



GOVERNMENT OF SIERRA LEONE

**PUBLIC SECTOR REFORM UNIT
(PSRU)**

**MANAGEMENT AND FUNCTIONAL REVIEW
OF THE MINISTRY OF LANDS, HOUSING AND
COUNTRY PLANNING**



FINAL REPORT

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1. EXECUTIVE SUMMARY

As part of the effort of government to reposition and enhance the management and functional capability of the land, housing and country planning sector, the Public Sector Reform Unit was requested by the Office of the Chief Minister to conduct a Management and Functional Review of the Ministry of Lands, Housing and Country Planning. This management and functional review had key deliverables, which were focused on: (i) aligning the mandate and vision of the Ministry to the Medium-Term National Development Plan (MTNDP), and (ii) developing structures and processes aimed at strengthening service delivery.

This management and functional review is intended to provide the operational framework for advancing land sector structural and institutional reforms necessary to promote structural and institutional transformation to Sierra Leone's land tenure system; streamline and modernize land delivery services; encourage optimal use of land and facilitate broad-based socio-economic advancement without overburdening and threatening the national ecological balance. This functional review is a dynamic management tool that will be used to direct attention to key issues and concerns in the land sector to ensure the cumulative effects of land sector reforms and intervention promoted by the government creates a positive environment for achieving national development goals as outlined in cluster 1.8 in the MTNDP.

Given the mandate of the Ministry as the institution primarily responsible for the management of land in Sierra Leone, functional review is critically important at this time considering the multiplicity of land ownership categories. The Ministry is expected to direct the government on matters relating to ownership, acquisition and use, as well as all the implications for sustainability. As the central authority for land use and management, the Ministry is required to develop policy on the efficient and sustainable use of land. Therefore, the mandate of the Ministry is not only limited to land surveying but extends to the formulation and implementation of sustainable human habitat development policies, a process which includes land mapping. The ultimate goal of the Ministry, as reflected in its Mission statement, is to administer effective policies for land use which contribute to the overall socio-economic development. These objectives are vital considering the issues of rural-urban migration and its attendant social, economic and political challenges. Similarly, issues surrounding land tenure outside of the Western Area also requires urgent attention.

Numerous laws, some dating as far back as colonial period, have been formulated to regulate land acquisition and use in Sierra Leone. Efforts have been made to update and revise some of the legislations to take account of modern practices and developments. However, much has not to be done to ensure effective land management in the country.

In as much as the role of the Ministry is defined within the policy framework of Sierra Leone, for a variety of reasons identified during this review, it has not been able to translate its mandate into first-rated policy and work processes.

Factors affecting the productivity of the Ministry include the lack of the political will to strengthen and further implement national policies on land use and management, lack of essential tools and resources, lack of well-trained professionals, limited implementation and employment of good management systems and processes resulting to increased opportunity for corrupt practices, and weak coordination amongst stakeholder institutions.

Several developments at the national level have had implications on the work of the Ministry. Over the years, there have been several changes made in its nomenclature as well as its structure, with accompanying modifications to its functions. In particular, the devolution process as provided for in the Local Government Act 2004 will have to be appropriately coordinated if at all it is to be aligned with the mandate of the Ministry. Therefore, it is against these perennial challenges that recommendations have been proffered, which if thoroughly implemented will help to translate policies into action for better service delivery.

1.2 KEY FINDINGS AND RECOMMENDATIONS

1.2.1 Summary of Key Findings and Recommendations

The findings and recommendations of the Management and Functional Review are summarized by thematic areas. The Review Team wishes to note that the ability to implement the mandate of the Ministry is largely dependent on the capacity of the Ministry to have the full complement of human, material and financial resources to optimize its functions.

Looking at the mandate of the Ministry at the time of review and with the separation of the Environment Ministry from its remit, it has been left with fewer staff having the technical capacity to coordinate the activities of the Ministry at policy and operational levels. It was the against these observable facts that the findings and recommendations are thematically summarized below:

1.2.2 Operational Functions of the Ministry

Findings:

- The review revealed a number of challenges that affect the efficiency and productivity in the performance of staff roles and responsibilities. It emerged from interviews conducted with staff at the headquarters and the regional offices that staff are faced with plethora of land related issues that are reported on daily basis.
- Though there is an overwhelming number of junior staff, most of whom are surveyors, the lack of technical competencies to perform their roles and responsibilities in the most professional manner, has affected the credibility of the Ministry. The expectation of high

impact functions with limited resources and technical capabilities continue to affect productivity and performance optimization.

Recommendations:

- The review team would like to **make a case** to fast track the appointment of highly trained and qualified central and Regionally-based staff with specific competencies on land, housing and country planning related functions. This is in view of the reality on the ground that the Ministry's ability to implement its mandate is also dependent on having the full complement of central and Regional staff, backed by adequate resources.

Findings:

- **The Day-to-Day Operational Functions:** A significant number of staff interviewed expressed dissatisfaction regarding the ways and manner in which the Ministry performs its day-to-day administrative and operational functions. Most of the comments were directed at the lack of effective structure, ineffective operational systems, as well as the lack of an internal central coordinating mechanism of technical processes and procedures.

Recommendations:

- In view of the day to day operational and functional challenges, the team **recommends** that the present Directorate system be retained but should be reinforced by an excellent management and operational system that will help to ensure effective reporting line, effective team building, promote vertical and horizontal coordination and staff welfare.
- In order to attain the intended goal, the team also **recommends** that the professional wing of the Ministry be headed by a professional head, supported by other technical directors in the management of the day to day technical operations of the Ministry; and in the spirit of decentralisation, the team further **recommends** that the Ministry implement the Regional and District Structure proposed by the Review Team by ensuring clear reporting lines and coordination established between the HQ and District Offices and local councils.

Recommendation:

- The Review Team is making a case for the creation of **Information, Education and Communications Unit (IEC)** to oversee media relations, such as writing and publishing information, broadcasting programmes on radio and television and help raise awareness on land acquisition, use and management to the public.

Finding:

- The Review Team noted the existence of a Geographic Information System and Remote Sensing as part of the management structure of the Ministry. As critical as this Directorate is, much support in terms of technical and financial resources have not been allocated to support and strengthen the performance of this Directorate.

Recommendation:

- The review team further recommends that the Directorate of GIS and Remote Sensing should be maintained as a Directorate and strengthened with the full complement of staff and management structure to provide technical support in cadastral mapping to the other technical Directorates.

Recommendation:

- The Review Team is making a case for **Regional Offices, to be headed by Assistant Regional Directors with complimentary support from core staff** to ensure adequate representation of the Ministry in the regions and the districts. The post holder will play critical leadership role in coordinating and providing technical oversight function on land, housing and country planning related matters at regional and district levels.

Findings:

- It was noted that the security of land registration is weak and the arbitration mechanism in cases of land dispute is totally absent. It was also observed that collaboration between the Ministry and Office of the Administration and Registrar-General, which is principally responsible for the registration of lands is weak. These weaknesses in structures and systems continue to undermine the performance of the Ministry and generate chaos within the system that is already exposed to data manipulation.

Recommendations:

- As a way of sanitizing the system, the Review Team is further reinforcing the policy directive for the establishment of a National Land Commission, with statutory authority limited to perform the following functions;
 - Registration services
 - Conflict resolution
 - Sensitization and education etc.
- However, the Review Team wishes to advise in the most technical term to consult with critical players, whose functions will be affected by the proposed establishment. In order to also avoid confluences and conflict of mandates between the Ministry and the proposed Commission, the Team further underpins the statutory functions of the proposed establishment support the work of the Ministry without conflict.
- The team further **recommends** that the proposed Commission is reinforced with high level of independence, greater scope for objective thinking, and avoid the phenomenon of unprofessionalism and conflict in the execution of mandate. The digitalization of land registration is should be the utmost priority of the proposed Commission.

1.2.3 Human Resource Management

Findings:

- The Review Team observed that the Ministry lacks trained and qualified staff at both central and regional level to occupy technical positions. This is considered a serious challenge that undermines the professionalism of the Ministry and its ability to efficiently and effectively deliver on its mandate. For example in areas of Surveying and Country Planning, the Ministry only has few staff with the requisite skills and competence to perform the functions.
- It was also noted that the functions of the human resource management is relatively silent at the regional offices of the Ministry. Presently, HR functions are only limited at the central level, which makes it challenging for staff at regional offices to proceed on annual leave and enjoy other HR benefit like promotion, upgrade etc. There is an urgent need to develop a more pro-active and decentralized HR functions at regional level.
- Another critical observation by the Team was the amount of volunteers that serve in the Lands and Survey Division, which is considered as one of the most critical and highest revenue generating divisions in the Ministry. This is a big challenge that needs to be dealt with by the Ministry and HRMO as the environmental manager of the Civil Service work force.

Recommendations:

On this note the team is making the following recommendations;

- The review team recommends that PSRU in collaboration with HRMO and PSC conduct a comprehensive human resource audit with the view of carrying out staff placement according to grade and qualifications, especially for technical positions in the Ministry.
- HRMO should facilitate the enforcement of the internship and volunteering policy for all Civil Service entity.
- Development of a functional organogram that incorporates all functions performed by the Ministry as stated in its mandate.
- Collaborate with PSRU and HRMO to develop competency framework along with job descriptions for all divisions and positions within the Ministry;
- Collaborate with PSRU and HRMO in the development of a comprehensive Training Plan to ensure improvement in the technical capacity of the Ministry.

1.2.4 Training and Development

Findings:

- Responses from questionnaires submitted by staff indicated that training opportunity is completely absent in the Ministry. Most of the technical staff in the Ministry have not benefitted from trainings specific to their functions within the last five years.

Recommendation:

- The team **recommends** that the Ministry prepares capacity building strategy specific to the mandate and functions of the Ministry. The document should be developed by sector stakeholders to serve as a tool for future planning and budgetary purposes. This should be done based on job specification and requirements.
- The Review Team is strongly recommending for mandatory staff training in Ministry.

1.2.5 Financial Resources

- The reveal that though the Ministry is a key revenue-generating institution, it continues to ironically fall within the category of most under-funded MDAs and lacks the requisite resources and wherewithal to effectively on its mandate.
- The impact of limited resource can be seen in the overall lack of human and material resources to coordinate programmes at central and regional levels.

Recommendations:

- **The team recommends that** the Ministry engages the Ministry of Finance for significant increases to be made to its annual budgetary allocations and to ensure that quarterly allocations are disbursed in a timely manner.
- **The team recommends that** the government develops a mechanism through which the Ministry retains a percentage of the revenue it generates offset operational and other expenses.

1.2.6 Records Management System

Findings:

- The Records Management capability of the Ministry is weak evident by the fact that the Ministry neither has a Records Management Unit or Officer.
- There is need for the Ministry to upgrade its Records Management system/infrastructure from the traditional paper-based system, to the Electronic Records Management Systems.

Recommendations:

- The team therefore, **recommends** that the Ministry create a records management unit with a dedicated officer assigned to it. It is further **recommended** that Records Management Officers are recruited and given adequate training and have manuals developed on procedures, policies, and practices for effective records management.
- **The team relatedly recommends that** the Unit transitions from paper-based to Electronic Records Management system with a reliable and verifiable records management framework built-in.

1.2.7 Communications and Information Sharing

Findings:

- It was revealed that the Ministry lacked an effective communications strategy that serves as the Ministry's internal and external communications blueprint.
- The review revealed that due to the lack of an existing Communications strategy, the Ministry struggles with effective external communications and awareness raising on land policy and accompanying arbitration mechanism.

Recommendations:

- There is a need to improve on the image of the Ministry, through public education. Therefore, the Review Team therefore **recommends** that the Ministry develop a comprehensive Communication Strategy that will express the policy guidelines for communications and related outreach activities. This strategy once developed should be reviewed and updated annually as and when necessary to contest with contemporary trends. The team also **recommends** that the Ministry enhances its internal communication strategy to ease the flow of information. The review team is of the view that effective internal communication will enhance institutional productivity. It is further **recommended** that the Ministry embarks on effective public education and information sharing campaign across the country to inform citizens, of their rights and responsibilities with respect to land rights, housing and country planning policies.

1.2.1.1. Overlaps and Duplication of Functions

Findings:

- The Team observed that coordination with other institutions and duplication of functions are critical challenges that continue to undermine the mandate of the Ministry. The review team also noted that functions related to allocation of lands are also performed by other established institutions like the Ministry of Agriculture and Local Councils. The relationship between institutions performing similar functions is not clear and well defined. As such, the vision and mission of the Ministry and how it collaborates with other sister institutions on land rights, housing and country planning issues, and vice versa should be clearly defined.

Recommendations:

- Given the fact that, the environmental component has been separated from the Ministry and the housing division subsumed into the Ministry's management structure, the team accordingly **recommends** that the Ministry develops a clear mission and vision statements specific to its mandate in order to address any potential or existing functional overlaps. To

implement this recommendation, the team further **recommends** for the establishment of a sector stakeholders' engagement Committee at policy coordination level.

1.2.1.2. Stakeholders Engagement and Coordination

Findings:

- Interviews with the staff at central and regional offices of the Ministry revealed that collaborations with MDAs, especially local councils seem to be largely weak at the moment. The reason for this was associated with facts given to the Team, which was specifically focused on the absence of clearly defined structures and policies for coordination and collaboration with councils at central and district level.

Recommendations:

- In order to address this challenge of weak collaboration and partnership, there is a need to establish a platform for coordination among state and non-state actors. The Team therefore **recommends** that the Ministry establishes Committees and development planning mechanism at regional and district level to collectively address issue relating to land use, management and physical planning. The team is further **making a case for the mandates** of the various MDAs responsible for land use planning and development control to be clearly defined and harmonized.

1.2.1.3. Management of State Lands at Central and Decentralized Levels

Findings:

- The Review Team observed that the land administration system has been inadequately resourced and performing below expected standards with the tendencies of resorting to irregular and illicit practice in service delivery. The dual system of land administration (the formal/statutory and informal/customary) breeds conflict, confusion and overlaps in institutional mandates. For the larger part of Sierra Leone, where land tenure system still prevails, the roles of traditional institutions of land management, dispute resolution and land governance have not proved to be effective.
- Decentralized services are underfunded and grossly understaffed and thus could not live up to expectations. Several relevant pieces of land related legislation are obsolete and do not conform to the provisions of recent event or the technology driving modern land administration today. Corruption, inadequate enforcement of land use regulations and standards are all major challenges.
- Mapping capability to support national development has not been upgraded. It was also noted that a large percentage of the urban and rural centres have no maps to guide their planning. Inadequacy of the current regulatory framework for property agents/estate developers has contributed to a high prevalence of graft and land fraud and continues to pose a serious challenge to the sector. These constraints in the sector has led to poor service delivery by the Ministry of Lands, Housing and Country Planning.

- The Team also observed that government has constantly had to either physically confront or negotiate with encroachers on what is considered government lands. The lack of proper awareness and adequate documentation needed to clearly define government's land and how it can be obtained on lease have created room for encroachment and poor management.

Recommendations:

- The team **therefore recommends** for the provision of reliable and up-to-date land information system and strategy for clarifying land rights and security of tenure. Availability of information on land rights, land administration and land management processes will be necessary to ensure consensual implementation of potentially controversial aspects of the strategy.
- The team also **recommends for the** systematic demarcation of individual and communal lands, government lands, through the development of a digitalized Land Information System (LIS) at the MLHCP.
- The team wants to further make a **case for adequate support** to be provided to perform functions related to physical planning, surveys, GIS and Remote sensing, valuation and land inspection which functions are silent to the public as a result of inadequate funding. The strategic focus of government to further strengthen the performance of the Ministry and heighten service delivery can be achieved with the implementation of the following recommendations:
 - Review, roll out and sustain the Land Information System (LIS)
 - Develop Policy, Regulations and Guidelines for geo-spatial information production and management
 - Establish National Spatial Data Infrastructure that integrates data for planning and development.
 - Establish an appropriate infrastructure for geodetic reference frames to facilitate surveying, mapping, construction industry and other services.
 - Develop a national program of systematic adjudication, demarcation, survey and certification or registration of land.

1.2.1.4 Housing and Country Planning

Findings:

- The review revealed that the Ministry has shifted its focus from the Country Planning Division, which is primarily responsible for physical/land use planning in the country, providing guidelines for the growth of settlements to surveys and lands. Part of the implications of this shift is that it has resulted in a surge in environmental disasters and

congestion in the urban areas. This has had serious effects on urban and rural planning.

- The review also revealed the gross resource constraints the Ministry is grappling with especially its Housing division, which has hindered its ability to perform critical functions at even suboptimal levels. The inability of the housing division of the Ministry to function at close to optimal levels, has had significant adverse effects on planning and settlements. This, the team notes, has led to the stark surge in unwarranted and unsanctioned construction of structures that are of environmental or residential consequences.

Recommendations:

- **The team recommends that** the Ministry pays equal attention to both the physical planning, and Country planning aspects of its mandate. The team consequently recommends that the Ministry engages in high-level/pre-legislative/legislative engagements that will culminate in the enactment of a new Town and Country planning Act that will address issues relating to land use planning, development and control.
- **The team also recommends that** spatial planning should be integrated into the sectorial development strategy of all MDAs. **The team further recommends that** the Ministry ensures the new Spatial planning mechanism incorporates the following: 1. the provision of a framework for the coordination of urban policies and major infrastructure projects 2. Harmonize development standards 3. Address the salient issue of urbanization-related ecological footprints 4. Creates a platform for citizen's engagement through the development of a platform for public discussion around these issues.
- As a way of strengthening the Housing and Country Planning divisions of the Ministry and enhancing the optimization of service delivery, **the team further recommends that** the Housing and Country Planning Directorate be separated with specific mandates and functions assigned to each of the 'demerged' directorates. **The team further recommends** the conduct of a Management and Functional Review of the Sierra Leone Housing Corporation (**SALHOC**), which will re-align its organizational structure/processes and systems with its mandate/mission and mitigate issues arising from confluences in mandates and functions between the **Ministry and the Corporation**.
- As it relates to legislative reform, **the team recommends that** that the Ministry proposes amendments to be made to the existing legislation (the Town and Country Planning Act) so that it will become a critical reform tool. Consistent with this recommendation, the team recommends that the revised/amended version incorporates the following amendments:

- Have only one type of permitted development i.e. the expressed application for planning permission. The permission procedures must be revised and include the complete permission process.
- Set out procedures to guide the planning authority in determining which development should be granted or refused planning permits.