



Audit Service Sierra Leone

**PERFORMANCE AUDIT
REPORT ON THE
ALLOCATION OF STATE
LANDS BY THE
MINISTRY OF LANDS,
COUNTRY PLANNING AND
THE ENVIRONMENT**

DECEMBER, 2013

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FOREWORD

As the Supreme Audit Institution (SAI) of Sierra Leone, Audit Service Sierra Leone (ASSL) is set on expanding the scope of external audit. In addition to its traditional role of Regularity Audit the ASSL has established Performance Auditing as another key service. To enhance this function, the ASSL has devoted significant efforts to upgrading the professional skills in the institution and modernising the audit methodology.

As I present this Performance Audit Report for tabling, let me draw your attention to the relevant section of the 1991 constitution of Sierra Leone that mandates the Audit Service to carry out its work - Section 119 (2): “The public accounts of Sierra Leone and of all public offices including the courts, the accounts of the central and local government administrations, of the Universities and public institutions of like nature, any statutory corporation, company or the body or organization established by an Act of Parliament or statutory instrument or otherwise set up partly or wholly out of Public Funds, shall be audited and reported on by or on behalf of the Auditor General, and for that purpose the Auditor-General, or any person authorised or appointed in that behalf by the Auditor-General shall have access to all books, records, returns and other documents relating or relevant to those accounts”.

I further refer to the Government Budgeting and Accountability Act of 2005, Section 63 (1) Sub Section (1e), which states that “In his examination of the Final accounts the Auditor General shall ascertain that in his opinion, financial business has been carried out with due regard to economy in relation to results achieved”, and;

Sub section 66 (4) which states that “Nothing in this section shall prevent the Auditor General from submitting a special report for tabling in Parliament on matters that should not await disclosure in the annual report”.

In line with the above mandate, Audit Service Sierra Leone has undertaken this Performance Audit on the Allocation of State Lands by the Ministry of Lands, Country Planning and the Environment, highlighting key issues relating to the procedures and processes in ensuring the optimal use of state lands.



Lara Taylor-Pearce (Mrs.) FCCA, FCASL
AUDITOR GENERAL OF SIERRA LEONE

EXECUTIVE SUMMARY

The purpose of this Performance Audit was to assess the efficiency and effectiveness of the Allocation of State Lands by the Ministry of Lands, Country Planning and the Environment (MLCP&E). The Ministry is charged with the responsibility of allocating all state lands. This report focuses on the processes and procedures in the allocation of state lands.

The audit was conducted in accordance with International Standards of Supreme Auditing Institutions (ISSAI) and Performance Audit guidelines .

The audit was motivated by the concerns raised by the general public on state lands allocation issues which were published in the print media. Land issues had also been a concern to the Government to the point that they were included in the “Sierra Leone Poverty Reduction Strategy Paper” which was the Government policy document for the period 2008-2012.

In order, to assess how efficient and effective the Ministry was in the allocation of state lands, two specific audit questions were formulated:

- a. How well are the procedures and processes for the allocation of state lands being implemented?
- b. How well does the Ministry ensure effective management of state lands and land management information system?

The findings of the audit revealed that,

- Large numbers of Lessees were unable to physically take possession of their allocated lands due to the problem of illegal acquisition by squatters. In addition, there were no evidences to show whether necessary steps were taken by the Ministry to address the problem so that lessees can physically access and gain ownership of their allocated land.
- It was observed that for the construction of a dwelling house, a fixed price of one million Leones (Le1,000,000) per annum had to be paid as lease rental for the first three years of ownership regardless of the size/acreage or location of the land; and some Lessees were offered more than the three town lots - the maximum allocation of land to an applicant.
- The Ministry could not provide any evidence of an established committee as recommended in the Marcus Jones Commission’s report and accepted in the Government White Paper for the allocation of state lands. In addition, there was no evidence that applicants were interviewed before they were allocated state lands for the period 2010 to 2012.
- The Ministry could not produce any evidence of a structural plan on the allocation of state lands to include infrastructural facilities like good road network, markets, water supply, electricity, etc.
- We noted during the course of the audit that the National Lands Policy of 2005 was still at its draft stage.

- The Ministry failed to provide evidence of a database or land register for state lands in the Western Area and the reserved lands in the Regions.
- During the course of the audit, it was noted that, there were no surveyors to support the work of the Regional surveyor in carrying out the smooth operation of land issues in the regions as evident in Makeni during the course of the audit.
- We observed that there was the lack of coordination and collaboration within the Country Planning, Surveys and Lands and the Environmental divisions of the Ministry for the effective planning, surveying and allocation of state land.

The following conclusions were arrived at by the auditors:

- There was failure on the part of the Ministry to establish a comprehensive policy framework, operational manual, etc. to ensure the optimal allocation and development of state lands. Necessary measures were also not instituted before and after allocation to ensure that areas allocated were free from any form of restrictions by external parties like land squatters, encroachers etc. Moreover, the implementation of the law had unintended and unsuitable consequences/outcomes in relation to present governance system in Sierra Leone.
- Failure to effectively implement the recommendations of the Marcus Jones Commission's Report as accepted in the Government White Paper was a clear indication of weakness in the Ministry's structure. It was therefore difficult to determine the basis on which state lands were allocated for the period under review. The absence of the state land committee was also a contributing factor for a total of 601 and 263 applicants who as at the time of the audit were awaiting allocation since their application in 2011 and 2012 respectively.
- The fixed charge of Le1,000,000 for leases irrespective of the size and location of the land had the potential to affect the amount of revenue generated by the Ministry.
- The fact that the Ministry was unable to provide any evidence of comprehensive records of all state lands both in the Western Area and the regions, made it highly possible for the same piece of land to be allocated more than once.
- The Ministry has not been effective in its allocation as a result of poor collaboration and cooperation from the various divisions within the Ministry charged with the responsibility of allocating state lands.

In order for the Ministry to be efficient and effective in its allocation of state lands we recommend the following:

- Appropriate steps must be taken by the Ministry to update and revise the lands Act/Policies in order to effectively regulate land acquisition and allocation in Sierra Leone and to improve on the processes and procedures. Modern practices such as the use of more updated land surveys instrument such as theodolite, triangulation, etc. can be used for location and construction of every plot of land.

- The Ministry should develop strategies to ensure that the land to be allocated is free from all encumbrances before allocation to a Lessee so as to allow Lessees to gain physical access and ownership of the land.
- The Ministry should re-establish the state lands committee to facilitate transparency, accountability and the optimal allocation of state lands. In addition, interviews with applicants should be conducted and documented. The basis of offer and the reasons for waiting a long time for the allocation of state lands must be documented so as to foster transparency in land management. The processing of applications, surveying, layout and allocation of state lands must be adequately planned and monitored to help reduce the problems associated with state lands allocation and issues relating to land disputes.
- The Ministry should maintain a comprehensive database of all state lands, undertake a re-survey and do proper mapping to distinguish between lands that belong to the state and those already allocated. The Ministry should also maintain a register of all state lands to ensure efficiency in its allocation.
- The Ministry should ensure that there is collaboration amongst the Country Planning, Surveys and Lands and the Environment divisions; which are responsible for the management and administration of lands in the country. Responsibilities of these three divisions should be clearly defined for optimal allocation.

1. INTRODUCTION

This audit relates to the Ministry of Lands, Country Planning and the Environment (MLCP&E). The Ministry plays a pivotal role in the allocation of state lands and serves as a power house to stimulate all forms of developmental activities.

In Sierra Leone, land is the basic resource available for social and economic development. It serves as a strong catalyst for the realization of public and private aspirations within a particular geographical location.

Ade Renner Thomas, a Sierra Leonean, Legal Practitioner in a presentation on ‘The Role of Land in the Development and Transformation of Sierra Leone’- November 2011 said that land is one of the most crucial resource for any programme of sustainable socio-economic development. Every activity whether undertaken for mere sustenance or economic empowerment and enhancement involves the use of, or access to land or an interest in land.

There are three categories of land ownership in Sierra Leone - communal lands, state lands and private lands.

Lands located in the Western Area are regulated by the State and land titles are derived either from a grant of state land, or, by adverse possession, i.e. the process by which the state can acquire an allocated state land without compensation.

Communal lands in the regions are owned by Land Owning Families with Paramount Chiefs as custodians.

Private lands are owned by private individuals, for which the owner has a freehold interest or intends to possess the land.

State Lands are those that were ceded by the British Westminster system to the Government of Sierra Leone at Independence in 1961. These lands are now controlled and administered by the Ministry of Lands, Country Planning and the Environment (MLCP&E). The Ministry addresses land acquisition and transfers, land ownership and use. It provides advisory services to the public on land matters as well as the physical planning and management of forestry resources.

1.1 MOTIVATION FOR THE AUDIT

A number of constraints have been identified in the government policy document-the Sierra Leone Poverty Reduction Strategy Paper (2008 - 2012), ranging from inadequate enforcement of laws and regulations, the grabbing of lands, inadequate capacity within the MLCP&E to carry out its scope of responsibilities, and the lack of coordination and collaboration between Ministries, Departments and Agencies (MDAs) involved in land use and management.

There was also the problem of the lack of a clear mandate, terms of reference and adequate logistics in the decentralized/regional planning offices to effectively carry out functions of surveying and physical planning¹.

There were concerns from the general public on the allocation of state lands as reflected in the print media listed below:

Newspaper	Date of Publication	Title
The Sierra Leone News Hunter	Tuesday 13/3/12	Country Planning absent in the Lands Ministry
Standard Times Newspaper	Wednesday, 6/6/12 page 4 Tuesday 19 th /6/12	Mr. Land Grabber in Trouble The State of the Western Area Peninsular Forest Reserve is challenging.

1.2 THE SCOPE OF THE AUDIT

The audit entity is the Ministry of Lands, Country Planning and the Environment and the focus is on the allocation of state lands for the years 2010 to 2012. The audit covered the Western Area which has a bulk portion of state lands in the country and the government reserved lands in the districts of Port Loko, Bombali, Tonkolili, Kenema and Bo.

1.3 AUDIT DESIGN

The audit was conducted in accordance with performance auditing standards set by the International Organisation of Supreme Audit Institutions (INTOSAI).

In order to assess how efficient and effective the MLCP&E was in its allocation of state lands, the audit team conducted interviews, reviewed documents and did physical inspection of state and reserved lands.

The team reviewed documents from the Ministry including policy documents, survey site plans, application forms and offer letters, register of applicants, the Government White Paper on the Lease and Sale of State Land and many more, to arrive at reasonable answers to the audit questions. Records and documents were reviewed and analysed in order to obtain more information and to verify the information obtained through interviews. See Appendix 1 and 2 for details.

The audit question answered during the exercise was “How does the Ministry ensure the efficient allocation of state lands?” To be able to answer this question and achieve our objective, which was; ‘To assess whether the Ministry instituted appropriate systems for the allocation of state lands to ensure National development,’ we formulated two specific audit questions as listed below:

¹Sierra Leone Poverty Reduction Strategy 2008-2012 pg.117

- How well are the procedures and processes for the allocation of state lands implemented?
- How well does the Ministry ensure effective management of state lands and land management information systems?

A contact person appointed by the Ministry was regularly informed about the progress of the audit and he assisted the auditors in retrieving documents and contacting officers at the Ministry and other key stakeholders, as and when required.

1.4 LIMITATION IN THE SCOPE OF THE AUDIT

Section 18 (1) of the Audit Service Act states that: Any person who

- a. fails to produce for inspection by the Auditor-General or to otherwise give to him any book, record, or return relating to any accounts being audited by the Auditor-General when he so requests;
- b. Wilfully suppresses any information required by the Auditor-General in the performance of his functions; or
- c. Otherwise obstructs the Auditor-General in the performance of his functions, commits an offence and shall be liable on conviction to a fine not exceeding five million Leones and to a term of imprisonment not exceeding two years.

Documents were requested from the Ministry, to enable the auditors have access to information relating to the issuing of state lands, proper monitoring of these lands and to know whether lessees met their obligations in relation to payment of lease rents.

Despite the regulations stated above and letters sent requesting documents relating to the processes and procedures involved in the allocation of state lands, the Ministry did not provide the auditors with the following documents:

- a. Copy of the moratorium issued in 2008
- b. Register of survey plans
- c. Register of leasehold and freehold of state land
- d. Database of allocated state lands
- e. Inspection reports of leasehold of state land
- f. Lease agreement between the Colonial Caster and the Land Owing Families
- g. Survey plans/maps for all government reserved lands in the districts
- h. Copies of conveyance

A draft version of the report was presented to the Ministry of Lands, Country Planning and the Environment on the 29th of July, 2013 for comments. Their responses received on the 10th of September, 2013 were considered when finalising the report. The Ministry's responses highlighted actions taken and to be taken in order to improve on the allocation of land in the country. It is included as Appendix VII.

2. DESCRIPTION OF THE AUDITED ACTIVITY

2.1 Regulatory Framework

The mandate of the Ministry as summarized in the National Land Policy (2005) gives it “a central role in the management of state lands, compulsory acquisition of lands for development, surveying and surveyors, mapping, planning, town planning schemes, development standards, building codes, etc, but not registration of deeds”.

State Land is defined in section 2 of the State Lands Act No. 19 of 1960 as “all lands which belong to the state by virtue of any treaty, cession or agreement and all lands which had been acquired by or on behalf of the state and include all shores, beaches, lagoons, creeks, rivers, estuaries and other places... belonging to, acquired by or which may be lawfully disposed of by the State”.

Most of the legislations governing land tenure in Sierra Leone date as far back as the colonial era such as No.19 of the State Lands Act of 1960, Cap 117 of the Public Lands Act of 1960, Cap 81 of the Town and Country Planning Act of 1960, No.42 of the Surveys Ordinance, of 1961, Cap 128 of the Surveys Act of 1960, Cap 66 of the Freetown Improvement Act of 1960.

In the report of the Justice Laura Marcus-Jones Commission of Inquiry on the “Leases and Sale of State Lands in the Western Area 1999”, and its White Paper published in 2000, the Government accepted the Commission’s recommendation that the management and administration of state lands in the Western Area should be transferred to a committee known as the State Lands Committee. Among other things, the Commission found out the following:

- a. There was grabbing of state lands by individuals who converted these lands into private lands through Statutory Declarations (establishing possessory titles thereto) and then Vesting Deeds.
- b. Encroachment on lands, whether state lands by individuals occupying such adjoining lands either as owners of the freehold or lease hold or even as squatters was very rampant and often a cause of litigations in court or of complaints to the Ministry.
- c. In the allocation of state lands, there were inconsistencies and inadequacies on the part of the Ministry, which brought dissatisfaction and distress to most applicants or even grantees.
- d. Over the years, illegal settlements developed on foreshores or mountain peaks which led to disfigurement, deforestation and environmental hazards, to the City and the Western Area in general.
- e. There was constant pressure on senior officials of the Ministry from political authorities. Such pressures prevented the officials as professional civil servants from performing their duties duly, diligently and freely to the benefit of the state and the citizens.

- f. There were many cases of non-compliance with the terms of the grants by grantees, but again unjustifiable pressure always intervened on behalf of defaulters who eventually frustrated the Ministry from taking appropriate steps to enforce compliance or terminate the grants, leases or freehold.
- g. The Ministry lacked modern and adequately trained personnel and logistics to carry out their day to day operation.

As a result of the forgoing, it was resolved that the Ministry should continue to provide professional and technical services but the actual allocation of state lands must be done by that Committee. The State Lands Committee shall make rules and regulations based on Government policy and submit them to Parliament for approval. See Appendix 1 for composition and roles of the Committee².

2.2 VISION, MISSION AND OBJECTIVES

The vision, mission and objectives of the Ministry are outlined in the executive summary document of the Ministry as follows:

Vision

- Achievement of an equitable system of land distribution
- Provision of title ownership to land
- Amicable settlement of land disputes
- Collaboration with Chiefs and Tribal Headmen for effective land use and management patterns

Mission

The Ministry's mission statement speaks of contributing to poverty alleviation by ensuring proper land management through a development control and achieving a balanced pattern of urbanization and sound environment for sustainable development in Sierra Leone.

Objectives

The Ministry's broad policy objectives are to:

- Enhance proper land administration and management, land use planning and environmental management.
- Lay the foundation for the development of planned settlements all over the country.
- Enhance planning and development of control measures for proper infrastructural development.

2.3 FUNDING AND DESCRIPTION OF THE MLCP&E

The Government of Sierra Leone provides funding for the operations of the MLCP&E through budgetary allocations from the Ministry of Finance and Economic Development (MoFED). The table below illustrates the actual expenditure from 2010 to 2012 for the respective divisions in the MLCP&E.

²Government White Paper on the Report of the Mrs. Justice Laura Marcus-Jones Commission of Inquiry on the leasing and sale of state lands in the Western Area, October, 2000, pg.3

Table 1 Funding for the MLCP&E

Year	Administration Le	Surveys & Lands Le	Country Planning Le	Environ- ment Le	Total Le
2010	1,613,622,586	490,218,231	458,956,523	0	2,562,797,340
2011	1,204,142,827	473,496,875	452,988,000	170,402,750	2,301,030,452
2012	1,175,512,393	472,942,749	422,742,656	0	2,071,197,798
Total	3,993,277,806	1,436,657,855	1,334,687,179	170,402,750	6,935,025,590

Source: Ministry of Finance & Economic Development, Accountant Generals Expense Analyses Report

The respective divisions in the Ministry of Lands are briefly described below:

Administration

As evident in the table above, the highest expenditure in the Ministry was made within the Administrative division amounting to Le3,993,277,806 for the period 2010 to 2012.

This division which performs a significant role in policy formulation, implementation and monitoring has the responsibility of coordinating the daily administrative activities of the three divisions of the Ministry for proper management and equitable distribution of state lands, effective development of control measures and sound environmental management in the country. It also has the responsibility of ensuring that there is compliance with regulations related to the proper management of Lands, Town and Country Planning and Environment in order to achieve the successful implementation of the Ministry's policy directives.

Surveys and Lands

Expenditure on the Surveys and Lands division amounted to Le 1,436,657,855. The division is primarily responsible for the surveying and mapping of all lands and the administration of state lands. The division keeps record of all licensed surveyors and approves all survey plans, both for state and private lands. It is responsible for the effective management of state lands, the setting up of a land management and information system, the establishment of ground control points and the mapping and supervision of all surveying activities throughout the country.

Country Planning

For the period under review, expenditure on the country planning division amounted to Le1,334,687,179. This division is responsible for physical/land use planning, providing guidelines for the growth of settlements within the context of a plan, indicating the nature, form and direction of such settlements.

Furthermore, it is also responsible for the preparation, implementation and monitoring of various town planning schemes including urban structured plans, detailed plans, action area plan and subject plans.

It has the responsibility of ensuring proper planning of the country through the preparation of land use plans and planning schemes and taking enforcement action against developers working contrary to the planning schemes or otherwise contravening the planning and building regulations.

Environment

Expenditure for this division amounted to Le170, 402,750.

This division is responsible for ensuring that land use occurs in a responsible manner with minimal negative impact on the natural environment. The Environment division is responsible for the coordination of all the environmentally related activities of the Ministry and Local Authorities. It monitors the implementation of national environmental policies, programmes and projects. It is also responsible for international cooperation in the global effort for the protection of the environment. It takes care of all policies, programmes and projects, environmental education and awareness raising, the collection of environmental research and baseline data and information on land management.

Housing Department (Ministry of Works, Housing and Infrastructure)

This department handles housing policy matters, building control, the issuance of building permits and the implementation of development/building control.

Administrator and Registrar General's Office

This office registers transactions relating to lands such as conveyances, statutory declarations, deed declarations, deeds of gift, leases, mortgages and discharge of mortgages, court judgements and other documents. The department also registers keeps and provides information on lands to the public.

Attorney General's Office

Amongst others, this office prepares conveyances for the allocation of freehold of all state lands.

2.4 ORGANISATIONAL STRUCTURE

The Permanent Secretary (PS) is the administrative head. The Minister, assisted by a Deputy Minister, is the political head of the Ministry.

The Ministry has three technical divisions, namely Surveys and Lands, Country Planning and the Environment. Each technical division is headed by a Director. See organogram at Appendix "4"

2.5 PROCESS DESCRIPTION FOR THE ALLOCATION OF STATE LANDS FOR DEVELOPMENT

The Ministry of Lands, Country Planning and the Environment implemented the recommendations of Mrs Marcus Jones report by setting up a committee for the allocation of state lands in 2005 and was actively involved in the process up to 2007. Since then, (2007 to 2012) the Ministry adopted some procedures for land allocation without a state land committee:

2.5.1 The Process of planning for the allocation of state Lands

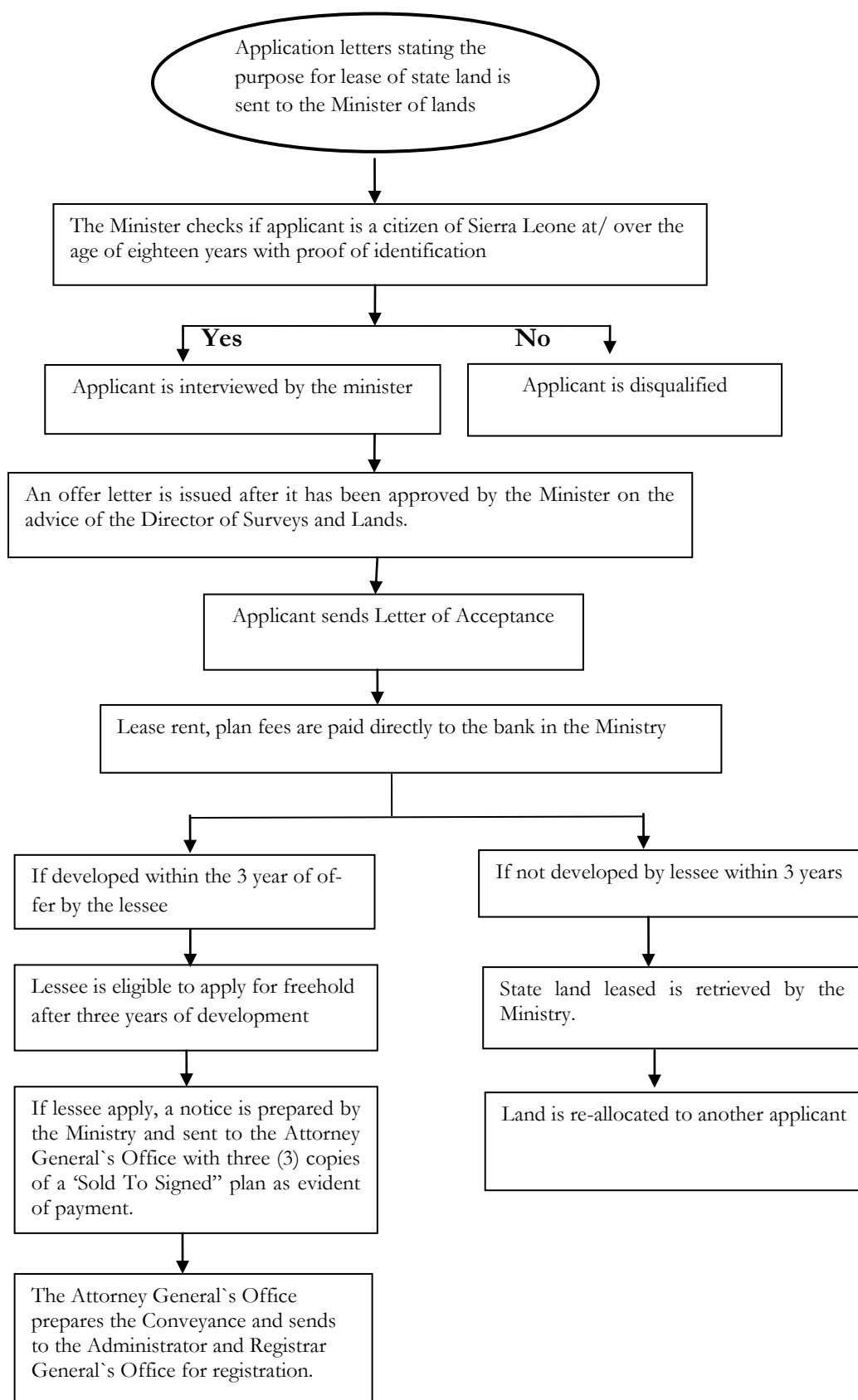
The following are the processes involved in the planning of state lands for development before allocation as described by the Director of Country Planning:

- Identification of state lands free from encumbrance or by compulsory acquisition by the Surveys and Lands Division.
- Preparation of layout (Master Plan) and socio-economic study of the area by the Country Planning Division.
- Implementation of the Layout plan on the ground by Country Planning Division
- Beaconing of the plots by Surveys and Lands together with Country Planning Division
- Production of individual plans by Surveys and Lands Division
- Allocation and Processing of state lands by the Ministry

PROCESSES OF LEASING STATE LAND TO INDIVIDUALS

In theory, the processes of leasing state land is illustrated in the flow chart below and listed as described in the documents produced by the Ministry and during interview with the Director of Surveys and Lands.

Flow chart describing the process of state lands allocation to individuals



- Applicant forwards a formal application to the Minister of Lands, Country Planning and the Environment, together with two (2) passport-sized photographs of the applicant for identification.
- Applicant indicates in his/her application the purpose of lease i.e. whether it is to develop a residential building or apartment.
- Only citizens of Sierra Leone at or over the age of eighteen (18) are eligible to apply for a lease of state land for the construction of a dwelling house (proof of citizenship should be provided).
- Applicant is interviewed.
- The quantum of land to be allocated for the construction of a dwelling house shall not exceed three (3) town lots. The standard measurement for an area of land is 0.0861 which is equal to one town lot.
- Approval of an application for the lease of state land is to be done by the Minister, responsible for lands on the advice of the Director of Surveys and Lands.
- The current lease rent for residential development is one million Leones (Le1,000,000.00) per year and professional fee or survey bill to survey, process and sign the site survey plan is one hundred thousand Leones (Le100,000.00). Freehold purchase price is determined by the location and quantum of land.
- Lease rent, professional survey plan fees and freehold purchase fees are paid directly into the Ministry's bank account and bank paying-in-slips are taken to the National Revenue Authority officer stationed in the Ministry, who issues the final receipts.
- State land leased which is not reasonably developed within the stipulated time specified in the lease agreement is retrieved by the state after the appropriate notices are served.
- No freehold purchase is granted until evidence of development is provided by the lessee.
- For a freehold of state land, a notice is prepared by the Minister and sent to the Attorney General's Office with three (3) copies of a "Sold To" signed plan and payment receipt.
- The Attorney General's office prepares the Conveyance and sends to the Administrator and Registrar General's Office for registration.
- One copy of the Conveyance is retained by the Administrator and Registrar General's office, another copy by the Ministry and the original copy by the holder.

Process of Leasing state lands to institutions/commercial entities

The following processes are to be followed for lease of state lands by institutions/ commercial entities:

- A formal application is forwarded by the institution to the Minister of Lands, Country Planning and the Environment.
- The application should indicate the purpose and type of activity to be undertaken on the piece of land to be leased.

- Applicant forwards a project proposal, business registration certification, business plan and evidence of financial ability specified in the application.
- This category of lease does not make provision for freehold.
- In the event that it is established that the piece of land leased is not used for the intended purpose, the lease is terminated forthwith and the quantum of land involved is reverted to the Government.

3. FINDINGS

3.1 POOR ADMINISTRATION IN THE ALLOCATION OF STATE LANDS

3.1.1 ALLOCATED LANDS NOT ACCESSIBLE BY LESSEE

The mandate of the Ministry of Lands, Country Planning and the Environment, as stated in chapter 2, Para 2.1 of this report gives the Ministry a central role in land management, acquisition, surveying, mapping and planning of state lands.

The Surveys and Lands division is primarily responsible for surveying and mapping, administering of state land, establishing ground control points and supervising all surveying activities throughout the country.

During the course of the audit, we noted that a large number of those who had been allocated plots (after application, processing of the application, issuing of survey documents and pre-payment of fees for the first year) could not access their land because the plots were already occupied by others. Some of these cases dates as far back as 2011.

Supporting documents (application and offer letters, receipt of payments and letters of acceptance) on the allocation of state lands revealed that a total number of forty two (42) lessees in Orugu phase 2, Babadorie phase 2 and 3 and Grafton locations did not have physical ownership of their allocated lands for the years 2011 and 2012. Appendix “5” shows a list of lessees who did not have physical access to their allocated lands. It was further confirmed during interviews with lessees that they did not have access to the lands allocated to them by the Ministry.

Despite the fact that officials of the Ministry confirmed that those lands were grabbed by land squatters with no documents or authorisation from the Ministry, there was no evidence to show that necessary steps were taken by the Ministry to exercise control of the land and for the lessees to gain physical access to the allocated land.

3.1.2 UNIFORM PRIZE CHARGE AS ANNUAL PAYMENT

According to Appendix 2, section 3 of the State Land Act No 19 of 1960, ‘in revising the rent, the guarantor shall have regard to the rent obtainable at the time of revision for similar land of similar area and amenities similarly situated, and to all the circumstances of the case...’

The review of offer letters, survey site plans and receipt of payments shows that an annual lease rental payment of Le1,000,000 is paid for the lease of state lands for residential development.

Furthermore, it was observed that the annual lease rent for the lease of state lands was determined without taking into account the provisions of section 3 of the State Lands Act of 1960.

In the Western Area, a fixed charge of Le1,000,000 (one million Leones) was paid irrespective of the acre or number of lots allocated or the location of the land; there were instances where some lessees were allocated less than one acre but still paid Le1,000,000 whilst others with more than three acres also paid the same amount.

It was also observed that there was no stated amount of lease rental payment for industrial and commercial purposes. Table two shows a sample of different acreages allocated with a fixed price of one million Leones.

TABLE 2: ACRE WITH FIXED PRICE

	SURVEY SITE PLAN			
No	Date Check	Date Sign by Director	Plot No	Acre
1	19/7/2012	14/1/2013	148	0.1749
2	19/7/2012	14/1/2013	150	0.1749
3	28/8/2012	28/11/2012	137	0.1749
4	25/9/2012	26/9/2012	86	0.1980
5	25/9/2012	11/10/2012	84	0.1980
6	25/9/2012	8/11/2012	3	0.1980
7	25/9/2012	14/1/2013	42	0.1980
8	28/9/2012	25/10/2012	82	0.2456
9	5/10/2012	18/10/2012	28	0.1663
10	16/10/2012	18/10/2012	51	0.2296
11	17/10/2012	18/10/2012	85	0.1980
12	17/10/2012	23/10/2012	53	0.1752
13	8/11/2012	13/11/2012	203	0.3393
14	29/11/2012	7/12/2012	87	0.1980

In Kenema, interviews with beneficiaries revealed that lease rental payment was Le125,000 (one hundred and twenty-five thousand Leones) and in Bo, offer letters revealed that lease rent was Le500,000 (five hundred thousand Leones) per annum.

In a bid to ascertain whether the areas allocated were in line with the laid down criteria as described in Paragraph 2.5 for the allocation of state lands, a sample of fifteen survey plans were randomly selected by the auditors from a total of thirty-eight on the respective locations. Based on the documents submitted by the Ministry it was noted that some lessees were offered more than three town lots.

3.1.3 INTERVIEWS NOT CONDUCTED

All applicants have to present themselves for interview so that the Minister/Director will be able to ensure their identity, confirm details in the application forms, determine their capability of developing a dwelling house and ensure proper coordination for the optimal use of state lands.

Interviews conducted with officials of the Ministry revealed that in the past, interviews were conducted before the allocation of state lands, but from 2010 to 2012 there was no evidence to confirm that interviews were conducted before allocation. An interview with the Director of Surveys and Lands disclosed that allocation depended on the needs of an individual and the availability of lands.

3.1.4 COMMITTEE RESPONSIBLE FOR THE ALLOCATION OF STATE LANDS NOT OPERATIONAL

In the Mrs. Justice Laura Marcus-Jones Commission of Inquiry report on the Leases and Sale of State Lands in the Western Area - 1999, and the ensuing White Paper in the year 2000, the Government accepted the Commission's recommendations that the management and administration of state lands in the Western Area should be transferred to a state land Committee and the Ministry should continue to provide professional and technical services.

Interviews conducted in the Western Area and all the regions visited disclosed that following the acceptance of the Commission's recommendations, a state lands committee was set-up in 2005. It was functional up to 2007. Since then, there was no evidence of such committee for the state lands allocated by the Ministry for the period under review (2010-2012). In an attempt to verify the period of existence of the Committee, the Ministry could not provide any evidence of such committee meetings.

3.1.5 NO EVIDENCE OF STRUCTURAL PLAN FOR DEVELOPMENT

It is the responsibility of the Country Planning, Surveys and Lands and the Environmental divisions to ensure that there is a structural plan for allocated areas of development. A structural plan, should take into consideration, the provision and demarcation of lands for dwelling houses, any commercial buildings, roads, social amenities such as hospitals, schools, markets, cemeteries, etc.

The Surveys and Lands division should prepare state land banks. The Country Planning should prepare layout plans and beacons, while the Environmental division should identify state lands for planning and allocation; inspect the area from an environmental point of view, land use and suitability for development and the type of neighbourhood.

Physical observation in areas like Jalloh Terrace, Babadorie phase 2, Goderich, Grafton and Waterloo, proved that there were no structural plans. People did not have access to social services like water supply, electricity, hospital, etc., and houses were even constructed on access roads. In addition, interviews conducted with the heads of the respective divisions disclosed that they had not been involved in the structural planning for the development of these new settlements.

3.2 POOR MONITORING OF STATE LAND

3.2.1 FAILURE TO MAINTAIN A DATABASE OF STATE LANDS

According to the National Lands policy 2005, the Ministry is responsible for the maintenance of an up to date scientific data, maps and plans, and the production of geographical database and land information systems.

In spite of several requests made by the auditors, the Ministry failed to produce information relating to the maps and plans; geographical database and land information, for the reserved and crown lands belonging to the state, the portion that was allocated to developers and that which was available for allocation.

In addition, interviews conducted at regional offices disclosed that for the past 50 years there had been no re-survey of government reserved lands in the regions.

3.2.2 NO EFFECTIVE PAYMENT OF LEASE RENT

The current lease rent for residential development is Le1,000,000 per year which should be paid to the National Revenue Authority.

During the course of the audit, the Ministry could not produce evidence of lease rent paid and the amount outstanding by the lessees. Interviews in the regional areas with beneficiaries disclosed that, in the past, notification for payment was sent by the Ministry informing them when payment was due, but for the period under review 2010-2012, lessees made no payment as they received no notification from the Ministry. This information was the same for the commercial and industrial lessees.

3.2.3 INADEQUACY IN CARRYING OUT WELL STRUCTURED SURVEYS

Regional Surveyors are responsible for supervising all survey operations, establishing control points, resolving all land litigations, giving technical advice and countersigning all private survey plans that are signed by licensed surveyors.

Interviews with the Regional Surveyors in the various regions, revealed that there was an inadequate number of surveyors to carry out the smooth operations of land issues. There was only one Regional Surveyor and one Regional Town Planning Officer in each region. The team noted also that there was no Environmental Officer to determine whether the construction of a certain type of building was appropriate in a particular area.

An interview with the Director of Lands revealed that, the Ministry had realised the need for additional surveyors in the regions and had recruited surveyors to be posted to the regional areas.

3.2.4 LACK OF COORDINATION AND COLLABORATION

The procedures for the planning and layout for the development of state lands as described by the Director of Country Planning require that the Surveys and Lands division should identify land that is free from encumbrance. The Country Planning division then prepares and implements layout plans on the ground and together with the Surveys and Lands division undertakes beaconing of the plots for the production of individual survey plans by the Surveys and Lands division before the allocation of state lands by the Administrative division.

Interviews conducted disclosed that for the past three years, the Country Planning division which is responsible to ensure proper planning for the optimal use of state lands, was not involved in planning the layout of development areas. Instead, the preparation of layout for new settlements was carried out by junior officers of the Surveys and Lands division.

According to the Sierra Leone Government's duties and responsibilities of District Officers, the Principal Representative of the Central Government is responsible to coordinate, disseminate and facilitate the implementation of government policies in the district.

Our interviews with Provincial Secretaries, Senior District Officers and District Officers revealed that key staff in the districts were never consulted when the Ministry allocated state lands. Applications were addressed directly to the Minister and sometimes copied the Provincial Secretary, Paramount Chief, etc.. Reserved lands were allocated directly from the Ministry's headquarters in Freetown without informing the Provincial Secretaries who are the custodians of all government reserved lands.

4. CONCLUSIONS

4.1 NO CLEAR GUIDELINES FOR OPTIMAL ALLOCATION OF STATE LANDS

The general conclusion from the findings presented in the previous chapter is that the Ministry has not established a comprehensive policy framework, operational manuals, strategic plan and criteria for the allocation of state lands. As a result, the allocation of state lands cannot be linked to any laid down criteria to ensure optimal allocation for development. The Management and Functional Review Document of the Ministry was still in its final draft stage at the time of the audit.

The conditions for land development are clearly stipulated in the offer letters, but there has been failure on the part of the Ministry to adequately institute necessary measures before and after allocation to ensure that the areas allocated are free from any form of restriction by external parties like land squatters, encroachers, etc. To this end, difficulties relating to accessibility by the lessee will impact on the achievement of the first year condition for the development of the allocated land.

Most of the laws formulated to regulate the allocation and acquisition of lands date as far back as the colonial era.

There is also ineffectiveness on the part of the Ministry to translate policies into regulations/Acts to take into account current practices and revise or update the guidelines and policies for the allocation of state lands.

4.2 ALLOCATION REQUIREMENT NOT EFFECTIVELY IMPLEMENTED

The recommendations of the Justice Marcus Jones Commission of Inquiry and the Government White Paper to establish a committee for the allocation of state lands has not been in operation since 2010. It was difficult to determine the basis on which state lands were allocated for the period under review. The absence of a committee led to a total of six hundred and one (601) applications in 2011 and two hundred and sixty-three (263) in 2012 to wait for a long time for a decision to be made on their application. The failure to implement the Marcus Jones recommendations and the Government White Paper is therefore an indication of weakness in the Ministry's management structure.

Considering the above findings, there is the risk for land to be allocated to more than one applicant leading to land disputes in the country.

The fixed charge of Le1,000,000 per lessee irrespective of the size and area allocated has the potential to affect the amount of revenue generated by the Ministry.

4.3 INEFFECTIVE LAND MANAGEMENT INFORMATION SYSTEM

Land records are generally a reference point for seeking evidence of ownership and entitlement. Since the Ministry cannot produce evidence of proper records maintained for all state lands both in the Western and Regional Areas, it is highly likely that land documents may go missing and unnoticed thereby making it difficult for the Ministry to address land disputes when they occur.

In the different regions visited, the government reserved lands were encroached on as there was no evidence of maps to show what was allocated and the balance reserved. Surveyed plans were not made available at the Regional offices to determine the quantum of acreages or acres of lands that were leased by the Colonial Administrators. This led to problems of land encroachment in the reserved areas.

4.4 NO OPTIMAL ALLOCATION OF STATE LAND

The allocation of state lands by the Ministry cannot be linked to a laid down criteria to ensure optimal allocation. Despite the fact that there are lands available for development, the Ministry is unable to do proper mapping before allocating the lands. Lands are being allocated with no provision for social services like markets, schools, recreational services, hospitals, churches, mosques, etc.

The Ministry has not been effective in its allocation, as a result of poor collaboration and cooperation amongst the various divisions that are charged with the responsibility of allocating state lands.

5. RECOMMENDATIONS

5.1 REVISION OF THE LEGISLATIVE FRAMEWORK OF THE MINISTRY

Appropriate steps must be taken by the MLCP&E to update and revise the Lands Management Administration Acts/Policies of Sierra Leone to effectively regulate land acquisition and allocation in the country. Modern practices like the use of more updated land surveys instrument e.g. theodolite, triangulation, etc can be used for location and construction of every plot of land.

The Ministry should develop strategies to ensure that the land to be allocated is free from any encumbrance so as to allow Lessees to gain physical access and ownership of the land. The Ministry should also swiftly give an alternative plot to those applicants who could not access their land and initiate legal proceedings against squatters.

The governance structure and developments plan should be updated in order to regulate the allocation, acquisition and development of lands, thereby improving on the processes and procedures of state lands allocation.

The Ministry should follow-up, complete and approve the draft Management and Functional Review document and the final draft of the National Lands Policy.

5.2 RE-ESTABLISHMENT OF STATE LANDS COMMITTEE

The Ministry should re-establish the State Lands Committee to ensure transparency, accountability and optimal allocation. The committee should, among other things, effectively and efficiently deal with the formulation of procedures, leasing and sale of state lands, reviewing lease rental payment, settling disputes and all other matters pertaining to the efficient management and administration of state lands.

In addition, interviews should be conducted and documented; including the basis on which an applicant is offered, and reasons for waiting a long time, so as to foster transparency in land management.

5.3 ENSURE PROPER RECORDS OF ALL STATE LANDS ARE MAINTAINED

The Ministry should maintain a comprehensive database of all state lands, undertake a re-survey, do proper mapping to distinguish between those lands that still belong to the state and those allocated and developed. This will enhance proper planning, management, equitable distribution and optimal allocation of lands.

On the whole, the Ministry should ensure that there is collaboration with the three divisions responsible for lands management and administration. The responsibilities of the three divisions should be clearly defined for optimal allocation.

APPENDICES

APPENDIX I: COMPOSITION AND RESPONSIBILITIES OF STATE LANDS COMMITTEE

The committee should comprise the following:

- a. The Director of Surveys and Lands
- b. The Director of Country Planning
- c. The Director of Environment
- d. The City Council Surveyor
- e. Two members of the public with knowledge in surveying and planning
- f. A member of the public without knowledge of surveying or planning will be Chairman
- g. The Permanent Secretary will act as secretary to the State Lands Committee

The Committee shall have the following responsibilities-

- a. The formulation of procedures for the processing of applications for the lease and sale of state lands,
- b. The leasing and sale of state lands,
- c. The fixing of rents and purchase prices in respect of state lands,
- d. The reviewing of rents and conditions in leases for state lands,
- e. The reviewing of the conditions for the sale or grants of state lands,
- f. Settling disputes arising from allocation of state lands,
- g. Dealing with all matters relating to the efficient management and administration of state lands,
- h. Dealing with all matters pertaining to private lands by Statutory Declaration of unoccupied lands which can be presumed to be state lands

APPENDIX II: LIST OF INTERVIEWEES AND REASONS FOR INTERVIEW

Interviewees	No. of Interviewees	Reasons for Interviews
Director of Country Planning	1	<ul style="list-style-type: none"> • To know his roles and responsibilities • To know his involvement in the allocation of state lands to developers • To find out his division's roles and responsibilities
Director of Surveys and Lands	1	<ul style="list-style-type: none"> • To find out the process involved in the allocation of state lands
Chief Environmental Officer	1	<ul style="list-style-type: none"> • To find out about his roles and responsibilities • To clarify the information received from other personnel in the Ministry
Lands Officer	1	<ul style="list-style-type: none"> • To find out the process involved in the allocation of state lands to developers • To know the difference in the processes of issuing private and state lands • To know the process involved in getting leasehold and freehold lands. • To see if laid down rules as per regulations are being followed in the allocation of state lands.
Council Surveyor (Freetown City Council)	1	<ul style="list-style-type: none"> • To know the involvement of the Freetown City Council in the allocation of state lands.
Provincial Secretaries-Northern, Southern and Eastern Provinces	3	<ul style="list-style-type: none"> • To know their involvement or the roles they play in the allocation of state lands in the provinces
Senior District Officers	3	<ul style="list-style-type: none"> • To know their involvement or the roles they play in the allocation of state lands in the provinces
District Officers	2	<ul style="list-style-type: none"> • To know their involvement or the roles they play in the allocation of state lands in the provinces
Regional Surveyor-Northern Region	1	<ul style="list-style-type: none"> • To know the process involved in the allocation of lands to developers • To know the role of the MLCP&E in the allocation of lands in the province • To know his roles and responsibilities in the allocation of lands
Regional Town Planning officer-North	1	<ul style="list-style-type: none"> • To find out the role of his division in the allocation of lands • To know his role and responsibilities in the allocation of lands
Land Owners	5	<ul style="list-style-type: none"> • To find out the roles of Land owners in the allocation of lands
Chief Building Inspector	1	<ul style="list-style-type: none"> • To know the process involved in the issuance of building permit
Deputy Administrator and Registrar General	1	<ul style="list-style-type: none"> • To know the process involved in land title and/or land document registration

APPENDIX III: LIST OF DOCUMENTS REVIEWED AND REASONS FOR REVIEW

Document reviewed	Reasons for review
National Lands Policy (2005)	<ul style="list-style-type: none"> • To ascertain the procedures in place for the allocation of state lands to developers
MLCP&E Plan	<ul style="list-style-type: none"> • To gain an understanding of the strategies put in place by the Ministry in achieving its goals and the process description of the different divisions. • To establish the mission, vision and objectives of the Ministry. • To examine how the Ministry is structured
Town and Country Planning division annual progress report	<ul style="list-style-type: none"> • To understand the role of the division in the allocation of state lands to developers
Town and Country Planning Act. Cap 81 of the Laws of Sierra Leone 1960	<ul style="list-style-type: none"> • To understand the role of the division in the planning of the country
Laws of Sierra Leone 1960 Vol. IV	<ul style="list-style-type: none"> • To ascertain how state lands are issued out as per guidelines
Statutory Instrument- The Local Government (Assumption of Functions) Regulations, 2004	<ul style="list-style-type: none"> • To establish the functions devolved to local councils by the Ministry as stated.
Functional and Management Review of the Ministry	<ul style="list-style-type: none"> • To know the functions of the Ministry in Lands allocation

APPENDIX IV: KEY PLAYERS

Key players involved in the allocation of State Lands by the MLCP&E

Director of Surveys and Lands

- Advising the Minister and Permanent Secretary on all land related matters
- Responsible for the supervision of all surveys and mapping activities throughout Sierra Leone
- License qualified candidates to practice as Licensed Surveyors in Sierra Leone
- Regulate Surveyors' practices
- Attend most International Conferences relating to land and professional surveys activities

Director of Country Planning

- Provide professional and technical advice to the Ministry on all matters relating to Town Planning
- Responsible for managerial and coordination of all activities of the Town and Country Planning division
- Takes initiative for the review of town planning regulations
- Supervises the physical planning section in the preparation and physical laying out of town planning schemes
- Supervises the development control section in the execution of its duties including serving, monitoring and enforcement of notices
- Liaises with the MDAs on all matters relating to human settlement planning and land use
- Guides the Permanent Secretary on the formulation of policies relating to national, regional and local planning
- Assists the Permanent Secretary in preparing Cabinet Papers and the implementation of Cabinet conclusion
- Supervises the preparation of divisions' annual activity budget and justifies it in parliament
- Supervises the preparation of manpower planning and budgeting for the division
- Attends meetings, seminars, workshops at directorate level
- Calls or organizes periodic divisional meetings
- Promotes the division by innovation
- Performs other duties that may be assigned from time to time by the Minister or Permanent Secretary

Chief Environment Officer

- Advises the Minister on the formulation of policies on all environmental management issues and makes recommendations for the protection of the Environment
- Coordinates and monitors environmental management activities among MDAs and Civil Society Organisations
- Conducts investigations into environmental issues and informs/advises the Minister
- Information dissemination on environmental issues to inform and involve the public
- Coordinates, supervises in carrying out need-based research/assessment on the environment
- Performs any other duties within the scope and intent of the job as may be assigned by superior officer from time to time

Housing Component Unit, Ministry of Works, Housing and Infrastructures

- The issuance of building permit and the implementation of development/building control. The housing unit handles housing policy matters and building control.
- -Chief Building Inspector
- Responsible for the whole building inspectorate in the Housing unit
- Receives construction plans from the public
- Site visiting
- Assessment according to the Building Fees Act
- Appropriate that building fees are paid by client
- Serves client with appropriate construction building permit
- Monitors the construction site up to completion of buildings
- Serves notices to enforce laws

Office of the Administrator and Registrar General

Land Registry

- The General Registration Act, Cap 255 of the laws of Sierra Leone (as amended) and Registration of Instruments Act, Cap 256 of the laws of Sierra Leone state thus: ‘ A land is required to be registered, such registration should be done in the Office of the Administrator and Registrar General and the Registrar General shall keep registers as is prescribed under the Act. It registers transaction relating to land such as deed of conveyances, statutory declarations, deed of gifts, leases, mortgages and discharge of mortgages, court judgement and other documents registered and keeps and provides information on interests in land to the Public.’

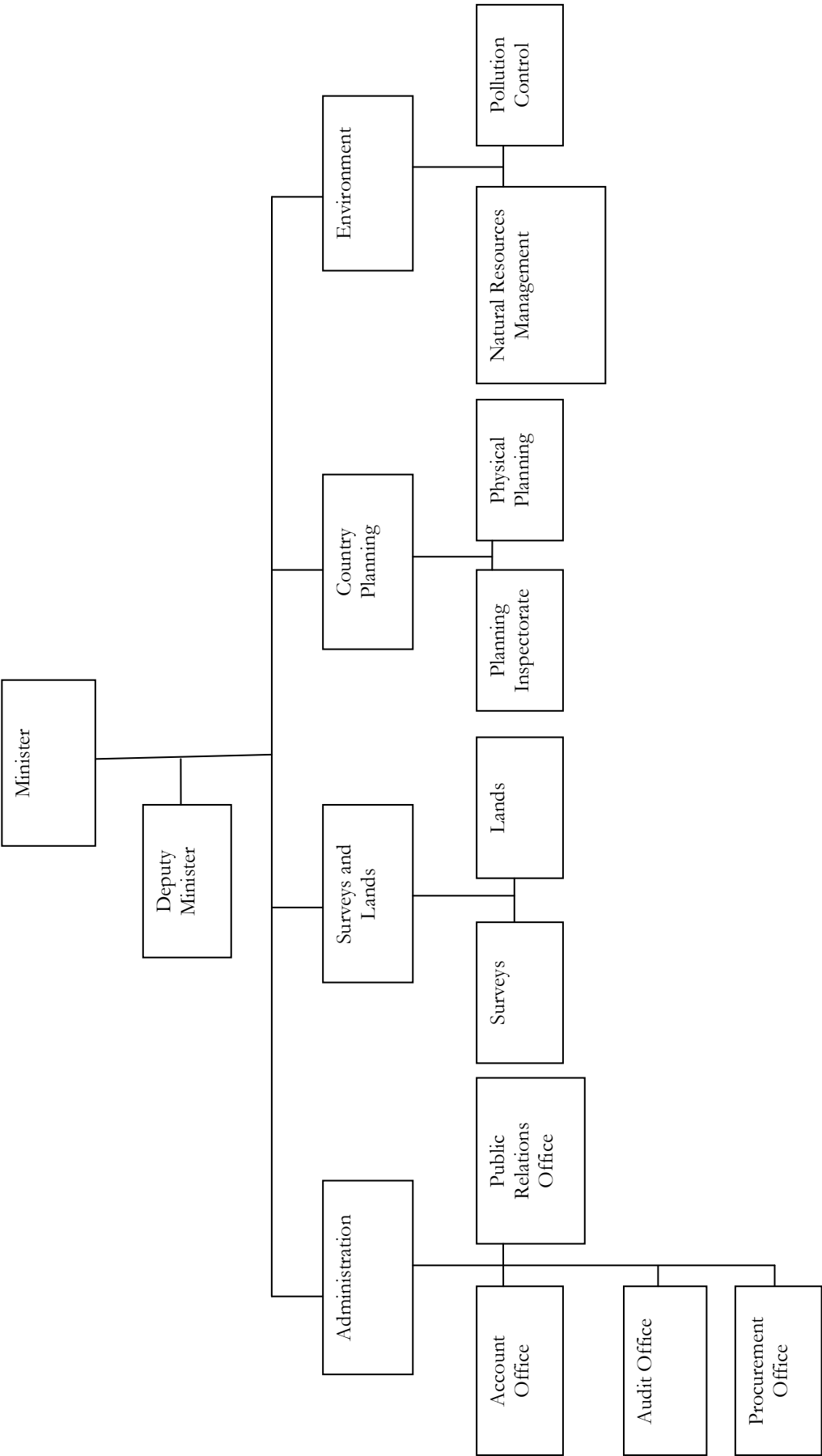
The Attorney General’s Office

- The Law Officer’s Department in the Attorney General’s Office prepares conveyances signed by the Minister of Lands, Country Planning and the Environment.

Regional Surveyors

- Undertake, supervise all survey operations and involve in all mapping activities within the Region
- Establish all control points for both geodetic and cadastral surveys
- Resolve/Settle all litigations
- Give technical advice to the public on all land related matters
- Interpret technically all cadastral survey plans in the court of law
- Counter-sign all private surveyed plans that are signed by a licensed surveyor

APPENDIX V: ORGANOGRAM
MINISTRY, COUNTRY PLANNING AND THE ENVIRONMENT - ORGANOGRAM



APPENDIX VI - LANDS ALLOCATED WITH PROBLEMS

	WITH PROBLEM	ORUGU PHASE 2			
No	Date of Application	Date of Offer	Plot No	Date of Payment	Date of Acceptance
1	05/02/2011	08/03/2012	43	19/06/2012	19/06/2012
2	22/03/2011	27/03/2012	58	06/08/2012	13/06/2012
3	15/12/2011	08/03/2012	35	13/03/2012	13/03/2012
4	16/12/2011	12/03/2012	96	06/03/2012	04/01/2012
5	05/04/2011	08/03/2012	17	17/08/2012	08/03/2012
6	15/12/2011				
7	03/01/2010				
8	21/06/2011	29/12/2011	31	01/03/2012	04/01/2012
9	02/05/2011	15/12/2011	31/32	08/02/2012	
10	03/01/2010				
10	21/06/2011	29/12/2011	33	01/03/2012	04/01/2012
11	02/05/2011	15/12/2012	33	08/02/2012	
12	25/03/2011	12/03/2012	93		
13	06/09/2011	17/12/2011	4	01/08/2012	01/08/2012
14	03/05/2011				
14	29/04/2011	15/12/2011	41	03/01/2012	14/02/2012
15	23/11/2011	14/12/2011	2	02/02/2012	02/02/2012
16	20/07/2011	14/12/2011	3	31/01/2012	31/01/2012
17	03/01/2010				
17	21/06/2011	29/12/2011	32	01/03/2012	04/01/2012
18	19/05/2011	29/12/2011	34	01/03/2012	04/01/2012
19	24/03/2011	08/03/2012	52	08/05/2012	
20	01/08/2011	08/03/2012	54	22/03/2012	19/03/2012
21	01/11/2011	12/03/2012	97	03/04/2012	22/03/2012
22	21/10/2011	27/03/2012	47	10/04/2012	03/04/2012
23	01/08/2011	08/03/2012	66	22/03/2012	19/03/2012
24	22/03/2011	08/03/2012	76	14/03/2012	14/03/2012
25	01/08/2011	08/03/2012	74	14/03/2012	14/03/2012

	WITH PROBLEM	ORUGU PHASE 2			
No	Date Of Application	Date Of Offer	Plot No	Date of Payment	Date Of Acceptance
26	02/05/2011	12/03/2012	69	08/02/2012	
27	18/01/2011	15/12/2011	25		
28	24/01/2012	12/03/2012	91		
29	21/11/2011	12/03/2012	90		
30	18/04/2011	27/03/2012	80		02/04/2012
31	18/04/2011	27/03/2012	79		29/03/2012
32	19/08/2011	27/03/2012	56		29/03/2012
33	04/04/2011	27/03/2012	48		
34	21/02/2012	27/03/2012	61		
35	16/02/2012	27/03/2012	62		
36	27/06/2011	27/03/2012	59		
37	20/10/2011	27/03/2012	77		
38	22/11/2011	31/12/2011	44		
39	07/02/2012	08/03/2012	55		
40	07/02/2012	08/03/2012	65		
41	07/02/2012	08/03/2012	63		
42	08/04/2012	08/03/2012	88	24/04/2012	

APPENDIX VII - RESPONSES



SIERRA LEONE GOVERNMENT

Ministry of Lands, Country Planning

and the Environment, 3rd Floor, Youyi Building

Freetown.

9th September, 2013

The Auditor General
Audit Service Sierra Leone
2nd Floor, Lotto Building
Tower Hill,
Freetown.

Dear Sir,

Re: SUBMISSION OF COMMENTS ON DRAFT PERFORMANCE AUDIT REPORT ON THE
ALLOCATION OF STATE LANDS

I am directed to acknowledge with thanks receipt of your correspondence reference AG.93/282, dated 29th July 2013 centered on the above, and to forward herewith self explanatory written comments on the Draft Performance Audit Report as to help you expedite the audit process.

Regret the delay in submission.

Kondo-Bakarr Mohamed

For: Permanent Secretary



SIERRA LEONE GOVERNMENT
MINISTRY OF LANDS, COUNTRY PLANNING AND THE ENVIRONMENT
YOUYI BUILDING, FREETOWN

In line with the agreement between the Audit team and the Ministry on the 24th of July 2013 to provide comments upon receipt of the Draft Performance Audit Report, this exercise is in fulfillment of that commitment and will mainly focus on the findings of the team. Comments will follow the sequence in which the findings of the team were presented and each finding will be commented on separately.

- The problem of lessees not been able to access their lands has been reported to the Ministry and the Ministry is making relentless effort to solve the problem. The following procedures have therefore been adopted.
 - ✓ Inventory of all lessees who are unable to take possession of their allocated properties
 - ✓ Identification of all allocated plots with access problem
 - ✓ Public notice to inform all squatters to immediately vacate all allocated state lands. This will be immediately followed by letters to all illegal occupants to vacate these properties
 - ✓ Utilize law enforcement agencies to remove all illegal occupants who have refused to vacate
 - ✓ To prevent future mishap of this nature, the Ministry has adopted a policy to evict all squatters before plotting and allocation of state lands
- Illegal squatting on state lands is a major challenge that has plagued the Ministry over the past decades and still continues to pose serious threats to the management and administration of state lands. However, to curb this problem the Ministry over the past years has embarked on the reclamation of state lands. Thus, a State Land Bank has been developed and this is fully operational.

- For the construction of a dwelling house, the Ministry holds a policy of one town lot minimum and a maximum of three town lots, depending on the availability of land. In situations of rough terrain such as deep rooted granite rocks occupying significant portion of the plots, steep slopes, valleys etc., Lessees will be offered more than the maximum allocation of three town lots as an offset, and to ensure maximum utilization of the allocated land. All leases for dwelling construction presently carries a fixed price of one million Leone (Le 1,000, 000) per annum, payable as lease rent yearly tenancy whether one or three town lots. Rents are directly paid to the bank and paying slips are presented to the NRA Officer attached to the Ministry and he issues the final receipt. Nevertheless, lease rents and other fees are currently being reviewed to meet the pockets and purses of the Civil Servants and the very poor.
- The Ministry is working very hard to institute state lands allocation committee as recommended in the Marcus Jones Commission's report and accepted by Government White Paper. It is also worthy to state that informal interviews for the allocations of state lands were conducted. This was done by the Minister so as to ascertain leverage and ensure a free and fair process. Interviews were normally conducted in small groups.
- Due to the inadequacy of the 2005 land policy document, a comprehensive draft National Land Policy of 2012 has been developed by the Ministry and awaits cabinet approval. The process to formulate a national draft policy was initiated in 2009. As it stands, an abridged version of the draft has been developed with the financial support of UNDP. This will support public campaign and sensitization to inform the Sierra Leone people of the provisions in the policy document. The sensitization will in turn inform cabinet approval process and subsequent presentation to parliament for ratification.
- The Ministry has instituted mechanism for the smooth operation of its Regional Offices. Thus far, experienced Surveyors and Country Planners have been identified and dispatched to adequately represent Ministry in all Regions. In addition, the Ministry is employing Environmental Officers through HRMO to join the Surveyors and Country Planners in these Regions.
- Coordination and Collaboration between the three divisions of the Ministry is becoming effective. However, inadequate staff situation especially in the Country Planning and Environment divisions and transportation are presenting major challenges to the Ministry to carry out its responsibilities effectively.

The Audit Service Sierra Leone

2nd Floor, Lotto Building

Tower Hill, Freetown

Sierra Leone

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