FAO pilot. They did confirm that they had taken the suggestions from communities in the first FAO pilot to include a budget line for material farming inputs in subsequent projects.

In communities that undertook the project with NMJD or Green Scenery as a partner, communities expressed that they had made similar requests. In Kenema, communities asked NMJD with material inputs for group farms. In Port Loko, communities asked for help with seeds and fertilizer for individual farms. NMJD reported that they were able to leverage funds from another source, and they gave material benefits to groups of farmers in each of the three communities in the form of seedlings and tools. When we visited each of these communities, we went to the group farms and heard about who is farming there, what they grow, and how the products and profits from the farms are being shared. The example in Kenema provides the clearest picture for **how land rights projects can integrate economic projects**, insofar as the group farms are providing both food for household consumption and cash crops. They

are also linked to village area savings and loan schemes. In one community, a group of women runs the group farm. All three of the group farms are operating on the land of a land-owning family who gave land for the purpose of the farm, and who is not requesting any payment for use of the land.

In Port Loko, Green Scenery reported that they received funding for an additional project, which they were able to partially direct to providing material inputs for some farmers in the communities where the FAO pilot had run. In these communities, some farmers reported to us that they had received seeds and farming tools. In one community, they formed a group farm after receiving the inputs, and distributed seeds to individuals. In another community, a women's group farm benefitted specifically from the provision of seeds.

The economic effects of participation in the Solidaridad projects are fundamentally different because of **the presence of buying schemes by companies** for cocoa (Kailahun) and oil palm (Tonkolili). The fact that not all members of the community are registered as sellers with the companies means that economic effects are uneven. We interviewed some individuals who either did not have any interaction with the companies, or who only interacted with them informally (such as by selling using farmers who were formally registered as middle-men to sell their fruit bunches). Additionally, in Tonkolili, in two of the three communities we visited, out-growers expressed some form of dissatisfaction with the company, either because they perceive that fruit bunches are not collected in a timely fashion, or because promised inputs and material goods were not provided. The point here is not to make a determination of blame. Rather, to point out that in the context of discussing the Solidaridad project for sensitizing communities about their rights and laying the ground-work for VALCs, it became evident that firstly, economic benefit in such schemes **is largely individualized** (to level of household) and that even in the scope of an out-grower scheme with NGO involvement, there are still (some) grievances about the **distribution of economic benefits**.

## Conclusion

In terms of evaluating the processes of supporting community land rights relative to the four objectives of the NLP, some key commonalities and divergences emerge. It is clear that sensitization by all NGOs across the two pilots has **increased the awareness** people have about their land rights, about the rights of women, and about their rights in the instance that investors come to ask for land. The level of awareness is strongest amongst members of the VALC and is generally strong for other community leaders (elders, town chiefs, youth leaders, etc). There is greater **variation in awareness** in individual interviews where we purposefully sought to speak to members of the community who were not in the VALC and who had not been in the community meeting where we asked our first sets of questions. Most people had some knowledge that an 'NGO' had been in the community to talk about land rights, and some people also understood the purpose of the process, and what it involved (for instance, boundary harmonization). Many people also heard that the NGO brought information about women's land rights. However, in every community, we spoke to at least one or two people (out an average of 4-6 individual interviews per community) who said they did not know about the process, or they did not know about some element of the process. The element of the project people were **least likely to know about was the VALC**. This suggests that many people's dominant perceptions of 'who' has authority and legitimacy on issues of

land has not necessarily expanded to include the VALCs, which in turn raises questions about the durability and legitimacy of the VALCs. In some communities, there was a striking difference between what individual men said they knew and what individual women said they knew.

When discussing the outcomes of the project in community meetings, VALC focus groups, and individual interviews, it is clear that **people are happy** about ‘knowing’ their boundaries. On multiple occasions, people left the community meetings to get their maps to show us, expressing clear pride and happiness with this as an outcome, and clearly reflecting on what it means to them that because of the project ‘we know what is for us.’ This should be seen as evidence that formalization of boundaries draws on the already existing understandings of boundaries to come to a common, shared, and publicly acknowledged understanding. We have to see this in relation to the processes of harmonization. While in some instances, the process itself involved disputes, contestation and disagreement, the outcome of the process is something that people feel pride and achievement over. The dispute reduction potential of ‘knowing’ boundaries clearly requires paying serious **sustained attention and care to the actual process** of harmonization.

In terms of women’s increased land rights and their inclusion in land governance, as mentioned, sensitization has **clearly increased the knowledge** people have of what the NLP says about women’s land rights. This should be seen as a positive achievement, but also needs to be discussed separately from the objective of the NLP for women to be able to exercise those rights in practice. While some women expressed that they could go and talk about their families’ land in meetings, others maintained that this was **still ‘for the men’** – some men share this sentiment. Additionally, while women expressed that they now knew that they had the right to ask for land or to ask for permission to plant tree crops, they also expressed ways in which the gendered division of farm labor meant that in order to access these opportunities, they would need to be able to pay men for labor.

This helps us to better understand some of the relations between the formalization of communities land rights and the expected socio economic benefits, insofar as without targeted material inputs based on community’s needs, the process of formalization alone is **unlikely to lead to changes in subsistence and/or food crop farming**. In contexts where formalization happens in conjunction with the arrival of out-grower companies, the benefits are likely to **be individualized to level of household**. It will be necessary to have more research on the question of socioeconomic benefit over a longer term.

## **Relevance of findings for implementation of new CLRA and NLCA**

Now that the Customary Land Rights Act and National Land Commission Act have been passed, the findings from this research have particular relevance. The communities where pilots took place to set-up VALCs and harmonize boundaries have a great deal of potential to inform the scaling-up of these activities as part of implementation of the CLRA and NLCA. Furthermore, there is a wider relevance in terms of opportunities and constraints for national-level implementation. Based on what we can evidence from how outcomes in different communities relate to each other, and how key stakeholders perceive these outcomes, there is a lot that the ‘national level’ can learn from ‘local’ successes and local constraints. The constraints and limitations we evidence at a local level should signal that building durable,

effective and participatory land governance is not a matter of merely establishing new institutions. It requires that there is a clear understanding of the purpose of the institution, buy-in from key stakeholders, and that the institution can endure beyond the life of the project. This will require coordination between CSOs and government, and will rely on funding to support CSOs' expertise in participatory natural resource governance. The mixed successes and durability of the VALCs, and indeed the mixed knowledge of the existence of the VALCs within communities should be an indication that their durability and inclusiveness is not guaranteed. The successes achieved by the pilot communities outlined in this report point to the crucial role CSOs play in providing expertise and support to communities. This should signal that many of the solutions and inputs needed for full implementation of the acts rely less on technology than on community-based engagement over an extended period of time. It is also clear that in order to scale up implementation, this kind of expertise will need to be expanded, which in turn will require clear and consistent coordination amongst CSOs and between CSOs, government and donors. Care and attention to setting up coordination efforts early in the implementation process will ensure that energy, resources, and time put in by different actors at different levels is put to the service of the objectives of the acts, and that there are no gaps or overlaps in implementation efforts.

## **Recommendations**

### *For government*

- 1) Communities who have gone through the pilot programs could receive priority treatment in the initial issuance and registration of any statutory deed, because of the good faith efforts these communities undertook as part of a pilot.
- 2) The implementation plan could prioritize the elements of implementation that have the greatest potential to both induce and transform disputes. More precisely, sustained funding over an appropriate time period needs to focus on laying the groundwork for boundary harmonization (such as through sustained sensitization) and for the process of boundary harmonization itself. The success of the boundary harmonization in the pilots is the result of the NGOs treating it as a potentially conflict-inducing and highly political process, rather than a technical matter of marking out boundary points. Planning for implementation should reflect this.

### *For donors*

- 1) If donors have an expectation that the process of formalizing community land ownership will have socioeconomic benefits, then they need to provide specific and clear funding lines that give material inputs to farmers. These should be the kinds of inputs that farmers request themselves. Where possible, this could facilitate group farms (either within families or as other 'self-formed' groups) that have a plan for combining subsistence and cash group production in ways that provide mutual benefits.
- 2) Demarcation of boundaries is only an outcome of facilitating harmonization. This process requires trust, time, and awareness of how the process itself can be conflict inducing. Donors should privilege projects that treat community-based and

inclusionary process of harmonization as the real objective, rather than projects that privilege technical solutions to marking boundaries.

- 3) Likewise, setting up new institutions and/or changing the functions of existing institutions within villages, chiefdoms, districts and at the national level has to be seen as a political matter, not a technical exercise. In order for these institutions to have a sustainable function and enjoy legitimacy, donors need to carefully consider how different kinds of funded projects will pay due attention to the politics and interests at stake.

#### *For CSOs/NGOs*

- 1) Based on what we observed to be excellent sensitization on the content of the NLP, this could be enhanced with a slightly broader reach to ensure that wide swaths of the community understand not just the new CLRA and NLCA, but the purpose of the different steps of the community land protection process, and in particular, the function of the VALCs, especially relative to the functions of already existing sources of authority on land (i.e. elders, chiefs, etc).
- 2) In relation to sensitizing communities on women and land, the emphasis on rights translates to people having a very clear understanding of women's rights, but less understanding about what women and men will need to do together in order to realize women's access to land and their inclusion in talking about and deciding over land.

#### Sources:

- Berry, Sara. 2017. 'Struggles over Land and Authority in Africa'. *African Studies Review* 60 (3): 1–21. <https://doi.org/10.1017/asr.2017.96>.
- Collins, Andrea, and Matthew I. Mitchell. 2018. 'Revisiting the World Bank's Land Law Reform Agenda in Africa: The Promise and Perils of Customary Practices'. *Journal of Agrarian Change* 18 (1): 112–31. <https://doi.org/10.1111/joac.12201>.
- Jacobs, Susie. 2014. 'Gender, Land and Sexuality : Exploring Connections'. *International Journal of Politics, Culture, and Society* 27 (2): 173–90.
- Knight, Rachael, Judy Adoko, Teresa Auma, Ali Kaba, Alda Salomao, Silas Siakor, and Issufo Tankar. 2012. 'Protecting Community Lands and Resources: Evidence from Liberia, Mozambique and Uganda'. [https://www.idlo.int/sites/default/files/Protecting Community Lands and Resources - Executive Summary.pdf](https://www.idlo.int/sites/default/files/Protecting%20Community%20Lands%20and%20Resources%20-%20Executive%20Summary.pdf).
- Mabikke, S, R Ahene, M Rizzo, and F Romano. 2020. 'Innovative Solutions to Protect Women's Customary Land Rights in Sierra Leone'. *Land Tenure Journal*. Rome: FAO. <https://www.fao.org/publications/card/en/c/CB1326T/>.
- Moyo, Sam. 2008. *African Land Questions, Agrarian Transitions, and the State: Contradictions of Neo-Liberal Land Reforms*. Working Paper Series. Dakar, Senegal: Council for the Development of Social Science Research in Africa.
- Moyo, Sam, and Mohamed Foray. 2009. 'Key Land Tenure Issues and Reform Processes for Sierra Leone'. September. Ministry of Lands, Country Planning and Environment.
- Peters, Pauline E. 2004. 'Inequality and Social Conflict over Land in Africa'. *Journal of Agrarian Change* 4 (3): 269–314. <https://doi.org/10.1111/j.1471-0366.2004.00080.x>.