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**Women's Knowledge And Perception Towards Their Land And Property Rights Across Bombali,
Portloko And Tonkolili Districts In Northern Region, Sierra Leone.**

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ABSTRACT

The ongoing debate on women's land rights violation in poor countries continues to gain more recognition. This case study explores communities in three districts in Northern Sierra Leone to further investigate land rights violations and assess women's knowledge and perception on their land rights after remarkable laws were passed to protect their land tenure in the country. This study found out that rural women continue to be subjected to land and property rights violations despite the existence of the 2007 Gender laws that prevent discrimination against women, the Knowledge on the gender laws are too weak . This report confirmed that women who do most of the farm work and in which many family livelihood depend on, still have little access, ownership and control over land. Customs and traditions are still widely used to discriminate women and traditional rulers are not trusted to promote women's land and property rights, but rather seen as threats. Government role in promoting women's land rights is only recognized through the enactment of the Gender Acts and land laws favourable for women's land and property rights. This report also found out that civil society activism has helped to raise the awareness level of many women in rural communities about their land and property rights. Many women can now rely on the statutory instruments as options available to them to seek and defend their land and property rights.

Key Words: Land rights, gender laws, land tenure, property rights, civil society, multinational companies, land grabbing.

INTRODUCTION

Sierra Leone is a low income country which suffers greatly from food insecurity and high unemployment levels. The country is still recovering from a brutal conflict, stability remains fragile, aggravated by tremendous income inequality. In the provinces, the majority of the working population is engaged in small-scale subsistence farming, with women being the major food producers and farmers. This is the case in many African countries, where the struggle for women's inheritance and land rights may be further undermined by commercial land acquisition processes. Under Sierra Leonean Customary Law for example, women are still excluded from owning land. Having no title to land likely means that women will miss out any compensation made. In the Addax case in Bombali District, women were nearly fully absent as active participants in the consultation process (Oackland Institute, 2011).

In Sierra Leone, poverty affects women disproportionately, only worsened by discrimination and high levels of gender-based violence. Where women's land tenure security and land use options are already extremely weak, dispossessing women without compensations will turn the clock on women's empowerment back for many years.

Relocation also increases women's vulnerability. Not only land, but also essential water resources are affected when plots of land are claimed. In the Makari Gbanti Chiefdom (Bombali District), scarcity of

water hit neighbouring villages as two major streams were destroyed under the Addax project. According to one study, local women complained about the longer distances they now have to make in search of water. As their lands were now cleared following the Addax investments in Makari Gbanti Chiefdom, women are also forced to go further distances for fire wood and medicinal herbs. (Independent Study Report of Addax Bioenergy Project, 2011).

Where people are disposed of their farming land, they will have to look for new, untouched plots. As women are the major family farmers, reallocation affects them in the highly labour intensive job of breaking new fields, in particular as sophisticated machinery is not available. Compensation schemes for land acquisition do not consider women as land owners in the first place, and make no provisions for machinery for clearing new plots.

The phenomenon of land grabbing has found an existing environment that already permits a violation of women's land and inheritance rights in Sierra Leone. Massive agricultural related investments seem to be a way of adding another layer to such violation. Although too early to draw hard conclusions, it is anticipated that 'land grabbing' in Sierra Leone (and other places) will lead to increased tensions and internal conflict over access to resources and ownership. Disposition may lead to heightened competition for land between families and between communities. In turn, increasing tensions and conflict has proven a perfect breeding ground for domestic and sexual violence as well as child abuse. Land disposition may, as in certain cases in Sierra Leone, contribute directly to higher poverty levels, which may in turn, at least according to some, contribute to increasing levels of prostitution or trafficking to make up for income lost (Daily News, 2012). While these implications are yet to be researched, the fact remains that internal conflict following the land deals is not just lurking, but is already taking place (Joseph Saffa, 2012).

This research was conducted on behalf of the Sierra Leone Network on the Right to Food (SiLNoRF) to research on women's rights to property and land across SiLNoRF's operational districts, in Bombali, Portloko and Tonkolili districts in Northern region of Sierra Leone.

The overall objective of the research is to conduct and document women's land rights and property violations across the Bombali, Portloko and Tonkolili Districts.

The Specific Objectives of this research will include the following:

- ❖ To provide concrete recommendations on Women's land rights and property violations, thereby helping to promote dialogue and advocacy in support of Women's land and property rights.
- ❖ To identify gaps and good practices and promote them to help in the context of implementing legal standards and laws that help to promote women's land and property rights.
- ❖ To identify measures in empowering women and improving their living standards and their dignity.
- ❖ To identify measures to influence the current national land policy and other legal frameworks that promotes and protects women's equal rights to land and property.

1.1. METHODOLOGY

This research explores 12 communities across Bombali, Tonkolili and Portloko Districts in Northern Region of Sierra Leone on women's land and property rights violations, dealing particularly with women's knowledge and perceptions towards their land rights. Land and property rights are interchangeable used. This research was originally commissioned by the Sierra Leone Network on the Right to Food (SiLNoRF), a local based network of civil society organisations, supported by Bread for the World (BFtW) in Germany and Bread for All (BFA) in Switzerland.

Desk research

A desk research was carried out to identify and comment on laws and policies that affect women land and property rights in Sierra Leone. This research also delved into other related works that have expounded women's land and property rights especially in the northern province of Sierra Leone.

Sampling

The use of sampling is designed to allow statistical analysis for the targeted communities. The sampling of communities included a similar sized sample in the target chiefdom. A total of 300 respondents were selected in each of the 12 communities chosen in the three SiLNoRF operational districts. This in some respect represented a fair of respondents that included mostly female in the communities. The number of respondents was deliberately dropped down and chosen due to ebola restrictions.

Field work

The field work started with a two day training session for enumerators and review of survey documents. Enumerators were also taught preventive measures to be able to protect themselves as during the administration of questionnaires. The questionnaires were written in English but enumerators were trained to administer the in the local language of the interviewees. Changes were effected to the questionnaires after the pilot testing.

All interviews were carried out at the community from the 10th to 20th January 2015.

Data Analysis and Reporting

All the questionnaires were carefully checked by supervisors assigned to the enumerators in the field to ensure that errors were identified and corrected. The data was inputted and analysed.

Limitations of the Research

The research intended purpose was to conduct field interviews including organizing focus group discussions. Due to Government's ebola restrictions focus groups discussions were not possible, making the study limited and relying only on individual interviews and desk research. The individuals targeted were mostly women whose views are expressed in this report. The focus group would have targeted other groups like men and chiefs whose ideas would have provided other significant views and make this research more credible.

2. RESEARCH FINDINGS AND ANALYSIS

2.1. CURRENT PERCEPTION OF WOMEN ABOUT THEIR PROPERTY/LAND RIGHTS

Awareness level: 93% of respondents claim that women are aware of their rights to own property and land. About 88% of them think this awareness level is related to the right to own land. Land is a key resource for these rural communities as well as for the government and multinational companies. Respondents believe that for women, the right to own land will promote women's livelihood activities, particularly in agriculture which is their main source of economic activities.

Land rights violation: 25% of respondents claim that women's rights to land have been violated before. Most of the respondents gave reasons as to how women's land rights were violated. They claimed that women living in communities where multinational companies operate blame the company for taking over most of their fertile lands without proper land deals. Some respondents claim that the land rights of widowed women were violated because they lost their husbands; they have to vacate the lands as they are not entitled to inherit their husbands' land and property. Majority of respondents holding to the view that women's rights have been violated before rely on the fact and reality of Sierra Leone where women's right to land and property are routinely violated with justifications of traditional and cultural practices; this for them is one of the biggest challenges facing women's right to own property.

Commercial land acquisition: The recent phenomenon of commercial land acquisition, or more popular 'land-grabbing', has resulted in the purchase, sale and lease of huge lots of land in Sierra Leone and throughout Africa. Sierra Leone has been in the loop of investors since 2009, with the Sierra Leonean Government (GoSL) offering innumerable financial incentives to attract foreign companies. People have seen a massive rush for their lands by investors. Respondents in no way hesitated to render their disapproval as 81% see land grabbing as a violation of their rights. Denial of women access to land and the youth is also seeing as a land rights violation perpetrated by traditional rulers, and as customs dictate.

2.2. WOMEN'S ACCESS AND OWNERSHIP OF PROPERTY/LAND

Women's ownership of land: 86% of respondents claim women own property and land. Most married women hold to the belief that their husband properties are actually theirs, provided they remain submitted to their husband's wishes and instructions. For these communities we assume that legal ownership is of little concern and not intentionally taken into consideration when responding to this question. When we cross-checked the formal educational status of the 14% who had mostly stated that women do not own property and land, we learnt that most of have attained at least primary education. Most of the 86% of respondents have not attained formal education at all. This suggests that formal education can be a determined factor for people understanding about land ownership.

Land is not the only commodity people understand to be a property. We therefore assumed other given options to best describe the kind of properties women own. Interestingly only 25% respondents claim women own land compared to 26% and 25% who claim they own plantation and garden respectively.

Gardens and houses are also perceived to be properties owned by women as 25% and 18% confirmed the sort of properties women own.

Table 1: TYPES OF PROPERTY OWN BY WOMEN

What are the properties own by women	
Land	25%
Plantation	26%
Garden	25%
House	18%
Others	5%

75% of respondents say women do own land in their communities. When asked how do women come to own land in their communities 68% of respondents claim that this happen through inheritance. Though women come to own land in principle through inheritance, this is not a guaranteed form of land ownership for them. Tradition demands that men are always appointed to oversee women’s property and land ownership in such cases. In essence women do not really take decision over their rightful ownership, as they will always have to rely on men to take decision concerning the management of such an inherited land.

Marriage accounts for 29% of land acquisition by women while only 2% of respondents claim women purchase land in their communities. Marriage is one of the weakest form in which women come to acquire land. Land is in no way under their direct control. Women only enjoy this right when their husbands are alive, even that we can say that they only have access to till the ground for farming purposes. Should a situation arise where a woman loses her husband that ownership situation is automatically reversed, meaning they lose their ownership rights simply because of their gender, because this is what tradition dictates.

Women’s access and control over land: There were diverging views when it comes to women having access and control over land. Majority of respondents claim women have no access and control over land. Most of these responses we got from communities where they believe that multinational companies have taken over most of their arable land used to be accessed by women for gardening purposes and other livelihood food production. 14% of respondents held the view that women have total access and control of land, responses mostly derived from communities with little presence of multinational companies operation.

2.3. WOMEN'S KNOWLEDGE OF LAND LAWS AND POLICIES

Awareness level of laws and policies: Over 60% of respondents hold the view that women are not aware about the existence of land laws that favour them. 40% of respondents are of the contrary view stating that women are aware of land laws that promote and protect their rights. The percentage of respondents that confirm women's awareness of land laws is encouraging considering the low level of formal education in these communities and low level of awareness raising to showcase especially the legal laws in these remote communities. Women have attended training sessions and sensitization meetings organized by NGOs and CSOs and have subsequently expressed their fundamental right to land and their equality with men.

Most women who know about the existence of land laws that protect women refer to state laws and policies. 80% of respondents believe that it is statutory laws that protect women rather than customary laws.

TABLE 2: KNOWLEDGE OF STATE LAWS

WHICH OF THE FOLLOWING STATE LAWS DO YOU KNOW	
LAND TENURE POLICY	0.3%
DEVOLUTION OF ESTATE ACT	37%
REGISTRATION OF CUSTOMARY MARRIAGE AND DIVORCE ACT	7%
NONE OF THE ABOVE	55%

Women cannot identify and label their rights to land generically as embedded in the Gender Acts. 55% of respondents claim that women who knew the existence of state laws do not know by name and by content the state laws listed to them. 37% of respondents however claim that women know the Devolution of Estate Act. The Devolution of Estate Act became a law in 2007. This law grants women the statutory framework to inherit land. Women interpret this act as a way to own and share property equally with men. Only 7% of respondents could mention the Registration of Customary Marriage and Divorce Act of 2007, as a framework that protect women through customary marriage to own land and to buy property. Only 0.3% could actually mention land tenure regulation as a way to promote and protect women's rights to land

2.4. WOMEN'S AWARENESS OF NGOs AND CSOs WORKING ON LAND RIGHTS

76% of respondents are aware of NGOs/CSOs working in their communities and promoting women's land right, a clear indication that NGOs and CSOs are taking the lead to sensitizing communities on women's land rights and other human rights issues. Most of them refer to SiLNoRF as the network promoting the right to food and women's rights. For the past years, SiLNoRF has revealed many issues and challenges relating to land access by rural communities specifically in the northern region of Sierra Leone. In most of these cases, vulnerable local communities especially women have been denied access

to land for farming activities that sustain their livelihoods. Due to outdated land laws that govern the country, most communities for instance are faced with series of challenges ranging from negative impacts on the environment to accessing land and water. These are coupled with lots of conflicts that are always emerging at both local and national level. SiLNoRF believes the land laws of Sierra Leone are outdated and need a new policy altogether for the people of Sierra Leone. The new land policy should therefore engage all stakeholders and the people of Sierra Leone to debate the policy in order to ensure that the policy will protect the land rights of women and other vulnerable people. SiLNoRF has proven experience in organizing stakeholder gatherings in most of these communities researched.

2.5. WOMEN'S ROLE IN DECISION MAKING RELEVANT TO PROPERTY AND LAND RIGHTS

Only 32% of respondents could agree that women play active role in relevant decision making about land rights issues in their communities. When further asked what sort of role do women play in this decision making respondents could only refer to consultative roles, as to making their views known through public meetings and through lobbying their influential husbands to take decisions that favor them. 43% of respondents rightly place women's role as passive in decision making relevant to land and property rights. For them, women are sometimes consulted but they play no decisive role in taking decisions that are binding.

There are various perceptions and views when it came to influences that women's voices could play in the assertion of their rights. 28% of respondents clearly indicate that women's voices are heard and therefore taken seriously on land related issues. A larger percentage 48% does not believe that women's voices are taken seriously and even heard in land issues. For them there are lots of talks these days about women's rights but they still remain powerless when it comes to actual decision making relevant to land issues. 20% of respondents hold a balanced view, in that women voices are sometimes heard and taking into consideration when men gather to take important decisions about land and property rights. Only 4% of respondents stated they are not sure at all whether women's voices play any relevant role while decisions are been taken.

2.6. COMMERCIAL LAND ACQUISITION: THE ROLE OF TRADITIONAL LEADERS AND GOVERNMENT

Commercial land acquisition: 78% of respondents agreed that their lands have been leased to foreign investors. The recent phenomenon of commercial land acquisition, or more popular 'land-grabbing', has resulted in the purchase, sale and lease of huge lots of land throughout Africa. Sierra Leone has been in the loop of investors since 2009, with the Sierra Leonean Government (GoSL) offering innumerable financial incentives to attract foreign companies. According to the Oackland Institute, close to 50.000 ha of farmland was either leased or under negotiation for lease in Sierra Leone in 2011. This figure is however nearly twice as much when involving foreign carbon credit schemes and pre-identified land availabilities. (Oackland Institute, 2011).

This is the case in many African countries, where women who struggle for inheritance and land rights

may be further undermined by commercial land acquisition processes. Under Sierra Leonean Customary Law for example, women are still excluded from owning land. Having no title to land this likely means that women will miss out any compensation made. Furthermore, where women's land tenure security and land use options are already extremely weak, dispossessing women without compensations will turn the clock on women's empowerment back for many years.

The role of traditional leaders in commercial land acquisition: Traditional leaders are known to be custodians of land for their communities. For centuries they have been protecting their land. They derive their authority and use of power mainly from customary law, and these laws are mostly hostile to women's right. Therefore traditional authorities are seen as stumbling block in promoting women's land rights. 86% of respondents agree that these leaders are custodians of land and as such will do little or nothing to promote women's rights.

When asked about the role of their traditional leaders in facilitating land deals, 93% of respondents agreed that their traditional leaders facilitated the purchase of land by foreign investors. Nearly all major land deals in Sierra Leone are affected by a significant lack of transparency and disclosure of land deals. Local communities are unlikely to have been able to make informed decisions, or even understand the implications of their approval. Affected communities are often powerless in raising their voices against 'local coordinators' or 'agents' used by foreign investors to facilitate negotiations. There is evidence that these agents take advantage of local traditions and vulnerabilities in order to convince local populations that they will benefit from the land deals, while refraining from discussing potential risks such as loss of farmland or other negative impacts. (Oakland Institute, 2011). Also, many of these so-called agents are powerful people with a certain status which would make it difficult for rural, largely illiterate women and the communities, to resist.

This question was posed to respondents to determine if traditional authorities are doing their best to promote women's land and property rights after series of appeals and ongoing discussions by NGOs, CSOs and other institutions involved in promoting women's rights. Previous studies have indicated that traditional leaders have done very little to champion women's rights, in fact because they are guided by deep rooted customs that already discriminate against women, we expect these leaders to play a rather insignificant role towards this process. The 42% of respondents' views that their chiefs are helping women to acquire land is an encouraging sign and could be an indicator that perceptions are changing and the course to end discrimination is a gradual process that we are beginning to see the positive results.

When asked about the causes that prevents chiefs in supporting women's land rights, 54% of respondents pointed to tradition and custom as the one of the major causes that prevents or discourage their leaders to protect women's land rights. 34% refer to taboos as the major reason while 12% attribute it to other causes. Many indicated that bribery, corruption and nepotism can help prevent chiefs in supporting women's land rights.

Role of Government in promoting women's land rights: 53% of respondents are not aware of any role the Government is playing to protect women's land rights. 47% agreed that the Government is playing a role to protect women's land rights. Most of them refer to the enactment of Gender laws as the outstanding effort of the Government to realizing not only land and property rights but women's rights in general. Even though knowledge of the law is yet quite limited and the procedures for redress in case of violation can be lengthy and frustrating, for women the fact that the Gender laws exist is a stepping

stone in the realization of women's land rights. Most of the respondents commented that the government should do better to protecting women's land rights. One of the best ways government can do this is to enforce the law so that women cannot be discriminated all the time.

3. SUMMARY FINDINGS AND RECOMMENDATIONS

3.1. SUMMARY FINDINGS

This research confirms that there is a decline in land and property violations. This is partly due to the numerous works by NGOs and CSOs in the past years in raising awareness about peoples land and property rights. As well, through the activism of civil society and other proponents of women's rights, the Government has enacted Gender laws that can go a long way into promoting and realizing women's property rights. The challenges remain. The Gender laws are yet to be well disseminated to remote places and comprehended by many women. Even when the knowledge of law is there, yet the courage to face up violations and report land and property rights abuses to the authorities can be far demanding and sometimes discouraging.

Many women now seem to be aware of their lands rights and as a result land violation cases have significantly dropped over the past years.

Summarily, the findings of this report indicate that:

- ✚ Land is still a major resource for women's empowerment not only in economic terms but as well in political and social terms.
- ✚ The low level of formal education and income of women continues to impact negatively on their ability to fight for their land and property rights.
- ✚ Women's knowledge on their rights to land and property is relatively low, yet gains have been made in the past two years compared to previous years.
- ✚ Vulnerable groups, especially divorced women and widows continue to suffer land and property rights violations.
- ✚ Women's knowledge on land laws have relatively increased but this is however limited mostly to the Gender Acts of 2007. CSOs (SiLNoRF) have immensely contributed in the dissemination of these laws.
- ✚ Women have come to rely more on state laws instead of traditional laws in the protection of their land rights.
- ✚ Multinational companies affect women's tenure rights because land deals are unfavorable to them. When their productive land is taken away by multinational companies, food production gradually decreases which in turn affect their livelihood.

- ✦ Women distrust their local leaders in advocating for their land and property rights. Instead, they have come to rely on government enacted laws and NGOs/Civil Societies in promoting and protecting their rights.
- ✦ Women still lack behind in actively participating in decision making relevant to protecting women's land and property rights.
- ✦ There is an ongoing power shift. Instead of relying on local authorities, women are coming to rely more on CSOs in resolution of land disputes and other conflicts.

3.2. RECOMMENDATION

This report generally recommends a human rights-based approach to women's rights to land and property.

In creating an effective solution for women's land and property rights, embracing a human rights-based approach is key framework. A human rights-based approach is a conceptual framework and process of human development that is based on international human rights standards and operationally directed to promoting and protecting human rights (OHCHR 2006). Under this approach, plans, policies and development process are embedded in a system of rights where obligations that are enshrined in international law. The main objective therefore should be fulfillment of human rights.

Solutions for women's land and property rights must take international human rights standard into consideration in addressing specific needs of women, to promote women's rights and ensure women are fully empowered to know and claim their rights; that they are provided for accountability and access to seek justice and remedies where their rights are being violated.

Ensure meaningful participation of women in decision-making

Laws, policies and programmes should be geared towards: Providing for the full participation of women, based on their informed, active, meaningful and effective engagement in the formulation of laws, policies and programmes.

This report has indicated that women's low level or lack of participation in decision making is still a hindrance to realizing women's rights to land and property. One of the main causes is that women have not been consulted before in the framing, development and implementation of laws and policies that protect women's rights. Women's right to active and meaningful participation in legal and policy development is crucial to ensuring a good policy that provide for women's right to land and property. To ensure an active participation of women it must be first and foremost free and informed. Decision making bodies should make this accessible to women. Participation of women can be direct or through fair representation of women's interest in law making. Women's participation must be applied to all stages of policy development, including planning, budgeting and monitoring and evaluation.

Combat intersectional and multiple forms of discrimination against women

Laws and policies should prohibit discrimination against women with regards to access, use and control of land. These laws must reflect the fact that women are treated differentially and impacted by intersectional and other forms of discrimination. When it comes to land rights, women are subjected to multiple forms of discrimination against marital status, economic status, health status, sexual orientation etc. Widowed, single and divorce women may be discriminated by their communities and will be unable to access land for productive uses. Victims of domestic sexual violence may be prevented from seeking justice if their relationship is tied up with the use of land. The perpetrators often men go unpunished. Complete dependency on men can also prevent women from access and control over land.

Harmonize national laws, policies and programmes

It is important to ensure that land laws, policies and programmes be effectively consolidated and harmonized so that they are consistent and coherent in protecting women's rights to land.

Harmonization of laws and policies is important to address the gaps in the legal frameworks, and that women are not in any way prejudiced owing to conflicts or incoherence in laws. The government should ensure that new laws and policies provide for the amendment or repeal of provisions contained in laws and policies that contradicts these new laws, in order to have a consistent framework that promotes women's rights to land and property.

Guarantee women's land rights in the constitution

Sierra Leone is still in the process of reviewing its 1991 constitution. The constitutional review committee should ensure that women's equal right to access, use and control productive resources, including land, is specifically recognized (including equal rights with men with respect to the acquisition, administration, control, use and transfer of land).

The constitution should offer the highest provision for women's land rights protection. However Sierra Leone 1991 constitution discriminates against women land rights protection in as much that it proffers powers for the use and control of land in the rural settings to traditional authorities.

The Constitution should recognize that women have the equal right to acquire, control and administer land and property irrespective of their marital or family status. All discrimination against women in all areas should be prohibited by the constitution, including laws and customary practices.

Awareness raising and sensitization

Awareness raising and sensitization has proven to be an effective tool in promoting women's rights. For the past years women have gained a lot in rural settings through awareness raising and sensitization meetings conducted by NGOs, CSOs and other relevant stakeholders. It is not surprising that quite a number of women in these rural settings are now aware of their rights as women to be full citizens and who actively participate in public life and who contribute to fight towards realizing these rights. NGOs,

CSOs and other stakeholders should be supported to continue their relentless work in promoting women's rights.

Equally important sensitization and training should be extended to traditional leaders and authorities that are still key players to realizing women's land and property rights.

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