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CREATING AN ENABLING POLICY ENVIRONMENT IN SIERRA LEONE (CEPESL) FINAL REPORT

APRIL 2011

This publication was produced for review by the United States Agency for International Development. It was prepared by Tetra Tech ARD.

Prepared for the United States Agency for International Development, Contract Number EDH-I-10-05-00006-00, Task Order No. 10, Creating an Enabling Policy Environment in Sierra Leone, under the Global - Rural and Agricultural Incomes with a Sustainable Environment Plus (RAISE PLUS) Indefinite Quantity Contract.

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ACRONYMS AND ABBREVIATIONS

AC	Advisory Committee
AMP	Artisanal Mining Policy
AMS	Artisanal Mining sub-Sector
AQL	Acceptable Quality Level
CEPESL	Creating an Enabling Policy Environment in Sierra Leone
CORAD	Consortium for Relief and Development
COTR	Contracting Officer’s Technical Representative
CSO	Civil Society Organization
DAO	District Agriculture Officer
DC	District Council
DFO	District Forestry Officer
EG	Economic Growth
ENFORAC	Consortium of National Environmental/Conservation NGOs
EU	European Union
FD	Forestry Division
FFS	Farmer Field School
GFP	Gola Forest Program
GoSL	Government of the Republic of Sierra Leone
GJD	Governing Justly and Democratically
IAPD	Integrated Agricultural Development Plans
IQC	Indefinite Quantity Contract
LRC	Law Reform Commission
MAFFS	Ministry of Agriculture, Forestry and Food Security
MDA	Ministries, Departments and Agencies
MIALGRG	Ministry of Internal Affairs, Local Government and Rural Development

MMMR	Ministry of Mines and Mineral Resources (formerly the Ministry of Mineral Resources and Political Affairs, MMRPA)
MOU	Memorandum of Understanding
MRU	Mano River Union
MTI	Ministry of Trade and Industry
NGO	Nongovernmental Organization
NRM	Natural Resource Management
PAGE	Promoting Agriculture, Governance and Environment
PC	Paramount Chief
PMP	Performance Monitoring Plan
PRS	Poverty Reduction Strategy
RAISE Plus	Rural and Agricultural Incomes with a Sustainable Environment Plus
RFTOP	Request for Task Order Proposal
SLEPA	Sierra Leone Environmental Protection Agency
SOW	Scope of Work
STA/M	Senior Technical Advisor/Manager
STEWARD	Sustainable and Thriving Environments for West African Regional Development
TO	Task Order
USAID	United States Agency for International Development
USG	United States Government

EXECUTIVE SUMMARY

In mid-December 2008, ARD, Inc. (now Tetra Tech ARD) signed a 24-month Task Order (TO) results-based contract with the United States Agency for International Development (USAID) under the ~~Global~~: Rural and Agricultural Incomes with a Sustainable Environment Plus Indefinite Quantity Contract (RAISE Plus IQC) to implement the Creating an Enabling Policy Environment in Sierra Leone (CEPESL) Project.¹ CEPESL was designed by USAID to provide technical assistance to the Government of the Republic Sierra Leone (GoSL) in developing an enabling environment for improved natural resources management. As stated in the CEPESL Request for Task Order Proposal (RFTOP), ~~the~~ purpose of this activity is to establish the enabling policy conditions necessary in order to achieve sustainable and productive natural resources system in Sierra Leone... Through this RAISE Plus IQC Task Order, USAID/Sierra Leone will provide support for the establishment of participatory, equitable and transparent governance structures, policies, laws, regulations and administrative practices that are necessary for the sustainable management of natural resources...”

USAID also designed CEPESL to complement and support the implementation of USAID/Sierra Leone’s four-year Promoting Agriculture, Governance and the Environment (PAGE) Project, by addressing priority policy, legal and regulatory constraints to PAGE implementation. The scope of PAGE is to promote sustainable and equitable economic growth in the four districts of Kailahun, Kenema, Koinadugu and Kono, in a manner that integrates the principles and practice of good governance into the development of both the agriculture and natural resources sectors.

CEPESL start-up began in January 2009, during which time the team was mobilized (team leader and technical staff), and meetings were held with USAID/Sierra Leone to confirm the CEPESL scope of work, to review the proposed technical approach, address inconsistencies in the contract/scope of work, and to review administrative and reporting procedures. Immediately thereafter, CEPESL began the process of consultation with key GoSL stakeholders including the Ministry of Agriculture, Forestry and Food Security (MAFFS), the Forestry Division, and the Ministry of Mineral Resources and Political Affairs (MMRPA). The six-week start-up period concluded with the development and submittal of the First Year Work Plan and Performance Monitoring Plan (PMP).

The work plan defined a two-phase implementation approach. In Phase One (Situational Analysis) CEPESL conducted a comprehensive review of the existing enabling framework for each sector of potential interest—forestry, mining and agriculture. The Situation Analysis identified:

- Existing gaps/weaknesses/overlaps in the policy, legal and regulatory framework;
- Constraints to implementation—historically and at present;
- Priority reform options; and
- A ~~“champion”~~ or ~~“champions”~~ for each potential reform effort.

In Phase Two (Reform) CEPESL worked with GoSL and civil society to draft and revise selected policies and laws which will improve enabling framework for natural resources management. In keeping with

¹ On October 8, 2010, USAID approved a 60-day No-Cost Extension, which extended the contract end date from January 4, 2011 to March 4, 2011

CEPESL's structure as a Performance/Incentive Fee Contract, the PMP's Quality Assurance Surveillance Plan (included as Annex 1) defined five fee-tied milestone (each milestone equating to 20 percent of the fee).² The selected milestones were:

- Forestry Policy;
- Forestry Act;
- Wildlife Policy;
- Wildlife Act; and
- Artisanal Mining Policy.

The project capitalized and built upon existing reform efforts in the forestry and mining sectors to complete all five milestones within the 26-month period of performance. Perhaps more importantly, CEPESL worked hand-in-hand with GoSL counterparts and civil society, building both the capacity of these partners and their ownership over the reform efforts. CEPESL also collaborated with the USAID's regional STEWARD program, supporting their efforts to increase transboundary cooperation and harmonization of Natural Resource Management (NRM) -related policies and laws of Mano River Union (MRU) member states.

² The CEPESL RFTOP noted that, "... This is result-based contract. The contractor's fixed fee shall be released upon achievement of each of ARD submittals of draft legislation/regulation to the Government of Sierra Leone..."

1.0 PROJECT OVERVIEW

Creating an Enabling Policy Environment in Sierra Leone (CEPESL) was designed by the United States Agency for International Development (USAID) to support the Government of the Republic of Sierra Leone (GoSL) in developing an enabling environment for improved natural resources management. As stated in the CEPESL Request for Task Order Proposal (RFTOP), “the purpose of this activity is to establish the enabling policy conditions necessary in order to achieve sustainable and productive natural resources system in Sierra Leone...Through this RAISE Plus IQC [Rural and Agricultural Incomes with a Sustainable Environment Plus Indefinite Quantity Contract] Task Order, USAID/Sierra Leone will provide support for the establishment of participatory, equitable and transparent governance structures, policies, laws, regulations and administrative practices that are necessary for the sustainable management of natural resources...”

On January 6, 2009 ARD’s Team Leader travelled to ARD headquarters for an orientation with the ARD CEPESL Management Team, and to begin working with the CEPESL Management Team to ensure a timely administrative and technical start-up. In the subsequent two weeks the Team Leader and the ARD CEPESL Management Team initiated communication with USAID/Sierra Leone, and with the Promoting Agriculture, Governance and Environment (PAGE) Project Team, agreed upon the timing for the Team Leader’s first trip to Freetown, and began mobilizing the remaining members of the CEPESL Team.

The Team Leader arrived in Freetown, Sierra Leone on January 25, 2009. The primary task of his assignment, working closely with the ARD Senior Technical Advisor/Manager (STA/M—who was in Sierra Leone working on the PAGE Project) was to lead the development of this First Annual Work Plan and the Performance Monitoring Plan. As part of this effort the Team Leader and STA/M:

- Met on multiple occasions with USAID to:
 - Confirm the scope and focus of CEPESL;
 - Confirm the relationship between CEPESL and PAGE; and
 - Review issues with the CEPESL Task Order Contract.
- Contracted the two Sierra Leonean members of the technical CEPESL Team;
- With the CEPESL Team, consulted broadly with the PAGE Team; and
- Began engaging and consulting more broadly with GoSL stakeholders (including the Ministry of Agriculture, Forestry and Food Security [MAFFS]; the Forestry Division; and the Ministry of Mines and Mineral Resources [MMR]), and as part of this effort worked with the European Union (EU)-funded Gola Forest Program and PAGE to co-sponsor a three-day National-Level Forest and Wildlife Law & Policy Review Workshop (February 3–5, 2009).

The six-week start-up period concluded with the development and submittal of the First Year Work Plan (developed in close coordination with PAGE) and the Performance Monitoring Plan.

The approved First Year Work Plan defined a two-phase approach for CEPESL implementation:

- Phase One—Situational Analysis; and
- Phase Two—Policy and Legal Reform.

Given the resource constraints of a small and less than full-time team, the First Annual Work Plan sought to phase the allocation of project resources strategically. Following this allocation of resources, the Situational Analysis for the forestry and wildlife sectors began in February 2009, and was completed in June 2009. The Situational Analysis for the mining sector began in May 2009 and was completed in July 2009. The result of Phase One was the selection of five priority policy and legal reforms for CEPESL support in Phase Two:

Forestry/Wildlife Sector:

- Forestry Policy;
- Wildlife Policy;
- Forestry Act; and
- Wildlife Act.

Artisanal Mining Sector:

- Artisanal and Small-scale Mining Policy.

Central to ARD's CEPESL approach was an explicit focus on local capacity building. This was especially true of the project's work in the forestry/wildlife sectors, where the capacity of both the governmental counterpart (MAFFS/Forestry Division) and civil society were weak. This weakness extended to a basic understanding of the roles of policies, laws and regulations, and how these should fit together to guide development of the sector. Building on the initial Phase One results, and in recognition of both the capacity constraints and the overlapping mandates and responsibilities for forest land management, CEPESL worked with the Forestry Division to assemble an Advisory Committee (AC) to serve as the principle focal point for sectoral reforms. The institutions comprising the Advisory Committee were:

- The MAFFS/Forestry Division;
- The Ministry of Tourism and Cultural Affairs;
- Ministry of Internal Affairs, Local Government and Rural Development (MIALGRD);
- The Environment Protection Agency (SLEPA);
- The Consortium of National Environmental/Conservation Nongovernmental Organizations (NGOs) (ENFORAC);
- The Law Reform Commission (LRC);
- The Gola Forest Programme; and
- CEPESL (serving as the Secretariat).

In leading the reform effort, the AC was responsible for developing a shared vision for development of sector, and the enabling framework required to support this vision. This required that the AC, and its constituent members, worked effectively to represent their interests, raise issues and concerns, and suggest ways forward that were in the interest of their constituents, and more broadly of the sector. Specific roles of the AC included:

- Serving as the principle point-of-contact, and a source of information, within their respective stakeholder organization;
- Helping to identify relevant resource persons and specialist expertise, as appropriate;

- Identifying funding and co-funding opportunities;
- Identifying technical assistance and training needs to support the AC in the reform effort;
- Participating actively in the reform process through regularly scheduled (and as needed) meetings;
- Reviewing regional and more broadly international examples of policy, legal and regulatory best practices;
- Facilitating and championing the reform efforts—which includes serving as a principle source of information and advocate (including facilitating dialogue with the Ministries, Departments and Agencies [MDAs]);
- Participating actively in broad-based public outreach efforts;
- Reviewing the comments made by stakeholders during the review process and based on this feedback, making suggestions further revise/refine the draft reforms;
- Identifying and proposing changes to draft policies and laws that might be potential loopholes for corruption or otherwise enable ineffective implementation;
- Reviewing the drafts prepared by the Secretariat to ensure the integrity of the reforms; and
- Playing the role of consensus builder among stakeholders.

The considerable efforts of the Advisory Committee were recognized formally by the Forestry Division just prior to CEPESL's end of contract.

2.0 SUMMARY OF PROGRAM ACTIVITIES AND RESULTS

The following section summarizes CEPESL activities and results.

2.1 FORESTRY SECTOR

In early 2009, GoSL, represented by the Forestry Division and with support from the EU and USAID (through both CEPESL and PAGE), hosted a national workshop in Freetown from February 3–5, 2009 to launch the review process of the existing policies, laws and regulations of the forestry sector of Sierra Leone. The key recommendation from the workshop was to set up an AC composed of representatives of those ministries involved in agriculture, forestry and environment sectors; national, international and local civil society organizations and local communities were engaged in the process, under the leadership of the Forestry Division. Another important conclusion of the workshop was that two separate policies were desirable, one for forestry, and a second focused explicitly on wildlife conservation.

2.1.1 POLICY REFORM

Following the workshop, CEPESL worked with the Advisory Committee to develop a shared understanding of the role and function of policies, laws and regulations. The project then worked with the Advisory Committee to conduct a thorough review of the existing policy, legal and regulatory framework, in an effort to identify gaps, weaknesses and inconsistencies. CEPESL then provided targeted assistance to the Advisory Committee to raise awareness of regional and international best practices. The Advisory Committee then began identifying policy options that they would like to explore for the forestry and wildlife conservation sectors. The AC, through their technical working groups, produced an agenda of issues to be considered in drafting the policy documents. CEPESL then engaged two consultants who worked with the AC to conduct wide consultation among stakeholders, including the relevant government Ministries, Departments/Divisions and Agencies; civil society groups and experts working with other sectors. As a result of this participatory process the draft Forestry Policy and draft Conservation and Wildlife Policy were produced.

The Forestry Division, together with its partners in the AC, then subjected the draft policies to broad-based public consultations throughout the country. This strategy included substantial efforts to inform the public about the consultative process through newspaper and radio announcements; facilitation of a series of regional and district consultative workshops followed by radio call-in/text-in discussions; and a national validation workshop followed by radio and television discussions of the two draft policies. The presentations of the policy documents in all forums were mainly in Krio. This approach introduced a major challenge for the presenters to relate the technical concepts for grassroots understanding. To push this barrier further, the main concepts were explained in the dominant local dialects during regional consultations to reinforce meanings and ensure understanding.

After the national consultative process, additional feedback on the draft policy was solicited from other governmental institutions including the Law Reform Commission, and key development partners such as the World Bank. This additional feedback was analyzed by the Advisory Committee and incorporated into the final policy document as the AC felt appropriate. Following this process, the two policy documents were finalized and approved by the MAFFS/Forestry Division in a formal handing-over ceremony on August 10, 2010.

2.1.2 LEGAL REFORM

Following the handing over of the policies to the Ministry of Agriculture Forestry and Food Security, CEPESL assisted the Advisory Committee to review and amend the Forestry Act of 1988 and the Wildlife Act of 1972. The AC analyzed related laws from Liberia, Ghana and Tanzania to produce a list of issues requiring legislative reforms. Two Sierra Leonean legal consultants were contracted to work with the AC to finalize the review and produce drafts of the Forestry Laws and Wildlife Conservation Laws.

The Forestry Division, together with its partners in the Advisory Committee, then undertook a nationwide consultative strategy for the vetting of the draft laws, similar to that used for the policies. This strategy included facilitation of a series of regional consultative workshops followed by radio discussions; and a national validation workshop on the two draft laws. The presentations of the laws in the regional workshops and radio discussions were mainly in Krio, whilst the National workshop was done in English. These forums were highly animated due to the high level of stakeholder involvement in forestry issues. There were two group works per workshop session and discussions on all presentations made on various parts of the laws.

After the national consultative process, additional feedback on the draft laws was solicited from the European Union and other partners. This feedback was analyzed by the Advisory Committee in working sessions with the legal consultants and subsequently incorporated into the revised laws where appropriate. Following this process, the two draft laws were finalized and presented to the Forestry Division on February 28, 2011.

2.1.3 RELEVANCE OF THE POLICIES AND LAWS TO NATIONAL LEGISLATIVE AND POLICY PRIORITIES

The CEPESL-supported reforms, described above, were all undertaken to ensure compliance with the broader GoSL legislative framework and development priorities. The Constitution of the Republic of Sierra Leone provides that the State shall “~~h~~arness all the natural resources of the nation to promote national prosperity and an efficient, dynamic and self-reliant economy” (Section 7(1)a). The CEPESL-supported policies and laws provide the structure to ensure this constitutional requirement can be met. Similarly, specific policy statements and strategies (including the prohibition of certain activities in forest reserves) as provided by the CEPESL-supported draft laws, are supported in other relevant provisions of the Constitution (including Section 18, which permits restrictions on activities within forests “~~w~~hich is reasonably required in the interests of ... conservation of the natural resources” (§18); and Section 10.D which requires “~~r~~espect for international law and treaty obligations, as well as the seeking of settlement of international disputes by negotiation, conciliation, arbitration or adjudication.”

The Forestry sector policies and laws also support strategies outlined in the Framework for Effective Management of Natural Resources, found in Section 11 of the Sierra Leone Poverty Reduction Strategy II, “~~A~~genda for Change” (PRS II). The link between poverty alleviation and environmental management is identified as a key challenge in the PRS II, and the framework directs the Government to focus attention on land degradation, deforestation and biodiversity loss through the adoption of policies and the enactment of laws that ensure that the environment is properly managed (section 11.3.2). Specific to

forestry, the framework urges the formulation new forest policy and legislation based on inventories and the principles of Sustainable Forest Management (Section 11.4). The PRS II recognizes that sustainable forest management can be consistent with poverty reduction strategies such as eco-tourism, community management, and commercialization of forest resources. Further, the PRS II identifies certified timber markets as a means of promoting —principles of the rule of law, governance and sustainable trading.” These and other aspects of the PRSP II are reflected in the policies and laws developed with CEPESL support.

2.2 MINING SECTOR

While the mining sector in Sierra Leone had been the subject of rather extensive reform in post-war Sierra Leone, the situational analysis identified considerable weaknesses in the enabling framework for the Artisanal Mining sub-Sector (AMS). Given the importance of the AMS (prior to the civil war, the AMS accounted for as much as 12 percent of GDP and more than 50 percent of export earnings; in 2009 the AMS was estimated to account for 44 percent of the \$250 million per year generated by the mining sector [large-scale and artisanal mining]), the development of an Artisanal Mining Policy was identified as a priority for CEPESL investment. CEPESL’s approach to develop the Artisanal Mining Policy was conceived in close cooperation with the Ministry of Mines, Mineral Resources and Political Affairs.³ While not identical to the process pursued by CEPESL to develop the Forestry and Wildlife Conservation Policies, the process employed utilized a cross-sectoral approach and stressed broad-based public participation and stakeholder engagement.

Working with stakeholders from the public and private sectors (including representatives from MMRPA, SLEPA, LRC, the Mining Review task Force, miner unions, mining cooperatives, exporters, dealers, chiefs, local councils, NGOs, etc.), and building on the results of the situational analysis, CEPESL developed policy options paper for the AMS, which sought to put in place a framework to

- Formalize the AMS (including regulation, enforcement, enhancing technology, and financing, etc.); and
- Address existing socio-economic problems associated with the AMS (including the mitigating/management of conflicts/insecurity in artisanal mining areas, etc.).

The policy paper was then subjected to a process of public consultation. And the results of these consultations were used to frame and develop the first draft of the Artisanal Mining Policy (AMP). The draft AMP was then subjected to another round of district-, regional and national-consultations. Without exception these public consultations were extremely well attended, attracting a wide array of interested stakeholders from the public and private sectors. The discussions around the draft AMP were animated and highlighted the need for a concerted effort to address development of the sub-sector. The feedback from these consultations was then used to revise the draft policy. CEPESL then contracted an international specialist to conduct an independent review of the draft AMP. The specialist also provided technical assistance to ensure that the resulting AMP reflected the international best practices from the artisanal mining sub-sector. The Artisanal Mining Policy was then revised and finalized in January 2011, and handed-over to the Ministry of Mines and Mineral Resources in February 2011.

³ Late in CEPESL implementation, the Ministry was restructured and renamed the Ministry of Mines and Mineral Resources (MMMR).

2.3 AGRICULTURAL SECTOR

While included in the CEPESL scope of work as a potential focal sector, the agriculture sector was not ultimately chosen for CEPESL intervention. The reasons for this decision were numerous, but in the end there simply did not appear to be the political will and support needed to reform either the Companies Act or the Cooperatives Act. This said, in investigating reform options in the agriculture sector, CEPESL developed recommendations and outlined a reform process (in conjunction with PAGE). A summary of the rationale for the Producer Company Act, including the initially proposed schedule and timeline, is presented in the following pages.

2.3.1 A CASE FOR PRODUCER COMPANY

Over the last 30 years of planning, the GoSL has had marginal success in reaching rural beneficiaries with several Integrated Agricultural Development Plans (IADPs) and numerous programs to expand agricultural production. These programs were designed to improve livelihood by ensuring food security, creating marketable surpluses and increasing household income. The goal of increased household income cannot be achieved through increased production alone. The lack of an enabling environment in the rural sector prevents resource-poor farmers from deriving maximum benefits from development efforts. Mostly, their small marketable surpluses do not meet market quality standards and the poor negotiating capacity of unorganized farming communities often leads to distress sales.

Over the past five years PAGE, and before this the Consortium for Relief and Development (CORAD) embarked on building the capacity of farmers and establishing Farmer Field Schools in Kailahun, Kenema, Koinadugu and Kono Districts. The Ministry of Agriculture, Forestry and Food Security (MAFFS) in turn, has focused its efforts in other districts. The FFS groups are based on common interests of the members and are self-governing. By adopting improved agricultural technologies these groups seek to increase household incomes and improve rural livelihoods. Between the CORAD and the GoSL, over 3,000 FFS have been established all over Sierra Leone.

Taking these groups to the next level—moving beyond simple production to becoming successful marketing associations—depends to a certain extent on the enabling framework. In Sierra Leone, producers groups can either register as Cooperatives or private limited liability companies. Cooperatives enable farmers to organize themselves as collectives and move up the value chain by ownership and operation of their own processing units and sometimes extend the chain up to the retail level.

While Government records reveal a large number of registered Cooperatives, very few of these have been successful in increasing their members' incomes. Cooperatives have largely been state promoted, with a focus on welfare rather than commercial business. And these cooperatives are largely controlled by the GoSL, through the Registrar of Cooperatives.

Under the present Company Act and Cooperatives Act, producer groups that wish to register as Marketing Associations must choose between two undesirable alternatives. Those groups that register as Limited Liability Companies are no longer eligible for donor support (often, at a time when they may need it the most). And on the other hand, should they choose to form Cooperative Societies, they will automatically fall under the control of the Ministry of Trade and Industry and the "supervision" of the Registrar of Cooperatives, which by default increases their vulnerability to "elite capture" as individual members have no legal status within the cooperative structure.

2.3.2 THE PRODUCER COMPANY AT OPTION

To overcome these constraints and allow the expansion of rural Marketing Associations in a manner that equitable growth in the private rural agricultural sector, the GoSL needs to enable a new legal entity that falls between a Cooperative Society and a Limited Liability Company. The PAGE Project initially

proposed to support an amendment to the current legislation which would make it possible to convert existing cooperatives into producer companies. Such legislation would incorporate the unique elements of cooperative business with a regulatory framework similar to that of a limited liability company—including provisions in the Company Act to create the Producer Companies.

Other former British colonies have already undertaken this type of reform. In 2002, India modified the 1956 Company Act making provision for the registration of “Producer Companies” (PCs). In the 1970s, Uganda reformed its Cooperative Act. This reform was preceded by a study of the legal framework of the cooperatives resulting in the transformation of a system of largely government-supervised and controlled cooperatives into one of owner-controlled and owner-beneficiary cooperative businesses.

2.3.3 CHALLENGES AND OPPORTUNITIES

Despite its advantages, the Producer Company approach has several obstacles. The majority of the target beneficiaries of this reform are smallholder farmers. They are mostly non-literate with a limited awareness of the importance of improved agricultural technologies and other inputs. Their purchasing power is weak and they have a low capacity to repay loans. Their production areas are poorly connected and rural infrastructure has not yet been rehabilitated after the war. Organizing FFS into Producers’ Companies under these conditions will be challenging.

There are positive conditions however, which provide nascent companies with opportunities for growth. The strong bond of trust among community members is most essential for any cooperative initiative. Direct access to the community and strong networking through service providers is encouraging and provides further opportunities to reduce transactions cost. The unexploited and underutilized markets offer business potential for expansion and growth. Most importantly, the positive and proactive support of the national government for rural and private sector development is encouraging. Provisions under the government’s private sector development strategy favor the creation and strengthening these rural institutions.

Review and Amendment of Companies Act 2009 Proposed Program Schedule and Timeline

Description of Action	Target	Time	Lead
Finalize contract with Legal Expert	Legal Expert	May 2010	PAGE
Consensus Building meetings with key stakeholders	MAFFS MTI LRC OARG Rice Farmers Cocoa farmers Other cooperative groups	June 10	PAGE/CEPESL
Broad Stakeholder Workshop			
Cabinet paper on process of review and amendment to Companies Act	MAFFS/MTI Cabinet	June 10	MAFFS/MTI
Verification of issues raised in initial consultations Drafting of Producer Companies Act	Key Stakeholders MAFFS Legal Officer or LRC (?)	July-Aug 10	PAGE/CEPESL
Validation Workshop	All stakeholders	Sept 10	PAGE/CEPESL
Cabinet Paper	MAFFS/MTI		
Identification and engagement of legislation champions	Members of Parliament	Sept-Oct 10	PAGE/CEPESL

3.0 CONCLUSIONS AND LESSONS LEARNED

Through our experience implementing the CEPESL Project, we have drawn a number of conclusions, each of which is linked to one or more lessons learned.⁴ Each conclusion highlights an important but general finding, while the lessons learned ground these findings in specific experiences gained directly through implementation of the CEPESL Project.

Conclusion #1: Policy reform should not only improve the enabling framework by changing policies, laws, etc., but must also improve the institutional capacity of the development partners to implement the enabling framework effectively.

Based on its past experience, the GoSL initially assumed that CEPESL support for policy reform would simply entail the provision of a technical specialist to draft each of the priority reforms. The Phase One Situational Analysis, however, identified lack of institutional capacity as a critical factor affecting implementation of the existing policies, laws and regulations (both in the forestry and artisanal mining sectors). As a result, CEPESL developed and pursued a reform process that tried to build the institutional capacity needed to support implementation.

Lesson Learned #1a: Building the capacity of key stakeholders through active participation in the reform efforts was essential to building “local ownership” over project activities and products/results.

As countries adopt democratic processes, they also learn to involve stakeholders in important policy dialogue. Participatory processes provide excellent opportunities and mechanisms for stakeholders to discuss, formulate and debate policy reform. These participatory processes also permit policy champions and key stakeholders a unique opportunity to adapt and respond to opportunities and obstacles to reform. Ensuring that these policy champions and key stakeholders have the capacity needed to diagnose, design and implement reforms effectively is a critical step in building local ownership over the reform process and product.

In the forestry sector, the Phase One Situational Analysis identified a number of constraints to implementation of the existing policy, legal and regulatory framework, including:

- Conflicting policies/laws/regulations;
- Overlapping institutional mandates; and
- Limited understanding of the different “roles” of policies, laws and regulations.

⁴ For the purposes of this report, these terms are defined as follows:

- A conclusion is a position or opinion or judgment reached after consideration.
- A lesson learned is an experience or outcome of a particular course of action—either positive or negative—that is important enough to be communicated to one's peers. Similarly a lesson learned can be defined as the knowledge acquired from an innovation or an adverse experience that causes an organization to improve a process or activity to work more efficiently or with higher quality.

In an effort to address these constraints as part of the reform process CEPESL worked with the Forestry Division to assemble an AC to lead the forestry sector reforms. To improve communication and coordination, and to begin to address conflicts and overlaps, the composition of the AC included representatives from other Ministries/Departments/Agencies. And to capture broader interests in the reform process the AC also included representation from civil society organizations, as well as from the EU-funded Gola Forest Program. Once formed, CEPESL worked with the AC to develop a shared understanding of the reform process, and provided training to the AC to improve members' understanding of policies, laws and regulations and how these fit together and function within an enabling framework. The Advisory Committee, with logistical support and targeted technical assistance from CEPESL, was then able to lead the forestry sector reform process. In addition to building the capacity of the AC and its members, the process of establishing and empowering the AC resulted in strong (multi-sectoral) ownership over the reform process and products.

Lesson Learned #1b: Having a “policy champion” was a critical factor in the success of the policy reform effort.

Policy reform requires effective leadership. A policy champion can help to provide this leadership through his/her political insight into the often difficult process of reform. As part of the Phase One Situational Analysis, CEPESL identified the Acting Director of the Forestry Division as the policy champion for the forestry/wildlife sector reforms. In this capacity, the Acting Director was able to:

- Communicate successfully the need for reform —upward to MAFFS leadership, solicit buy-in to the reform priorities, and provide regular updates on the reform efforts underway;
- Manage efficiently the engagement of Forestry Division staff in the reform process; and
- Respond effectively to stakeholder feedback at various stages in the reform process.

CEPESL's experience was different in the Artisanal Mining sub-Sector. While the Phase One Situational Analysis did identify a policy champion (the Director of Mines, Ministry of Mines and Mineral Resources) the reform effort lacked the consistent leadership needed to maintain the engagement of Ministry leadership throughout the reform process—resulting in variable levels of support for the reform effort over time, and considerable delays in the reform process (e.g., in signing the MoU, in accepting the draft Artisanal Mining Policy, etc.). There are a number of reasons for this, including:

- Changes in the Ministry structure and leadership during the life of project;
- Posting of the Director of Mines to Kono, where he lacked the opportunity for day-to-day engagement with the Ministry leadership; and,
- Unlike CEPESL's engagement in the forestry sector reforms which were led by full-time project staff, CEPESL's support for the Artisanal Mining Policy was led by a part-time consultant.

Reflecting on these experiences, it is clear that the degree to which CEPESL was able to identify and cultivate a strong working relationship with an effective policy champion was a factor in building the necessary high-level buy-in for the reform.

Conclusion #2: Public consultation and engagement in policy reform not only enhances transparency but also helps to legitimize the policy reform process by building public understanding and support into the design of the reform, which can only have a positive impact on implementation.

Traditionally in Sierra Leone, policy reform was the exclusive responsibility of government—and in most cases sectoral policy reform was solely the responsibility of the MDA responsible for implementation of

the policy. The lack of public engagement in this process, coupled with weak public information, awareness and communication systems, contributed to the evolution of forestry sector-related policies, laws and regulations framework for which there was only limited awareness and buy-in. As a result, CEPESL worked closely with the Forestry Division and the Advisory Committee to develop and pursue a reform process that actively engaged the public in the reform process.

Lesson Learned #2: The process of public engagement and consultation supported by CEPESL resulted in broad-based consensus around the resulting policy reforms in the forestry and artisanal mining sector.

The approach to public engagement designed and implemented through CEPESL directly engaged thousands of Sierra Leoneans in the policy reform efforts (and reached far greater numbers through radio and television). This level of engagement helped the policy champions and others engaged in policy development to:

- Gain a better understanding of the shortcomings of past policies—both in their design and the implementation; and
- Understand how best to address these shortcomings in the design and implementation of the new policies.

This process of engagement also helped to significantly increase public awareness and understanding of the existing policy framework and built consensus around the need for and orientation of reform.

4.0 RECOMMENDATIONS AND NEXT STEPS

For a small project, CEPESL was able to achieve considerable results. However, given the scope and duration of CEPESL, it was not within the project's manageable interest to ensure the GoSL's adoption/enactment of the final policies/laws. Nonetheless, GoSL adoption/enactment of the new policies/laws remains a critical step in the establishment of an enabling framework that is supportive of sustainable natural resources management. The following recommendations are made within this context, and are proposed as practical steps that will help the GoSL to build on and solidify the gains made through CEPESL.

Recommendation #1: Through the PAGE Project, support the GoSL to adopt the Forestry Policy and the Wildlife Conservation Policy

GoSL commitment to these forestry sector reforms remains high. This provides USAID with an excellent opportunity to help see these reforms through to adoption. With this in mind, it is recommended that USAID, through the PAGE Project, provide targeted support to the Forestry Division to:

- Draft the Cabinet Papers, which the MAFFS will finalize and then use to submit the policies for official adoption; and
- Once the policies have been submitted to government for adoption, it may prove beneficial (e.g., to expedite the adoption process, to highlight the importance of the reforms, etc.) to support the MAFFS/Forestry Division to develop and carry-out a communications/public information campaign targeting key decision makers.

Recommendation #2: Through the PAGE Project, support the GoSL to enact the Forestry Act and Wildlife Conservation Act

As with the policies, GoSL commitment to these forestry sector reforms remains high, providing USAID with another excellent opportunity to see these reforms through to enactment. Building on this commitment, it is recommended that USAID, through the PAGE Project, provide targeted support to the MAFFS/Forestry Division to:

- Organize a forestry sector partner/donor review of the draft acts; and based on the inputs received, revise and finalize the acts;
- Draft the Cabinet Papers, which the MAFFS will finalize and then use to submit the Acts for enactment; and
- Support the MAFFS/Forestry Division to develop and carry-out a communications/public information campaign targeting parliamentarians, once the Acts have been submitted to government for adoption.

Recommendation #3: Through the PAGE Project, support MAFFS/Forestry Division to develop a strategic/operational plan that defines “how, when and with what resources” the Forestry Policy and Wildlife Conservation Policy will be implemented.

A strategic/operational plan would not only support the Forestry Division in defining how best to implement the new policies, it would also provide the Forestry Division with plan (outlining a clearly articulated list of priorities, roles and responsibilities, a timeline for implementation and defined resource needs) that could be used to help secure donor funding to support implementation. The actual process for developing a strategic plan would need to be defined in close cooperation with the Forestry Division.

Recommendation #4: Through the PAGE Project, support the GoSL to adopt the Artisanal Mining Policy

While GoSL commitment to the development of the Artisanal Mining Policy has varied over time, the need to improve governance and management of this sector cannot be overstated (especially in light of the well-documented role that artisanal mining played in the civil war).

While it is not possible to give an “exact” number of the people engaged in the Artisanal Mining sub-Sector, numerous sources (including the World Bank) suggest that the AMS partially or completely supports upward of 300,000 miners and their families directly and many more individuals who either work in other aspects of the industry or who benefit from standard multiplier effects. From a livelihoods perspective, that AMS often provides the only source of income and is consequently very important. Families in artisanal mining areas often follow a financial strategy that consists of some members being engaged in farming, which brings in a small regular income, and other family members undertaking mining, which brings in an irregular but occasionally relatively large amount.

The adoption of the GoSL’s first-ever Artisanal Mining Policy will be a critical first step to improve performance of the sector.

ANNEX 1: CEPESL QUALITY ASSURANCE SURVEILLANCE PLAN

CEPSL is a performance-based contract and incentive fee is tied to the successful delivery of specific milestones, as specified following:

Task	Deliverable (Product)	Acceptable Quality Level (AQL)	Monitoring Method (USAID Acceptance of Product)	Incentive (% of fee payment)
1a.. Forest Policy	Draft of a Forestry Policy to the appropriate ministry for consideration by the Government of Sierra Leone	Deemed acceptable by the ministry through issuance of a letter of acceptance	COTR to receive copy of acceptance letter from ministry confirming acceptable quality Note: copy of reform document to be provided to COTR for additional inspection	20 percent upon receipt of acceptance letter
1.b. Forestry Act (law)	As a follow on to 1.a. above, the production of (with the Law Reform Commission) and delivery of a draft forestry law, delivered to the Minister for introduction into the Parliament	Deemed acceptable by the ministry through the issuance of an acceptance letter, either directly or through the LRC	COTR to receive copy of acceptance letter from Minister (or designate) confirming acceptable quality Note: copy of reform document to be provided to COTR for additional inspection	20 percent upon receipt of acceptance letter
2.a. Wildlife Policy	Draft of a Wildlife Policy to the appropriate ministry for consideration by the Government of Sierra Leone	Deemed acceptable by the ministry through issuance of a letter of acceptance	COTR to receive copy of acceptance letter from ministry confirming acceptable quality Note: copy of reform document to be provided to COTR for additional inspection	20 percent upon receipt of acceptance letter
2.b. Wildlife Act (law)	As a follow on to 2.a. above, the production of (with the Law Reform Commission) and delivery of a draft wildlife law, delivered to the Ministry for introduction into the Parliament	Deemed acceptable by the ministry through the issuance of an acceptance letter, either directly or through the LRC	COTR to receive copy of acceptance letter from Minister (or designate) confirming acceptable quality Note: copy of reform document to be provided to COTR for additional inspection	20 percent upon receipt of acceptance letter
3. Artisanal Mining Policy	Draft of an Artisanal Mining Policy (as an offshoot of existing mining legislation) to the appropriate ministry for consideration by the Government of Sierra Leone	Deemed acceptable by the ministry through issuance of a letter of acceptance	COTR to receive copy of acceptance letter from ministry confirming acceptable quality Note: copy of reform document to be provided to COTR for additional inspection	20 percent upon receipt of acceptance letter

ANNEX 2: PERFORMANCE MONITORING INDICATORS

Indicator	Target/Actual	Program Element & Standard Indicator	Definition	Reporting Frequency	Methods and Sources for Collection
1. Number of Policies that have been influenced by CSOs	3/3	GJD 4.1: Strengthening democratic civic participation	Public policies and laws influenced by civil society organizations' advocacy agenda and awareness campaigns are expected to improve the government's course of action and civil administration as demonstrated by the government institutions' written evidence at the national, regional or local levels.	Annual	Program records and Interaction with civil society and GoSL
2. Number of USG-supported initiatives/mechanisms designed to reduce the potential for violent conflict over the control, exploitation, trade or protection of natural resources	3/3	EG 8.1: Natural Resources and Biodiversity	Decentralized natural resource management, forest co-management and improved performance in the artisanal mining sector are the main mechanisms. Others related to program goals and objectives will also be tracked as needed, especially if their passage or implementation affects the key policies	Annual	Program records and Interaction with GoSL
3. Number of people receiving USG supported training in natural resources management and/or biodiversity conservation	35/43		This includes stakeholders engaged in the specific reform efforts assisted by CEPESL.	Quarterly, summarized annually	Program Records

Indicator	Target/Actual	Program Element & Standard Indicator	Definition	Reporting Frequency	Methods and Sources for Collection
4. Enabling framework for Forest Co-Management developed	Forestry Policy Forestry Law Wildlife Policy Wildlife Law	Custom	The enabling framework for Forest Co-management includes: The overarching Forestry Policy, a new Forestry Law and implementing regulations.	Annual	Program records and Interactions with GOSL
5. MAFFS/Forestry Division capacity to support Forest Co-Management strengthened	8/12	Custom	Number of Forestry Division staff trained or otherwise made aware of Forest Co-Management .	Annual	Program Records

ANNEX 3: CEPESL SUCCESS STORY

Sierra Leone has made considerable strides in recent years—rebuilding, promoting democracy at the national and local levels, increasing school enrollment, and stabilizing the economic growth rates at 6–7 percent annually. However, the country remains one of the poorest in the world. Ranked 180 out of 182 nations on the most recent Human Development Index, more than 70 percent of the country’s 5 million people live below the poverty line, while a quarter of the population lives in extreme poverty.

These high levels of poverty seem at odds with the country’s vast natural resource wealth. The production and export of a wide range of natural resources—including diamonds, gold, rutile, bauxite, and timber—have driven the Leonean economy since independence. But the use of the resources has had very little positive impact on the lives of Sierra Leoneans.

The Creating an Enabling Policy Environment in Sierra Leone (CEPESL) Project was designed by USAID to support the Government of Sierra Leone (GoSL) to establish the enabling policy conditions needed to achieve sustainable and productive natural resources systems in Sierra Leone. Through this activity USAID supports the GoSL to establish participatory, equitable and transparent governance structures, policies, laws, regulations and administrative practices.

Policy development and reform in Sierra Leone has traditionally been the sole domain of the lead GoSL Ministry. In the forestry sector, an initial analysis of the existing policies, legal and institutional framework identified numerous gaps and overlaps in both the policy and legal framework, and in the institutional responsibilities and authorities. To address these issues, USAID worked with the Ministry of Agriculture, Forestry and Food Security (MAFFS) to develop a consultative process of policy reform that would broadly engage stakeholders from governmental and non-governmental sectors, including civil society groups. The process, implemented over a period of 18 months, culminated in four regional-level, one district-level and a national consultative workshop. Well over 400 stakeholders from across the country were engaged in the process, including representatives from four Ministries, Regional Officers and District Councilors, community based and civil society organizations, and the Office of National Security. Each public consultation was covered by local media, and followed by a live discussion and call-in/text-in Q&A session on local radio stations. At the national level, the same media format was followed and included a television panel discussion.

This participatory policy reform process resulted in broad-based consensus around the resulting Forestry Policy, which was accepted by the GoSL on August 10th, 2010. This process, which has been recognized by a wide range of stakeholders from ministers to traditional authorities to private citizens as a “first of its kind,” also helped the Forestry Division of MAFFS to establish ownership over the process and product. Building on this successful experience USAID is applying this model to support the GoSL to develop a new Wildlife Conservation Policy and the country’s first ever Artisanal Mining Policy (AMP).

ANNEX 4: MOU– USAID/MAFFS



USAID
FROM THE AMERICAN PEOPLE

MEMORANDUM OF UNDERSTANDING

BETWEEN

**THE MINISTRY OF AGRICULTURE, FORESTRY AND FOOD SECURITY
OF THE REPUBLIC OF SIERRA LEONE**

AND

THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

A. INTRODUCTION

The United States Agency for International Development Mission in Sierra Leone (“USAID/Sierra Leone”) has engaged ARD, Inc. to develop and implement its program “Creating an Enabling Policy Environment for Sierra Leone,” (“CEPESL”). CEPESL aims to support the efforts of the Government of the Republic of Sierra Leone to improve its laws and policies relating to sustainable forestry and wildlife management.

The Government of the Republic of Sierra Leone, through its Ministry of Agriculture, Forestry and Food Security (“MAFFS”), Forestry Division is the owner of the legal, policy and regulatory framework review process. Therefore, MAFFS has the leadership role of facilitating the implementation of the entire process that will lead to the drafting of improved policies and laws for both forestry and wildlife.

Accordingly, USAID/Sierra Leone and MAFFS (individually each a “Party” and collectively, the “Parties”) wish to collaborate in the review, revision and redrafting of forestry and wildlife laws and policy for Sierra Leone.

B. PURPOSE

The purpose of this Memorandum of Understanding is to establish a framework for collaboration between the MAFFS and USAID’s CEPESL program. The framework anticipates support for the review of existing forestry and wildlife laws, and policies, and for drafting new/updated forestry and wildlife laws and policies for Sierra Leone.

The Parties are entering into this MOU while wishing to maintain their own separate and unique missions and mandates, and their own accountabilities. Unless specifically provided otherwise, the collaboration between the Parties as outlined in this MOU is not

to be considered or construed as a partnership or other type of legal entity or personality. Nothing in this MOU shall be construed as superseding or interfering in any way with other agreements or contracts entered into by any of the Parties, either prior to or subsequent to the signing of this MOU. The Parties further specifically acknowledge that this MOU is not an obligation of funds, nor does it constitute a legally binding commitment by any Party.

C. STATEMENT OF MUTUAL INTEREST AND BENEFIT

USAID's CEPESL Program supports the Government of Sierra Leone's ongoing efforts to improve its laws and policies as they relate to secured access to land for sustainable agriculture and participatory forest management. CEPESL plays the role of Secretariat to provide technical input and logistical support needed for the entire process of reviewing and drafting the new policies and acts.

MAFFS and USAID understand the necessity of writing new laws and policies for both the forestry and wildlife sectors in Sierra Leone. Both Parties expect that these new laws and policies will address current issues and potentials present in both sectors and will complement the international accords to which the Government of Sierra Leone is already a party. The Parties further believe that these laws and policies will constitute an enabling environment for sustainable management of forest resources and wildlife conservation.

Considering the above premises, the Parties hereto commit to the following undertakings:

USAID, through its CEPESL program, will endeavor to take the technical lead of the process including:

- Reviewing the results of the February 2009 policy review workshop,
- In-depth reviewing the legal, policy and regulatory framework,
- Reviewing best practices from elsewhere in Africa,
- Facilitating the Advisory Committee meetings to discuss findings and including suggestions,
- Providing expertise to draft laws and policies, and

MAFFS, represented by its Forestry Division, will endeavor to take the institutional lead of the process including:

- Reaching out and involving stakeholders from MDAs, civil society organizations, NGOs, donor community, private sector, and representatives of local communities in the process,
- Lobbying and advocacy at the Ministerial, Cabinet and Parliamentary levels,
- Supporting the adoption/enactment of the new policies and laws.

D. MISCELLANEOUS PROVISIONS:

1. **MODIFICATION.** Modifications within the scope of this MOU may be made by mutual consent of the Parties, by the issuance of a written modification, signed and dated by both Parties prior to any changes being performed.
2. **PARTICIPATION IN SIMILAR ACTIVITIES.** This MOU in no way restricts the MAFFS or USAID/Sierra Leone from participating in similar activities with other public or private agencies, organizations, and individuals.
3. **COMMENCEMENT/EXPIRATION DATE.** This MOU is executed as of the date of the last signature and is effective through January 31, 2011 at which time it will expire unless extended by written agreement of the Parties.
4. **TERMINATION.** Any of the Parties, in writing, may terminate this MOU in whole, or in part, at any time before the date of expiration.
5. **PRINCIPAL CONTACT.** The principal contacts for this MOU are:

MAFFS Contact		USAID Contact	
Name: Sheku A. Mansaray	Title: Acting Director of Forestry	Name: Abdulai K. Jalloh	Title: Democracy and Governance Specialist
Address: Forestry Division, Ground Floor, West Wing Yuyui Building, Freetown, Sierra Leone		Address: USAID, Sierra Leone Embassy of the United States of America South Ridge – Hill Station, Freetown, Sierra Leone	
Phone: + (232) (0) 76 640429	E-Mail: mansasheku@yahoo.com	Phone: + (232) (0) 76 708150	E-Mail: ajalloh@usaid.gov
ARD/CEPESL Contact			
Name: Ramzy Kanaan			
Title: Team Leader			
Address: 32 Spur Road, Off of Derrick Drive, Freetown, Sierra Leone			
Phone:			
E-Mail:			

USAID

6. RESPONSIBILITIES OF PARTIES. USAID, through its CEPESL program, will endeavor to provide a venue and refreshments for the Advisory Committee meetings. Neither USAID nor CEPESL is responsible for providing any cash payments in support of this process. MAFFS and CEPESL will handle their own activities and utilize their own resources, including the expenditure of their own funds, in pursuing these objectives. Each Party will endeavor to carry out its separate activities in a coordinated and mutually beneficial manner.

7. AUTHORIZED REPRESENTATIVES. By signature below, it is certified that the individuals listed in this document as representatives of the MAFFS and CEPESL are authorized to act in their respective areas for matters related to this MOU.

IN WITNESS WHEREOF, the Parties hereto have caused this MOU to be signed in their names and made effective as of the date indicated below:

For MAFFS:

Joseph Sam Sesay
Joseph Sam Sesay (Dr.)
Minister of Agriculture
Forestry and Food Security

Dated: 12/08-10

For USAID/Sierra Leone:

Glenn Slocum
Glenn Slocum
Mission Director
USAID/Sierra Leone

Dated: 8/10/2010

Acknowledged:

ARD/CEPESL:
Ramzy Kanaan
Ramzy Kanaan
Team Leader

Dated: 8/9/2010

ANNEX 5: FORESTRY POLICY

Sierra Leone

**DRAFT FORESTRY POLICY
2010**

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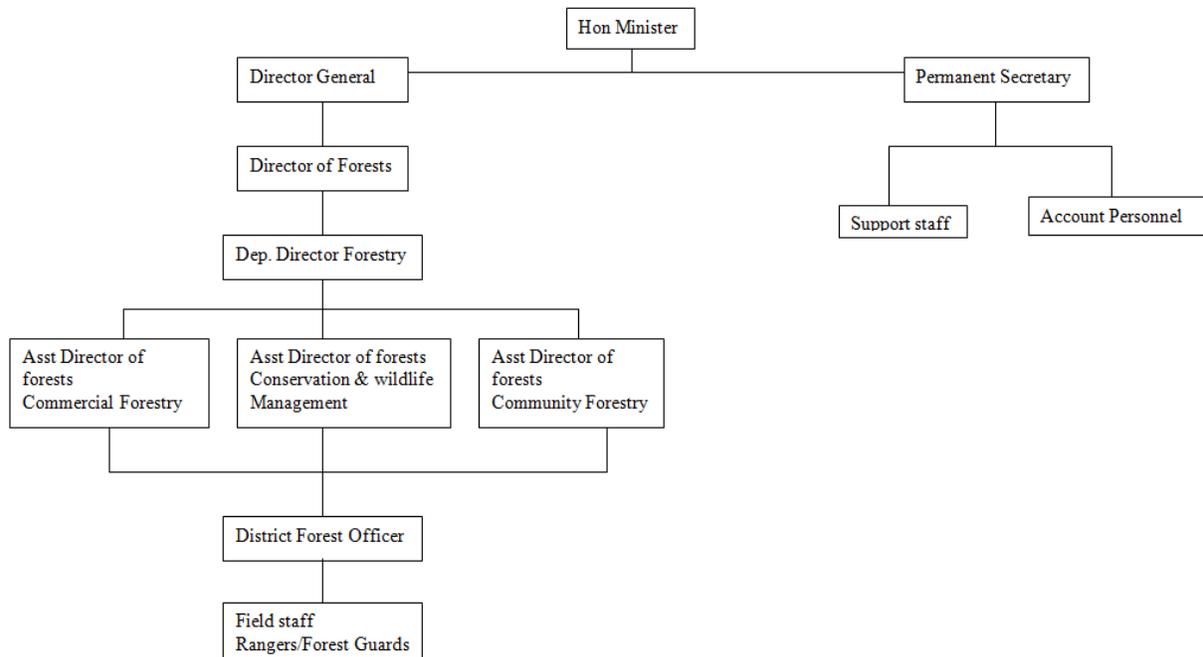
1.0 INTRODUCTION

Sierra Leone's Forestry and Wildlife Sector policy has been inadequate in addressing contemporary issues in forestry governance and management. The Forestry Act of 1988 remains the principal legislation guiding the management and regulation of forestry and Forest Reserves in Sierra Leone. The Wildlife Conservation Act of 1972 is the principal legislation guiding the management and regulation of wildlife and protected areas.

To date, the most complete statement of policy is the draft Forestry and Wildlife Sector Policy from 2003, which was never formally adopted by the Government of Sierra Leone (GoSL). The 2003 draft policy includes a wide-ranging pre-ambule covering background issues and external sector policies that impact on forestry and wildlife but the policy statement itself is brief, covering less than twenty percent of the document and touching on general policy issues, as well as policies for community forests, private forests state forests and bio-prospecting. The main objective of the wildlife policy section was to integrate the propagation, conservation and exploitation of wild animal life and wild vegetation into the national land use policy.

In 2008, the Forestry Division started a process of restructuring in order to strengthen the institution's capacity to effectively carry out its mandate. This initiative created three key functional units within the division, and two other units for financial and administrative support that cut across the three key functional units. These three functional units are the Commercial Forestry Unit, the Community Forestry Unit, and the Conservation and Wildlife Unit – the 3Cs. This new approach demanded administrative, policy, legislative and regulatory responses of which this policy document is a key step.

The organogram below shows the 3Cs administrative structure.



In early 2009, GoSL, represented by the Forestry Division, and with support from the European Union (EU) and the United States Agency for International Development (USAID), hosted a national workshop in Freetown from February 3–5, 2009 to launch the review process of the existing policies, laws and regulations of the forestry sector of Sierra Leone. The key recommendation from the workshop was to set

up an Advisory Committee (AC) composed of representatives of those ministries involved in agriculture, forestry, and environment sectors; national, international and local civil society organizations and local communities were engaged in the process, under the leadership of the Forestry Division. Another important conclusion of the workshop was that two separate policies were desirable, one for forestry and one for wildlife conservation.

Following the workshop, and under the leadership of the Forestry Division, USAID and EU programs assisted the Advisory Committee throughout the review process, identifying and analyzing gaps and weaknesses of old policies, taking stock of best practices from other countries and suggesting policy options for both forestry and wildlife. The Advisory Committee (AC), through their technical working groups, produced an agenda of issues to be considered in drafting the policy documents. Two consultants were contracted to work with the AC to conduct wide consultation among stakeholders, including the relevant government Ministries, Departments/Divisions and Agencies; civil society groups and experts working with other sectors. As a result of this participatory process the draft Forestry Policy and draft Conservation and Wildlife Policy were produced.

The Forestry Division, together with its partners in the Advisory Committee, then undertook a nationwide consultative strategy for the vetting of these draft policies. This strategy included substantial efforts to inform the public about the consultative process through newspaper and radio announcements; facilitation of a series of regional and district consultative workshops followed by radio discussions; and a national validation workshop followed by radio and television discussions of the two draft policies. The presentations of the policy documents in all forums were mainly in Krio. This approach introduced a major challenge for the presenters to relate the technical concepts for grassroots understanding. To push this barrier further, the main concepts were explained in the dominant local dialects during regional consultations to reinforce meanings and ensure understanding.

After the national consultative process, additional feedback on the draft policy was solicited from other governmental institutions, including the Law Reform Commission, and key development partners such as the World Bank. This additional feedback was analyzed by the Advisory Committee and incorporated into the final policy document where appropriate. Following this process, the two policy documents were finalized and approved by the Forestry Division and formally handed to the Ministry of Agriculture, Forestry and Food Security for adoption.

The Constitution of the Republic of Sierra Leone provides that the State shall —~~h~~ness all the natural resources of the nation to promote national prosperity and an efficient, dynamic and self-reliant economy” (Section 7(1)a). This policy provides one tool by which this constitutional requirement is met.

Specific policy statements and strategies within this policy find support in other relevant provisions of the Constitution. This includes Section 18, which permits restrictions on activities within forests —~~w~~hich is reasonably required in the interests of ... conservation of the natural resources” (§18); and Section 10.D which requires ~~r~~espect for international law and treaty obligations, as well as the seeking of settlement of international disputes by negotiation, conciliation, arbitration or adjudication.”

This Forestry Policy also supports strategies outlined in the Framework for Effective Management of Natural Resources, found in Section 11 of the Sierra Leone Poverty Reduction Strategy II, —~~A~~genda for Change” (PRS II). The link between poverty alleviation and environmental management of the environment is identified as a key challenge in the PRS II, and the framework directs the Government to focus on land degradation, deforestation and biodiversity loss through the enactment of laws that ensure that the environment is properly managed (section 11.3.2). Specific to forestry, the framework urges the formulation new forest policy and legislation based on resource inventory information and the principles of Sustainable Forest Management (Section 11.4). The PRSP II recognizes that sustainable forest management can be consistent with poverty reduction strategies such as eco-tourism, community

management, and commercialisation of forestlands. Further the PRSP II identifies certified timber markets as a means of promoting “principles of the rule of law, governance and sustainable trading”.

In framing the policy two characteristics were emphasised. First, the policy language and concepts should be simple, so that the main principles and themes can be presented to and understood by all stakeholders, if presented in suitable ways. Second, that the policy should be implementable in the Sierra Leone context, while recognizing that some aspects need time and resources that are not immediately available. By issuing a clear and complete policy, the government can better assess its own financial priorities and seek support from its development partners.

There is a concurrent but separate Conservation and Wildlife Policy guiding the management and regulation of wildlife and protected areas.

2.0 BACKGROUND

2.1 FOREST COVER

Sierra Leone's predominant natural vegetation is the western extremity of the Upper Guinean Forest formation which hosts rich indigenous flora and fauna, important endemic species, and internationally rare and threatened species. Approximately 70% of the country was formerly covered by forest, but less than 5% of original intact forest remains. Much of that forest cover has been converted to agricultural lands, savannas and other secondary vegetation. As a result, today, the forests of Sierra Leone are categorized into seven vegetation types: moist rain forest, semi-deciduous, montane, savanna, farm bush, swamp and mangrove forest.

Decreases in forest cover are the result of multiple factors including clearing for agriculture, logging (both legal and illegal), mining, construction, fuelwood, and charcoal production. Along the coastal areas, mangrove forests cover approximately 286,000 hectares but these forests are also threatened by unregulated use of wood for construction and fuelwood.

The Forest Reserve is under the management control of the Forestry Division and comprise forty-eight forest reserves and conservation areas totaling 284, 591 ha., with an additional 36,360 ha proposed. Community forests located on community land but leased to the Forestry Division for management total 11,800 ha. Information from the 2003 Biodiversity Strategic Action Plan identifies approximately 300,000 hectares of mainly mangrove forest within wetland and marine ecosystem protected areas.

2.2 NATIONAL POLICY AND INSTITUTIONAL FRAMEWORKS FOR NATURAL RESOURCE MANAGEMENT

The Division of Forestry is housed within the Ministry of Agriculture, Forestry and Food Security. The Division of Forestry is responsible for forest management and biodiversity conservation within Sierra Leone. The Division of Forestry recently reorganized at the national level into three Units, ~~the~~ three C's" to emphasis their management priorities: Conservation, Commercial and Community.

The Forestry Act of 1988 is the primary basis for law that guides forest management in Sierra Leone. In 2008, development, exploitation and trade reforms were introduced with Cabinet approval of regulations. The reforms standardise the processes and guidelines for leasing Community and Forest Reserve forests, issuing logging permits, use of stumpage fees, benefit sharing from forest exploitation, transportation of forest products, urban tree management services, export permits, import of chain saws and sawmills, registration of timber and wood product enterprises, and establishes a Conservation Trust Fund.

The Environmental Protection Act of 2000 created the National Environment Protection Board which is charged with coordination of all environmental programming between Ministries, agencies and local authorities. The Act also identified the need for Environmental Impact Assessments (EIA) for certain projects, and provides guidelines for the scope of the EIA. In 2008, legislation created the Sierra Leone Environmental Protection Agency (SLEPA) through which overall responsibility for environmental management was allocated.

2.3 INTERNATIONAL OBLIGATIONS

Sierra Leone is party to various regional and international treaties and agreements that create international obligations related to forestry and forest management. These conventions include:

- The Convention on Biological Diversity (CBD)
- Convention on International Trade in endangered species of wild fauna and flora (CITES);
- Convention on Wetlands of International Importance (Ramsar);

- Convention Covering the Protection of the World Cultural and Natural Heritage;
- United Nations convention to Combat Desertification (CCD);
- United Nations Framework Convention on Climate Change (UNFCCC)

Several Regional Agreements are also relevant to this policy. These agreements include:

- Convention for Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region (WACAF);
- Convention Establishing a Permanent Inter-state Committee for the Control of Drought in the Sahel (CILSS)
- African Convention on Nature and Natural Resources
- Mano River Declaration

2.4 CHALLENGES

There are many challenges to effective forest management in Sierra Leone, and this situation has been exacerbated by the recent history of conflict and the endemic poverty of the nation's population. These threats and challenges have been taken into account and have informed the development of policy statements and strategies. These challenges are summarised below.

2.4.1 Competing Land Uses For Livelihood Purposes

Poverty is an underlying cause of much of the forest degradation and destruction in the country. With a majority of the population relying on access and use of land for their agriculturally-based livelihoods, much of the destruction and degradation of forestlands results directly from the conversion of forestland for agriculture. Forests are also converted to grazing lands through tree clearing and burning. Fires often escape and can cause damage to adjacent forests. Fire damage to trees, wildlife and wildlife habitat also results from the use of fire to facilitate honey collection, and by hunters flushing game.

It is estimated that more than 80% of the population relies on charcoal and firewood for their domestic energy needs and this demand is increasing. Fuelwood is also used for smoking fish and presents a major threat to the health and integrity of mangroves in coastal areas.

2.4.2 Extractive Practices

Illegal logging, quarrying/ stone mining and mineral mining all take place within the Forest Reserve, and often without the knowledge, permission or oversight of the Forestry Division. These activities are often destructive and undermine sustainable forest management objectives. Management and oversight of these activities needs to be better coordinated, monitored and overseen by the Forestry Division.

2.4.3 Conflicting Government Mandates

There are weak links with other institutions and a lack of coordination between government agencies at national and local levels to resolve conflicting policies, mandates and land use practices. This has contributed to ambiguity in land tenure, conflicting land uses, and unsustainable management practices. Examples of conflicting mandates are described in Box 2.1.

2.4.4 Management Capacity

The management capacity of the Forestry Division is limited by human, logistics and financial resource capacity. A recent review of the Forestry Division revealed that there are only 9 professional (Bachelor degree or higher) and 9 sub-professionals (certificate-level) in the forestry department, and 143 technical staff. Recently, there have been increases in technical staff numbers through recruitment of District Forest Guards. However, most technical staff has no formal training in forestry as the position has a minimum requirement of a high school equivalent degree, certificate, or diploma. As a result of the decentralisation process, district forestry staff is responsible for planning, managing and monitoring the forest resource,

providing technical assistance to communities, monitoring concessionaires and enforcing the law. However, many lack the requisite technical skills to perform even basic tasks.

At the national level, the availability of financial resources is inadequate to cover budgets which results in insufficient human and financial resources for effective forest management. At the district level, funding for forestry activities is provided through District Councils but coordination between the Forestry Division at the national level and the District Councils is often inadequate, which leads to inefficient use of available funds. As a result, forestry programs, law enforcement and monitoring of activities are limited. This has led to a situation where District Forestry staff lack credibility at the community level. These issues limit the information available about the forest resources and ecosystem.

These same financial and human capacity issues affect the ability of the Forestry Division to meet international obligations under a range of biodiversity conventions.

Community involvement in the management of forest resources could fill some of the Forestry Division's capacity gaps, but there is limited legislative or policy support for community and other stakeholder involvement in forest reserve management. Meaningful engagement with communities will also require commitment to resources for their capacity building as well.

2.4.5 Land Tenure

In the Western Area, most of the land is held by government or by individuals in free-hold through title deed. However, outside of the Western Area, land tenure is often ambiguous with multiple layers of rights and claimants. For example, the Paramount Chiefs have jurisdiction over the land in their Chiefdoms, but recognise and acknowledge community claims and individual claims to land within the Chiefdom. Even though the Forestry

Law is clear on forest resource use within and outside the Forest Reserve lands, the District Councils and other traditional authorities tend to uptake the rights of management. This situation is exacerbated because Forest Reserve and Community Forestland are not properly demarcated and maintained. The resulting ambiguity in the minds of local people and officials regarding legal boundaries and associated rights presents significant challenge to the development and improvement of forestland management.

Box 2.1: Inadequate Coordination and Conflicting Mandates

The Forestry Division is responsible for management of the Forest Reserve, however:

- The **Ministry of Mines and Mineral Resources** is responsible for issuing licenses for prospecting and mining and no formal procedures or guidelines are in place for consultation with the Forestry Division before a prospecting or mining license is issued in the Forest Reserve.
- The **Ministry of Lands** recognises individual rights to land under a 10 year adverse possession claim and grant title without approval from the Forestry Division even where those lands are located in Forest Reserve areas.
- The **Ministry of Tourism** facilitates tourism development but there is no mechanism to consult with the Forestry Division on site selection for potential tourism sites within the Forest Reserves.
- **District Councils** have jurisdiction over activities in their districts and in some cases, have interpreted this to permit District Councils to negotiate concession agreements without consultation with the Forestry Division.
- The Ministry of Trade and industry has the mandate to confer license to industries to do business, but there is no mechanism for consultations with the Forestry Division to approve exploitation and export of such products
- The **Department of Works** grants permission to companies to operate quarries and extract stones from Forest Reserves for export but there is no process in place to consult with the Forestry Division for clearance on extraction activities occurring in the Forest Reserves.
- The **Ministry of Fisheries and Marine Resources** has authority over "marine resources", and it is unclear whether that includes marine mammals and marine protected areas which may be within the management mandate of the Forestry Division.

[something on mangrove issues???

2.4.6 Public Awareness And Participation

There is limited awareness among the general population of the importance of forest management, and knowledge and awareness of laws, rules and regulations (where they exist) related to management of the forests, trees and other forest resources is similarly limited. Public awareness campaigns are limited, and the ability of officials within the forestry sector to disseminate such information is limited by the financial and human resource capacity. As a result, meaningful public participation in the forestry sector is limited.

Related to this, policy and legislative support for collaborative management and the related allocation of rights and benefits which are important incentives for communities and other stakeholders to engage in management of forest resources is limited. As a result, there is limited involvement and engagement of the public in decision-making about forest resources.

2.4.7 Information And Research

There is a serious deficit of information about the existing biological diversity and resources of Sierra Leone's forests. Timber and other resource inventories have not been conducted for the Forest Reserves. Existing timber inventory data is scarce and most information is derived from small area sample plots carried out by investors in anticipation of commercial extraction. Resources to conduct inventories are limited or not available and even if available, staff lack adequate training and materials. All of this contributes to the dearth of information needed to understand the ecosystem, establish baselines to monitor the health of ecosystems, create standards for forest management, or understand the effects of climate change.

Similarly, reliable information regarding extractive activities is largely unavailable, and where timber is monitored, volumes are under reported to avoid royalty payments and fees. Finally, links with research institutes and universities is informal, and is not often utilised or considered in the development of training materials or technical services.

2.4.8 Under-Regulated Commercial Use Of Forests

Under-regulated and unregulated commercial exploitation of forest resources also present challenges to sustainable forest management. While there is a ban on whole log exports to encourage the development of value-added industry, there is limited coordination between the Forestry Division and the government agencies responsible for regulating these industries and trade. As a result, exploitation of forest resources for value-added enterprises is inconsistently regulated and has led to an increase in illegal logging which the Forestry Division is ill-equipped to monitor.

The commercial demand for bushmeat also contributes to the depletion of forest resources and the Forestry Division lacks the resources to effectively monitor this activity. Hunting practices associated with the bushmeat trade, such as the use of fire, also contribute to the degradation of the resource and depletion of wildlife.

3.0 VISION

The long-term vision for forestry is to move toward:

An integrated forest sector that achieves sustainable, rights-based management of forests for economic, social, cultural, aesthetic, and environmental benefits for the present and future generations of Sierra Leone, and for humankind in general.

4.0 GUIDING PRINCIPLES

In attaining the vision, this policy recognizes the following principles.

4.1 SUSTAINABILITY

Improved understanding and management of Sierra Leone's forest resources ensures long-term social, economic, and ecological benefits for this and future generations.

4.2 RIGHTS-BASED GOVERNANCE

Equitable and transparent institutional arrangements and mechanisms for forest resource management, benefit sharing, and enforcement of international, national and local rule of law form the basis for rights-based governance.

4.3 ECONOMIC BENEFITS AND LIVELIHOODS

Development of forest-based and ecosystem service-based industries, and equitable benefit-sharing arrangements from those industries, contributes to improvements in rural livelihoods, and progress toward the nation's Poverty Reduction Strategy.

4.4 INTEGRATION

Forest sector planning and implementation strategies are coordinated and communicated within and between Forestry Division Units, other relevant branches of government, the private sector and civil society.

4.5 CAPACITY DEVELOPMENT

Strategies and actions for implementation of forest policies should consider the limitations of human, logistic and financial capacity, and should strive to improve capacity therein.

4.6 RESEARCH/SCIENCE-BASED MANAGEMENT OF RESOURCES

Effective forest sector planning and implementation makes use of best practices and international standards modified for the Sierra Leone context; considers local and traditional practices; and relies on adequate research and resource accounting before action.

4.7 PUBLIC AWARENESS AND EDUCATION

Public awareness raising and education regarding the forest sector and its contribution to national development, economic stability and climate change improves regulatory compliance and ensures greater public participation in forest policy implementation.

4.8 ADAPTIVE MANAGEMENT

Continuous monitoring and evaluation of the forest resource and programming therein, informs planning and implementation of forest strategies and activities.

4.9 CONSIDERATION OF CULTURAL HERITAGE

Forest management strategies and activities consider, promote, and adapt traditional forest knowledge and practices.

5.0 POLICY OBJECTIVES

The policy is presented under a series of headings each containing one or more policy statements. Each policy statement has a set of strategies to implement and ultimately accomplish that policy statement.

Each policy statement and its supporting strategies will apply all relevant Guiding Principles (Section 4) in their implementation. For example, implementation of most strategies will require participatory engagement of a range of stakeholders for success, though the policy does not attribute such roles and responsibilities as these are operational, not policy issues. Further consideration of stakeholder coordination is in Section 6 of this policy.

5.1 FOREST LAND MANAGEMENT

Policy Statement 1 on Land Use Planning: Engage in land use planning processes for forestlands with relevant stakeholders.

Strategies

1. Develop institutional links with other government agencies responsible for land use and land use planning, civil society organization (CSO), and communities to harmonise land acquisition, land use planning and land tenure policies.
2. Develop criteria for classifying and defining different types of forestland.
3. In cooperation with relevant stakeholders, survey all Forest Reserve areas to demarcate boundaries.
4. Classify forestlands and produce maps showing the total Forest Reserve and other forests
5. Contribute to and support the development and maintenance of GIS databases through the inclusion of available inventory data.
6. Develop a supportive legal and regulatory basis for forest management planning based on inventories, resource assessments and collaboration with relevant stakeholders.

Policy Statement 2 on Forest Reserve Management: Support the development of collaborative partnerships with rural communities and other relevant stakeholders for the sustainable management of Forest Reserve forests to ensure a sustainable stream of economic, social and environmental benefits.

For policy related to the management of Protected Areas within the Forest Reserve, please refer to the Conservation and Wildlife Policy.

Strategies

1. Develop criteria to classify Forest Reserve lands for protection and production purposes.
2. Promote co-management arrangements for the Forest Reserve area with communities, CSO, the private sector and other potential partners.
3. Develop forest management and co-management plans in cooperation with partners and/or relevant stakeholders for all Forest Reserve forestlands.
4. Develop co-management agreements between partners which define roles, rights, responsibilities, benefit sharing arrangements and mechanisms for accountability.
5. Provide technical assistance and develop guidelines for collaborative forest management.
6. Monitor and enforce management plans, rules and regulations, in cooperation with partners and consistent with forest management agreements.
7. Develop legislative support for the recognition of collaborative forest management arrangements between lead government agencies, community-based forest management organisations,

communities, the private sector, and CSO, which clarifies decision-making and enforcement responsibilities, and provides a legal basis for access rights and benefit-sharing from timber and non-timber forest products.

Policy Statement 3 on Community Forest Management: Support the establishment, expansion and management of community forests for economic benefits and forest ecosystem health.

Community Forests are those forestlands outside of Forest Reserves that are considered community property. These lands were managed by the government for the communities and were historically referred to as “protected forests”.

Strategies

1. Assist communities and local government to resolve land and tree tenure issues on Community Forests.
2. Develop guidelines for sustainable forest management on community forestlands with support from communities, CSO and donors.
3. Develop relevant technical extension material and programming for woodlot and plantation management, and agroforestry activities, e.g. pest and alien species control and fire management, and provide technical assistance for management planning and implementation where such expertise and capacity is available.
4. Work with the National Revenue Authority (NRA) or other responsible authorities, to support the development of and use of incentives for reforestation efforts work to facilitate the creation of additional community forestlands and increase reforestation and management efforts on existing community forests.
5. Encourage development of tree nurseries and tree planting for environmental improvement, plantation development, roadside planting, urban greening and reforestation.
6. Recognise and support the management authority of communities and community-based forest management organisations, their agreements, management plans and by-laws on Community Forests.

Policy Statement 4 on Private Forestland Management: Promote and contribute to the establishment, expansion and sustainable management of private forests.

Strategies

1. Provide technical assistance to private land owners for forest management.
2. Ensure compliance with Environmental Protection Agency Act through cooperation and coordination with responsible government agencies.
3. Encourage the development of management plans for all private forests.
4. Encourage development of tree nurseries and tree planting for environmental improvement, plantation development, roadside planting, urban greening and reforestation.
5. Work with the NRA or other responsible authorities, to support the development of incentives for reforestation efforts.

Policy Statement 5 on non-Forest Reserve Public Lands: Support the sustainable management of forests on public lands outside of the Forest Reserve for economic benefits and ecosystem health.

Forests established on public lands donated or leased to the government by communities were historically referred to as “Reservation Areas”. These forests are primarily located at government office sites and were established with the intention of providing environmental services and economic benefits to the communities that had provided the land. As a result of the decentralisation process, these forests are now under the jurisdiction of the district-level government.

Strategies

1. Assist local government and communities to develop management plans for these areas.
2. Put in place transparent processes for sharing of benefits derived from harvesting proceeds.
3. Provide technical support for implementation of the management plan.

Policy Statement 6 on Wetlands Management in Forest Reserve Protected Areas: Manage Wetlands in Protected Areas consistent with the policies and strategies outlined in the Conservation and Wildlife policy.

Policy Statement 7 on Wetlands Management outside Forest Reserve/ Protected Areas: Develop a shared vision between relevant government agencies to support sustainable wetland management and conservation.

Strategies

1. In cooperation with the Ministry of Fisheries and Marine Resources, assess the current status of wetlands and mangroves to determine the extent of the resource, its ecological integrity, and priorities for management.
2. Establish a steering committee with the Ministry of Fisheries and Marine Resources and Ministry of Tourism and Cultural Affairs to resolve issues related to overlapping jurisdiction and to clarify respective roles and responsibilities.
3. Support the development of wetlands co-management agreements with communities and other potential partners.
4. In cooperation with relevant stakeholders, develop a national wetland and mangrove management plan.

5.2 FOREST-BASED INDUSTRY AND PRODUCTS

Policy Statement 8 on Timber-based Enterprises: Contribute to the sustainable development of timber-based enterprises through effective resource management, monitoring and regulation.

Strategies

1. Identify and prioritise for inventory activities, areas for potential commercial exploitation.
2. Seek funding for, and prioritise a national-level inventory.
3. Develop, put in place and enforce guidelines for inventory processes that concessionaires must follow; provide adequate training and resources to Forest Rangers and Guards to oversee these inventory activities.
4. Introduce competitive bidding for harvesting concessions to improve transparency, increase revenues, and reflect the market value of the resource.
5. Develop, implement and enforce a set of rules and procedures for forest management in concession areas including a logging code based on internationally-recognised best management practices and certifiable standards.
6. Assist with and approve forest management and annual operation plans with concessionaires consistent with established rules, regulations and guidelines.
7. Require performance bonds and link to compliance with logging code, rules and procedures that are consistent with internationally-recognised best management practices and certifiable standards.
8. Ensure that internationally-recognised best management practices are utilized for environmental, social, and health impact assessments when developing management plans and legal agreements.
9. Support transparent financial management related to revenue collected from timber-based industries and regularly revise timber royalties and related forest charges.

10. Develop guidelines and systems to support transparent and comprehensive chain-of-custody processes that are consistent with internationally-recognised best management practices and certifiable standards..
11. Strengthen the regulatory framework for the timber industry through vigilant enforcement.
12. Encourage the development of value-added industry.

Policy Statement 9 on non-timber forest product-based Enterprises: Contribute to the sustainable development of non-timber forest product (NTFP)-based enterprises through effective resource management, monitoring and regulation, and coordination with relevant agencies.

Strategies

1. Develop criteria to identify NTFP currently being extracted for commercial purposes and those with high commercial potential.
2. Introduce a regularly revised royalty schedule for specific NTFP, and introduce sound financial management related to revenue collected.
3. Conduct resource inventories of NTFP as part of the forest management planning process.
4. Work with the Ministry of Trade and Industry and other relevant stakeholders, to institutionalise permitting and licensing processes for enterprises to ensure that appropriate resource inventories have been conducted, and resource management plans developed to ensure the sustainable use of NTFP in commercial enterprises.
5. Ensure adequate legal and regulatory frameworks for the use and management of NTFP.

Policy Statement 10 on Distribution of Benefits from Forest Resources: Increase and distribute the economic benefits derived from sustainably managed forest resources equitably and consistent with the Forestry Act.

Strategies

1. Support the development of guidelines, rules and procedures for benefit sharing in forest management agreements, management plans, and Forest Management Organisations' by-laws.
2. Support transparent financial management related to revenue collected from forest management activities.
3. Regularly revise timber royalties and related forest charges.

Policy Statement 11 on Ecotourism: Contribute to and support the development of ecologically sustainable, eco-tourism enterprises.

Strategies

1. Identify ecotourism assets within the Forest Reserve.
2. Develop appropriate mechanisms or systems to work collaboratively with the National Tourist Board and the Ministry of Tourism and Cultural Affairs to identify ecotourism sites, and advise on appropriate levels of development, including infrastructure.
3. Develop site specific management plans with communities and enterprises.
4. Where appropriate, incorporate ecotourism into forest management planning.
5. Provide guidelines for ecotourism development and concessions within Forest Reserves.

5.3 ECOSYSTEM CONSERVATION AND MANAGEMENT

Policy Statement 12 on Wildlife Management and Conservation: Manage, conserve and protect wildlife and wildlife habitat consistent with the Forestry Division's Conservation and Wildlife Policy.

Policy Statement 13 on Watershed Management: Contribute to ecosystem health through the management and protection of watershed areas within the Forest Reserve and Community Forests.

Strategies

1. Promote the rehabilitation of degraded forests in critical areas in watersheds through forest management partnerships with communities, CSO and the private sector.
2. Develop and promote guidelines on the management of riverside forests.
3. Work with relevant government agencies and CSO to develop and promote awareness about integrated land use best practices in hilly areas, and protect watersheds from degradation.

Policy Statement 14 on Climate Change: Contribute to the development and implementation of a national climate change strategy.

Strategies

1. Collaborate with government institutions responsible for International Climate Change obligations to ensure that forest interests are considered in the development of climate change strategies and programming.
2. Contribute to the development and implementation of a National Climate Change Policy.
3. Contribute to the implement National Adaptation Program of Action (NAPA).
4. Contribute to the development of a National Action Plan for Climate Change.
5. Take advantage of funding opportunities to further climate change adaptation and mitigation programming within the forestry sector.
6. Link communities to climate change programs and mechanisms for the development of economic benefits such as Payment for Environmental Services.

5.4 EDUCATION AND AWARENESS

Policy Statement 15 on Public Awareness: Promote public awareness of the importance of sustainable management of forest resources and the value of the forests.

Strategies

1. Support the development of education packages for schools, media, and communities to increase awareness about issues in the forest sector.
2. Collaborate with the Ministry of Education and other relevant stakeholders to support the inclusion of relevant forestry studies in school curricula.
3. Support CSO to develop and disseminate public awareness materials through print and electronic media that is culturally appropriate and relevant.
4. Respond to community-identified priorities for public awareness programming with culturally relevant materials and formats.
5. Improve public participation in the sector through consultative processes related to future design and implementation of this policy.
6. Promote public awareness of the EIA Forest Sectoral guidelines and the EPA Act 2008 for the sustainable management of forest resources.
7. Encourage a culture of reforestation and tree planting through support for public participation in National Tree Planting day, media campaigns, ceremonies, and provision of seedlings.

Policy Statement 16 on Forestry Education: Support stakeholder education related to technical management of forest resources that is consistent with best management practices.

Strategies

1. Support the development of curricula and provide hands-on training of best management practices to youth and community groups involved in reforestation activities.

2. Develop appropriate gender and culturally sensitive extension materials.
3. Collaborate with the university to develop training and education curricula consistent with best management practices.
4. Collaborate with University of Sierra Leone and Njala University to ensure cross fertilisation of ideas concerning ...[forest management??].

5.5 RESEARCH AND MONITORING

Policy Statement 17 on Research: Adopt, adapt and utilise best practices and science-based research to support and improve sustainable forest management.

For research strategies related specific to wildlife, refer to the Conservation and Wildlife Policy.

Strategies

1. Create an up to date forest information database to monitor sustainable forest management and establish a program to collect, update and disseminate this information.
2. Create a national coordination structure for forestry research to strengthen links between regulatory and research institutions, and end users.
3. Promote demand-driven research by encouraging the participation of communities and other stakeholders in the identification, design, implementation and evaluation of research activities, e.g. women's preference on species selection.
4. Incorporate research results into education materials for stakeholders.
5. Develop standards and guidelines for seed collection, handling and distribution to ensure quality control.

Policy Statement 18 on Monitoring and Evaluation: Support the formulation and utilisation of criteria and indicators to monitor ecosystem processes, performance of forest managers, and assess impacts of forest management activities and ecosystem processes.

Strategies

1. Collaborate with forest management partners to develop appropriate criteria and indicators.
2. Train communities in observation methods and data collection.
3. Include Monitoring and Evaluation in forest management plans, and support implementation thereof.
4. Utilise Monitoring and Evaluation results to modify management practices and processes.

5.6 CAPACITY BUILDING

Policy Statement 19 on Capacity Building for Forestry Division staff and stakeholders: Increase the capacity of the Forestry Division and relevant stakeholders to meaningfully engage and contribute to the management of forest resources.

Strategies

1. Seek external support to conduct a human resource and training needs assessment for Forestry Division and other key stakeholders in the forestry sector.
2. Seek external support for formal training of forestry officers in locally commissioned short courses, or degree programs at national universities, and multi-year diploma, certificate and degree courses available in other African countries.
3. Provide adequate budgetary allocations for senior forestry officers to provide basic on-the-job training to field staff and stakeholders.
4. Provide informational and educational seminars and presentations for staff of other government agencies and politicians on this policy.

5. Encourage international projects to build capacity in their Sierra Leonean staff and collaborating civil society organisations to play their full and active role in implementing this policy.

6.0 STRATEGIC PLANNING

Sierra Leone will take a strategic approach throughout implementation of this policy. While forestry officers in government will take the lead responsibility, diverse stakeholders will participate in implementation. An opportunistic approach may be employed in some cases, provided specific opportunities are consistent with the policy.

6.1 FORESTRY SECTOR PLANNING

The swift and efficient commitment to certain strategies outlined in this policy will be critical to establish a foundation for implementation of this policy. Therefore, after the policy is formally adopted, the Forestry Division, in collaboration with relevant stakeholders will develop a Strategic Plan to implement this policy. The Strategic Plan will set short-, medium- and long-term goals for implementation of the policy. Most importantly, the Strategic Plan will **identify priority actions and strategies**, and will include an Action Plan that sets up a realistic timeline for a first phase of implementation. The Strategic Plan will also **define roles and responsibilities** of stakeholders at the national, district and local level and identify **institutional arrangements and reforms** necessary to effectively implement this policy.

7.0 INSTITUTIONAL ARRANGEMENTS AND LEGAL FRAMEWORK

7.1 FORESTRY SECTOR FINANCING

One of the greatest challenges facing implementation of this policy is adequate funding. Action planning will help to identify financing sources and priority actions for the first phase of implementation. In the short-term, potential sources of financing include international donors, government budget allocation at the national and district levels, and revenue collection from royalties and fees.

7.1.1 National And District Budgets

While salaries for all Forestry Division personnel are paid from the Forestry Division budget, activities at the district level are supported through a district level budget managed by the District Council. District level personnel are responsible for the development of activity budgets which are submitted to the District Council. District- and national-level Forestry Division personnel will need training and support to develop workplans and budgets that are consistent with this policy in order to ensure adequate funding is available for policy implementation.

7.1.2 International Donor Funding

Donor funding will be used to support both specific strategies identified in this policy, and for projects and programming consistent with this policy. Climate change mitigation and adaptation programming represent two emerging funding streams.

7.1.3 Other Sources

The Forestry Act of 1988 created an **Afforestation Fund** into which all reforestation and training fees levied on timber, and transport fees on select timber and NTFP are paid. Disbursement of these funds should be utilised consistent with the purposes for which the Fund was created. As part of the Strategic and Action Planning process, Forestry Division and stakeholders should prioritise activities for Afforestation Fund funding consistent with the Forestry Development, Exploitation and Trade Reforms, and make recommendations accordingly. The rates of these fees should be updated regularly to reflect market prices and inflation.

Under the Forestry Development, Exploitation and Trade Reforms, **Land Lease rent and Royalties** are allocated equitably to land owners, Local Councils, Chiefdom Administration and Government. Funding for Co-management would be determined from the management plan.

Opportunities may also develop to secure funding through access to charges related to **ecosystem services**, such as watershed protection and carbon sequestration. Those accrued from ecosystem services within Forest Reserve areas (exclusive of Wildlife Conservation Areas) or Community Forests will be credited to the forestry sector for use in implementing the forestry policy⁵.

7.2 COLLABORATION AND COORDINATION MECHANISMS

This policy cannot be implemented by the Forestry Division alone. A wide array of national and local government, international partners, civil society, educational, research, private sector and community institutions will need to collaborate to ensure effective coordination at national, regional and site levels.

A national-level committee will be established to oversee coordination of intra-governmental aspects of implementation of this policy and resolve specific issues of overlapping mandates and interagency

⁵ Where benefits are accrued on Wildlife Conservation Areas, funds will be credited to the wildlife sector.

collaboration identified in this policy and arising through implementation. The committee may invite external non-government specialist stakeholders, including international partners, to provide information and advice as required.

At an operational level, this national-level committee will appoint Thematic Working Groups to address specific issues related to policy implementation. Working groups will be responsible for developing guidelines for implementation of the policy, monitoring policy implementation, managing conflicts, and identifying emerging issues for the sector. The national-level committee and working groups will also coordinate international donor and implementing partner programs and projects at policy and operational levels, respectively. These fora will provide support to assist international partners in planning and implementing their activities to achieve added value and avoid overlaps.

Coordination and collaboration at District and site level is also necessary, and will be mediated through local government meetings, traditional structures and committees overseeing forest management at the local level.

7.3 COMPLIANCE WITH THE FORESTRY POLICY AND INTERNATIONAL CONVENTIONS

7.3.1 Legal And Regulatory Reform

This policy will require significant legal and regulatory updating for effective implementation. While the Forestry Law does provide for community and other stakeholder involvement, a high priority will be to develop regulatory guidelines to facilitate greater involvement by communities and other stakeholders in forest management consistent with this policy. As identified under specific policy statements, user-friendly guidelines, educational and public awareness materials will need to be developed to facilitate implementation and enforcement of this policy and related legislation.

New legislation will also domesticate aspects of relevant international conventions that Sierra Leone has ratified.

7.3.2 Law Enforcement

Forestry Division personnel and stakeholders will support application of this policy and subsequent legislation and regulations. At the community level, Forest Management Committees, in collaboration with Forestry Division personnel, will support implementation through development and enforcement of co-management agreements, co-management plans and local by-laws. Boundary demarcation and other forest management planning activities conducted jointly between communities, Forestry Division, and other stakeholders will help to clarify law enforcement requirements. Forestry Division officers will engage police, customs and military officers in law enforcement activities as necessary.

Environmental Management Requirements: In collaboration with SLEPA, promote compliance and regular update of the forest sector guidelines for environmental impact assessment. In addition, Environmental and social management plan should include a review of the identified impacts resulting from implementation.

7.4 POLICY REVIEW AND UPDATES

The policy will be comprehensively reviewed at least every five years and adaptively amended as necessary. If circumstances change, the steering committee or thematic working group (Section 7.2) may

request government for an earlier review. As policies and strategies are amended, new elements may be added to the policy as circumstances change and opportunities arise.

ANNEX 6: FORESTRY POLICY LETTER OF ACCEPTANCE

CEPESL—Creating an Enabling Policy Environment in Sierra Leone

To: Mr. Sheku Mansary
Acting Director, Forestry Division, MAFFS

Date: September 23, 2010

Re: Letter of Acceptance—Forest Policy and wildlife Conservation Policy

Dear Mr. Mansaray,

This letter is to officially document “acceptance” of two CEPESL deliverables, the Forestry Policy and the Wildlife Conservation Policy, delivered to MAFFS on August 10th, 2010. Your signature at the bottom of this page, simply formalizes this process, and officially accepts the final Forestry Policy and Wildlife Conservation Policy, that were developed by the Forestry Division with support from CEPESL.

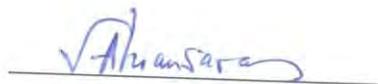
We look forward to continued cooperation with the Forestry Division, and more broadly MAFFS, on the reform of the Forestry and Wildlife Conservation Acts.

Sincerely,



Ramzy Kanaan
Team Leader, CEPESL

Acceptance:



Mr. Sheku Mansary
Acting Director, Forestry Division
MAFFS

Date:

27/09/10

ANNEX 7: WILDLIFE POLICY

Sierra Leone

DRAFT CONSERVATION AND WILDLIFE POLICY 2010

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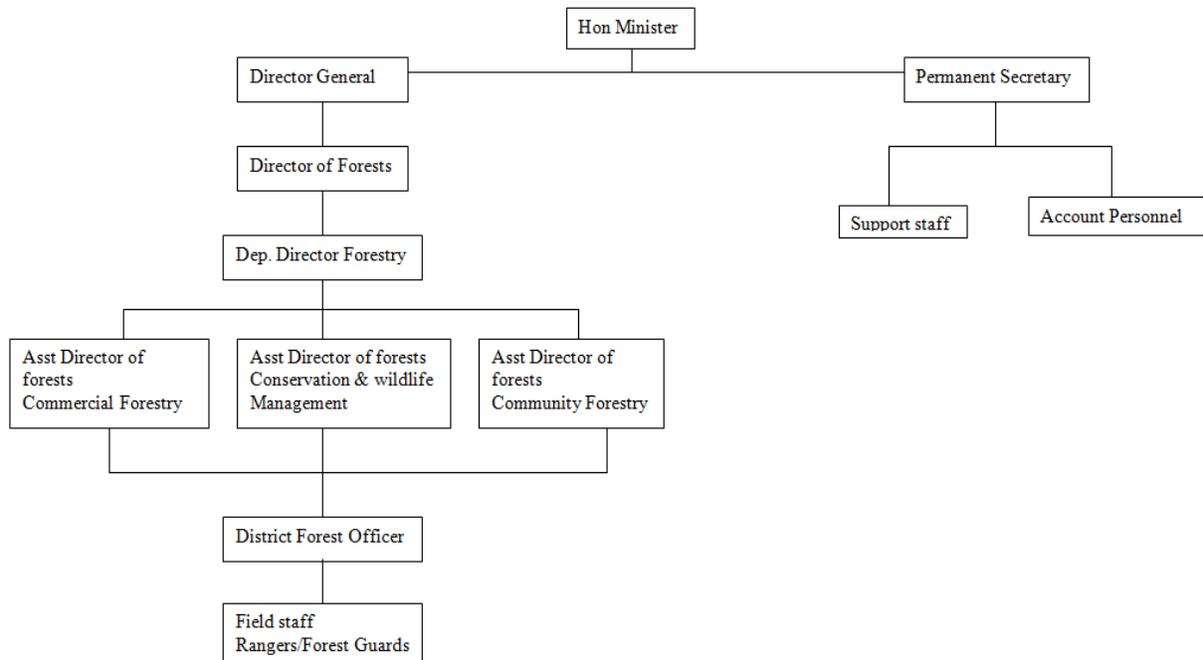
1.0 INTRODUCTION

Sierra Leone's Forestry and Wildlife Sector policy has been inadequate in addressing contemporary issues in forestry governance and management. The Forestry Act of 1988 remains the principal legislation guiding the management and regulation of forestry and Forest Reserves in Sierra Leone. The Wildlife Conservation Act of 1972 is the principal legislation guiding the management and regulation of wildlife and protected areas.

To date, the most complete statement of policy is the draft Forestry and Wildlife Sector Policy from 2003, which was never formally adopted by the Government of Sierra Leone (GoSL). The 2003 draft policy includes a wide-ranging pre-ambule covering background issues and external sector policies that impact on forestry and wildlife but the policy statement itself is brief, covering less than twenty percent of the document and touching on general policy issues, as well as policies for community forests, private forests state forests and bio-prospecting. The main objective of the wildlife policy section was to integrate the propagation, conservation and exploitation of wild animal life and wild vegetation into the national land use policy.

In 2008, the Forestry Division started a process of restructuring in order to strengthen the institution's capacity to effectively carry out its mandate. This initiative created three key functional units within the division, and two other units for financial and administrative support that cut across the three key functional units. These three functional units are the Commercial Forestry Unit, the Community Forestry Unit, and the Conservation and Wildlife Unit – the 3Cs. This new approach demanded administrative, policy, legislative and regulatory responses of which this policy document is a key step.

The organogram below shows the 3Cs administrative structure.



In early 2009, GoSL, represented by the Forestry Division, and with support from the European Union (EU) and the United States Agency for International Development (USAID), hosted a national workshop in Freetown from February 3–5, 2009 to launch the review process of the existing policies, laws and

regulations of the forestry sector of Sierra Leone. The key recommendation from the workshop was to set up an Advisory Committee (AC) composed of representatives of those ministries involved in agriculture, forestry, and environment sectors; national, international and local civil society organizations and local communities were engaged in the process, under the leadership of the Forestry Division. Another important conclusion of the workshop was that two separate policies were desirable, one for forestry and one for wildlife conservation.

Following the workshop, and under the leadership of the Forestry Division, USAID and EU programs assisted the Advisory Committee throughout the review process, identifying and analyzing gaps and weaknesses of old policies, taking stock of best practices from other countries and suggesting policy options for both forestry and wildlife. The Advisory Committee (AC), through their technical working groups, produced an agenda of issues to be considered in drafting the policy documents. Two consultants were contracted to work with the AC to conduct wide consultation among stakeholders, including the relevant government Ministries, Departments/Divisions and Agencies; civil society groups and experts working with other sectors. As a result of this participatory process the draft Forestry Policy and draft Conservation and Wildlife Policy were produced.

The Forestry Division, together with its partners in the Advisory Committee, then undertook a nationwide consultative strategy for the vetting of these draft policies. This strategy included substantial efforts to inform the public about the consultative process through newspaper and radio announcements; facilitation of a series of regional and district consultative workshops followed by radio discussions; and a national validation workshop followed by radio and television discussions of the two draft policies. The presentations of the policy documents in all forums were mainly in Krio. This approach introduced a major challenge for the presenters to relate the technical concepts for grassroots understanding. To push this barrier further, the main concepts were explained in the dominant local dialects during regional consultations to reinforce meanings and ensure understanding.

After the national consultative process, additional feedback on the draft policy was solicited from other governmental institutions, including the Law Reform Commission, and key development partners such as the World Bank. This additional feedback was analyzed by the Advisory Committee and incorporated into the final policy document where appropriate. Following this process, the two policy documents were finalized and approved by the Forestry Division and formally handed to the Ministry of Agriculture, Forestry and Food Security for adoption.

This Conservation and Wildlife Policy supports application of three sections of the constitution of the Republic of Sierra Leone:

1. Section 7. (1) a. *harness all the natural resources of the nation to promote national prosperity and an efficient, dynamic and self-reliant economy*".
2. Section 18. (1) 3 a. *concerning restrictions on freedom of movement "which is reasonably required in the interests of defence, public safety, public order, public morality, public health or the conservation of the natural resources, such as mineral, marine, forest and other resources of Sierra Leone, except in so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society"*.
3. Section 10. d. concerning Foreign Policy Objectives *respect for international law and treaty obligations, as well as the seeking of settlement of international disputes by negotiation, conciliation, arbitration or adjudication.*

The Conservation and Wildlife Policy supports the second national Poverty Reduction Strategy 2008-2012, *an Agenda for change*" Section 11 "Framework for Effective Management of Natural Resources" which commits to *Reduce biodiversity loss, achieving, by 2010, a significant reduction in the rate of loss*". In addition the following sections are addressed by this policy:

- 11.1 Tourism and Economic Development: –The major asset for the development of the tourism industry in Sierra Leone is the country's natural beauty ... the biodiversity of the forest reserves and protected areas within the country bear potential for development, which remains untapped”;
- 11.3 Land Management and the Environment: –[the Sierra Leone Environmental Protection Agency will] Act in liaison and cooperation with Government agencies, local councils and other bodies and institutions to ... promote studies, research, surveys and analyses for the improvement and protection of the environment and the maintenance of a sound ecological system ... promote effective planning in the management of the environment ... establish a data bank on natural resources management and utilization”;
- 11.4 Enhancing the Contribution of Forestry to Economic and Social Development: –Integrate the principles of sustainable development into country policies and program and reverse the loss of environmental resources ... there is an urgent need to conserve the remaining natural rainforests, the Government will also explore possibilities for investment in sustainable financing mechanisms, for example through carbon markets and trading schemes, under the current and future Climate Change protocols, as well as by signing up to future Reducing Emissions from Deforestation and Degradation (REDD) programmes”.

Scope of the Conservation and Wildlife Policy

Three important definitions for interpretation of this policy comprise:

- **Wildlife** refers to all species of indigenous terrestrial and aquatic flora and fauna (including micro-organisms) and their natural habitats.
- **Wildlife conservation** is the means by which these plants, animals, micro-organisms and habitats, and the ecosystems that contain them, are maintained indefinitely through protection and sustainable use.
- **Wildlife management** refers to the application of scientific and traditional knowledge and technical skills and the implementation of relevant laws and policies to conserve indigenous species and their habitats.

This policy does not cover all aspects of biodiversity conservation as defined under the international Convention on Biological Diversity. The convention has a scope including issues such as agricultural biodiversity, biosafety, intellectual property rights and genetically modified organisms that fall outside the core mandate of the wildlife sector, but within the scope of other government agencies, though the wildlife sector remains an important stakeholder in those issues. Therefore, the scope of this policy covers those aspects of biodiversity conservation traditionally covered by government bodies charged with wildlife management as defined above.

In framing the policy two characteristics were emphasised. First, the policy language and concepts should be simple, so that the main principles and themes can be presented to and understood by all stakeholders, if presented in suitable ways. Second, that the policy should be implementable in the Sierra Leone context, while recognizing that some aspects need time and resources that are not immediately available. By issuing a clear and complete policy, the government can better assess its own financial priorities and seek support from its development partners.

2.0 BACKGROUND

The current status of Sierra Leone's wildlife resources is not well-known as a result of the recent conflict, land use change, uncontrolled exploitation of natural resources, and a lack of recent comprehensive inventory. However, what is known is summarised in several national documents most notably the national Biodiversity Strategic Action Plan (2003). Two recent donor documents also assess the status of wildlife and its management in Sierra Leone: the US Agency for International Development's Biodiversity and Tropical Forestry Assessment (2007) and the Global Environment Facility's Sierra Leone: Biodiversity Conservation Project Document (2009).

This policy, developed by the process described in Section 1, takes account of these initiatives, international obligations, existing and evolving national policies and laws, and numerous other documents and consultation as well as the guiding principles outlined below.

Wildlife Resources

Sierra Leone's predominant natural vegetation is the western extremity of the Upper Guinean Forest formation, though much of the forest is now degraded and occupied by agricultural land, savannas and other secondary vegetation. Approximately 70% of the country was formerly covered by forest, but less than 5% of original intact forest remains. Nevertheless the country contains rich indigenous flora and fauna including important endemic species, and internationally rare and threatened species. Indigenous flora and fauna exceeds 2000 species of vascular plants, 46 amphibians, 69 reptiles and 600 bird species. Almost 200 species of mammals includes 15 primates and 18 antelopes. Of these at least 27 vertebrate species and 47 vascular plant species are recognised as globally threatened. The Gola forest alone has 14 bird species of global conservation concern. As more information is gathered on more cryptic or less studied groups, the number of species overall will increase along with the number of endemic and/or threatened species.

Currently 48 forest reserves and conservation areas cover about 4% of the land area of Sierra Leone. However, Outamba Kilimi National Park and Tiwai Island Wildlife Sanctuary are the only areas gazetted primarily for wildlife conservation (though other areas are informally designated as such), which combined comprise approximately 1.5% of the national land area. Currently there are no marine protected areas. The national Biodiversity Strategic Action Plan identified other priority areas for conservation: Gola Forest Reserves, the Western Area Peninsula Forest Reserve, Loma-Tingi Complex, Outamba Kilimi National Park, Mamuta Mayoso, Yawri Bay, Lakes Mape and Mabesi and Kangari Hills, which combined would bring the national wildlife conservation estate to about 2.5% of total land area, and which are projected to contain 80-90% of the country's terrestrial indigenous flora and fauna.

Sectoral Institutions, Policy and Legislation

Responsibility for wildlife conservation is housed within the Forestry Division of the Ministry of Agriculture, Forestry and Food Security. The Division of Forestry is responsible for forest management and biodiversity conservation within Sierra Leone and was recently reorganized at the national level into three technical Units, —the three C's" to emphasis their management priorities: Conservation, Commercial and Community.

Current wildlife legislation is widely recognised as out of date. The Wildlife Conservation Act of 1972 does not reflect the great advances in biodiversity conservation in the last forty years, nor international obligations. Draft wildlife conservation regulations of 1997 were not promulgated and also do not reflect modern conservation requirement. Given that wildlife management is currently part of the forestry sector, Forestry legislation is important, but again the Forestry Act of 1988 and its implementing Regulations of

1990 are not compatible with modern forest or wildlife management. As described in Section 1 a combined draft forestry and wildlife sector policy was prepared in 2003, but was never adopted.

The National Environment Policy (1994) and the National Environmental Protection Act (2000), cover environmental management including environmental impact assessment. The 2008 Environmental Protection Agency Act, which repeals the former Act, established the Sierra Leone Environmental Protection Agency (SLEPA) with authority for technical implementation and licensing of environmental management activities. Policies, laws and regulations governing local government, land rights, land use planning and terrestrial and aquatic natural resource use intersect with, and need to be consistent with, those governing wildlife.

International Obligations

Sierra Leone has ratified a range of international treaties and obligations that affect the wildlife sector, though in most cases national legislation does not reflect these instruments.

Sierra Leone is party to various regional and international treaties and agreements related to forestry.

International conventions include:

- The Convention on Biological Diversity;
- Convention on International Trade in endangered species of wild fauna and flora (CITES);
- Convention on Wetlands of International Importance (Ramsar Convention);
- Convention Concerning the Protection of the World Cultural and Natural Heritage (World Heritage Convention);
- United Nations Convention on the Law of the Sea;
- United Nations convention to Combat Desertification;
- United Nations Framework Convention on Climate Change;

Regional Agreements include:

- Convention for Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region;
- Convention Establishing a Permanent Inter-state Committee for the Control of Drought in the Sahel;
- African Convention on Nature and Natural Resources;
- Mano River Declaration;
- Memorandum of Understanding concerning Conservation Measures for Marine Turtles of the Atlantic Coast of Africa;
- Memorandum of Understanding concerning Conservation Measures for the West African Populations of the African Elephant;

Sierra Leone expresses its intention to sign, ratify and implement two additional international conservation agreements relating to migratory species:

- Convention on Migratory Species (CMS or Bonn Convention)
- Agreement on the Conservation of African-Eurasian Migratory Waterbirds

As well as meeting formal international obligations, this policy will seek to apply *international best practice* in wildlife conservation. The last twenty years has seen an explosion of experience in implementing wildlife conservation in developing countries, with many documented approaches and outcomes. Analysis of success, failure and a range of outcomes in between, has led to a body of accessible best practice consensus which is applied in this policy.

2.1 CHALLENGES TO WILDLIFE CONSERVATION

Sierra Leone's poverty and recent history of conflict pose many challenges to effective wildlife conservation. Threats to biodiversity were elaborated in the national Biodiversity Strategic Action Plan (2003). The Conservation and Wildlife Policy is mindful of these threats and challenges and does not repeat the analysis provided in that document. Challenges to wildlife conservation are summarised as:

- Lack of awareness among the general population and other sectors about benefits of wildlife conservation;
- National and local poverty and its impact on availability of financial resources and concomitant priorities for budget and extra-budgetary allocations resulting in insufficient human and financial resources for effective wildlife conservation;
- Inability to meet international obligations under a range of biodiversity conservation conventions;
- Depletion of wildlife and degradation of natural ecosystems;
- Lack of up-to-date information on wildlife resources and status of ecosystem;
- Lack of a well-defined system of wildlife conservation areas consistent with international standards and which inadequately represents the national biodiversity;
- Detrimental impacts on biodiversity of poor coordination, conflicting policies, conflicting mandates and land use practices at national, sub-national, local and community levels;
- Unclear and uncertain tenure arrangements of forest reserves, including those designated primarily for wildlife conservation;
- Lack of national understanding and policy on climate-change, likely impact on wildlife, and potential to generate revenues from wildlife conservation areas.

3.0 VISION

The long-term vision for wildlife conservation is to move towards:

An integrated wildlife sector that achieves sustainable, rights-based management of wildlife resources for biodiversity conservation inside and outside wildlife conservation areas which benefits present and future generations of Sierra Leone and humankind in general.

4.0 GUIDING PRINCIPLES

In attaining the vision, this policy recognises the following principles.

4.1 SUSTAINABLE WILDLIFE MANAGEMENT

The Forestry Division and its diverse partners will strive to attain ecological, social, cultural and economic sustainability in managing Sierra Leone's wildlife so that future generations enjoy and benefit from the nation's wildlife and ecosystems.

4.2 RIGHTS-BASED GOVERNANCE

This policy recognises the rights of all stakeholders in ensuring biodiversity conservation and sound wildlife management, and will apply the following principles of good governance.

- Rule of law and its effective enforcement, including national policies and statutory instruments, ratified international agreements, and local, traditional and community-based rules and arrangements supportive of wildlife conservation.
- Devolution of authority for wildlife management to the most appropriate level for achieving policy objectives.
- Participation by and access to information for all relevant parties to wildlife management decisions and their implementation, and informed consent of those parties directly affected by those decisions.
- Promotion of an informed and knowledgeable population on wildlife conservation issues.
- Clear definition of roles and responsibilities among all relevant partners including all levels and agencies of government, traditional authorities, communities, civil society, academic institutions and the private sector.
- Application of conflict management methods that protect stakeholder interests, but develop consensus solutions and mechanisms that enable agreed conservation actions to continue.

4.3 ECONOMIC AND SOCIAL BENEFITS

In implementing its responsibilities under Sierra Leone's poverty reduction strategy, this policy emphasises the following.

- Equitable sharing of benefits from wildlife conservation.
- Wildlife management that ensures access to resources, and livelihood-enhancing and income-generating activities for local populations, with special emphasis on women and other vulnerable sections of the population. Civil society and the private sector are encouraged to develop, support and add value to these activities.
- Valuation of economic benefits from wildlife includes not only the market value of plant and animal species and the land they occupy, but of diverse ecosystem services and of cultural values of species and ecosystems and their localities.

4.4 INTEGRATED WILDLIFE CONSERVATION

Implementation of this policy requires partnership, coordination and integration among diverse sectors, government entities, non-government institutions and individuals. In particular, these actors need to engage in strategic land use and coastal and marine resource planning at national, regional and local levels to resolve conflicting interests and ensure effective wildlife conservation. Mutually beneficial cooperation with neighbouring countries and international organizations on wildlife conservation issues is encouraged where such collaboration promotes implementation of this policy.

4.5 CULTURALLY-SENSITIVE, KNOWLEDGE-BASED WILDLIFE CONSERVATION

An ecosystem, adaptive-management approach to wildlife conservation is adopted that uses knowledge-based decision-making for sustainable management. To support this approach the following are incorporated.

- Scientific collection and analysis of wildlife inventory and ecosystem data, including human use.
- Adoption and adaptation to Sierra Leone, of international best-practices, and transfer of appropriate methods and technologies.
- Understanding, applying and integrating, where appropriate, traditional knowledge and wildlife management practices consistent with this policy.
- Adopting adaptive management principles in applying this policy at all institutional, programming and site management levels, through effective monitoring and evaluation.

4.6 EFFECTIVE POLICY IMPLEMENTATION THROUGH CAPACITY-BUILDING

The government commits to providing adequate financial resources to build human and material capacity to implement this policy. Resources to support government and non-government wildlife conservation stakeholders will be mobilised from general revenues and from new sources of revenue generated directly from wildlife management activities, and through international, national, local and community-based agreements and partnerships.

5.0 THE CONSERVATION AND WILDLIFE POLICY

The policy is presented under a series of headings each containing one or more policy statements. Each policy statement has a set of strategies to implement and ultimately accomplish that policy statement.

Each policy statement and its supporting strategies will apply all relevant Guiding Principles (Section 4) in their implementation. For example, implementation of most strategies will require participatory engagement of a range of stakeholders for success, though the policy does not attribute such roles and responsibilities as these are operational, not policy issues. Further consideration of stakeholder coordination is in Section 6 of this policy.

This policy seeks to clarify institutional mandates and responsibilities for aquatic flora and fauna, in that primary responsibility for conservation and wildlife management of the relevant species, habitats and ecosystems (including marine Wildlife Conservation Areas) lies with the designated wildlife conservation and management agency, whilst responsibility for sustainable economic development of the faunal resources within the constraints of this policy, lies with the government agency responsible for coastal, marine and fisheries resources.

5.1 SPECIES MANAGEMENT FOR CONSERVATION

Two contrasting aspects of species management are included in this section; maintenance of indigenous species and migratory species, and regulation of their trade and control of those species or individuals that are problematic for conservation or socioeconomic reasons.

Policy Statement 1: Maintain viable populations of indigenous species of flora and fauna in their natural habitats.

STRATEGIES

1. Seek support in assessment of national status of critical species including terrestrial and aquatic flora and fauna, based on International Union for the Conservation of Nature (IUCN) Red Lists for globally threatened species and national or regional threat, endemism, range and migratory issues.
2. Where such critical species are identified, apply the appropriate range of measures in this policy to monitor and improve their conservation status.

Policy Statement 2: Maintain viable populations of migratory species according to international agreements and best practice approaches.

STRATEGIES

1. Adopt and implement the international Convention on Migratory Species (CMS) and the Agreement on the Conservation of African-Eurasian Migratory Waterbirds as soon as possible.
2. Implement, as a contracting party⁶, the regional agreements: Memorandum of Understanding concerning Conservation Measures for Marine Turtles of the Atlantic Coast of Africa, Memorandum of Understanding concerning Conservation Measures for the West African Populations of the African Elephant.

⁶ Although Sierra Leone is not a contracting party of the CMS, it is a contracting party of these two sub-agreements that are under the auspices of CMS.

3. In implementing these international instruments ensure that best practice is adopted with respect to migratory species including designation of Wildlife Conservation areas such as Peace Parks, establishing migratory corridors and fly-ways, managing habitats of listed species and harmonizing sector policies and mandates where they impact upon listed migratory species.
4. Promote coordination and cooperation with neighbouring and more distant countries in management of migratory species that occur in Sierra Leone to enhance the viability of migratory species.

Policy Statement 3: Control those species of flora and fauna that have detrimental impacts.

STRATEGIES

1. Control invasive alien species of plants and animals through border control measures, impact assessment prior to introduction and through limiting spread into conservation areas.
2. Control individuals of indigenous and naturalised species that are causing damage or serious threat to human life or property.

Policy Statement 4: Control collection and trade in indigenous flora and fauna in accordance with national priorities and CITES.

STRATEGIES

1. Enforce a total ban on trade in CITES Appendix I listed species and a conditional ban on Appendix II listed species until their status in Sierra Leone is clarified (Box 2).
2. Apply a conditional ban on collection and trade (other than for approved scientific purposes) of all newly discovered or described indigenous species until their conservation status in Sierra Leone is clarified. If it is established that such species are threatened, then Sierra Leone will ensure they are added to CITES Appendix 3 and appropriate national wildlife schedules. When trade in newly described species that are established as not of conservation concern is advantageous to Sierra Leone, trade in such species will follow this policy.
3. Train law enforcement officers (forest guards, customs and police) in identification and confiscation of listed species.
4. Regulate the capture and transport of unlisted live specimens to ensure proper handling and, in the case of animals, humane treatment.
5. Mount an awareness campaign on nationally and CITES listed species, and the conservation and legal consequences of illegal capture, transport and trade in listed species.
6. Coordinate with neighbouring countries to enhance regional implementation of this policy with respect to CITES.

Box 2: Main Appendices of the Convention on International Trade in Endangered Species of Fauna and Flora (CITES)

Appendix I: most endangered listed species; threatened with extinction; international trade generally prohibited.

Appendix II: species not immediately threatened with extinction but that may become so unless trade is closely controlled;

Appendix III: species included request of a Party that regulates trade in the species and needs cooperation of other countries to prevent unsustainable or illegal exploitation.

5.2 WILDLIFE CONSERVATION AREAS

A core approach to wildlife conservation is establishment and management of “protected areas”, referred to in this policy as Wildlife Conservation Areas, to distinguish them from other types of reserved land or aquatic environment in which biodiversity conservation is not a primary objective. Many such areas have

potential for recreation and revenue generation through attracting visitors to enjoy natural environments. The Convention on Biological Diversity has a target of 10% of the major ecosystem types (such as the Upper Guinean Forest) under conservation mandates by 2010. The Conservation and Wildlife Policy, in line with the National Biodiversity Strategic Action Plan, adopts this percentage as a national aspiration over the long term, whilst seeking to consolidate existing or currently proposed conservation areas in the short term.

Policy Statement 5: Establish a Wildlife Conservation Area network representative of Sierra Leone’s ecosystem diversity of land and aquatic environments.

STRATEGIES

1. Vest the relevant technically specialised government body (currently the Wildlife Conservation and Management Unit of the Forestry Division) with responsibility for establishment and management oversight of the entire network of Wildlife Conservation Areas.
2. Using a landscape/seascape approach, review with stakeholders the existing array of reserved areas under the Forestry Act and the Wildlife Act (Forest Reserves, non-hunting Forest Reserves, Protected Forest, Strict Nature Reserves, National Parks, Game Reserves and Game Sanctuaries) and any existing or new proposals for extending, upgrading or removing areas to determine a first approximation of a viable Wildlife Conservation Area network that meets the requirements of this policy statement. Wetlands, inland waters, coastal and marine environments are included in this strategy.
3. Adopt the IUCN categories (Box 1) and conditions for protected areas and apply to all existing Wildlife Conservation Areas in the network and to new Wildlife Conservation Areas as they are designated. This network will include Ramsar sites, natural World Heritage sites and Biosphere Reserves (if created), Important Bird Areas, Key Biodiversity Areas, marine and any other specially designated Wildlife Conservation Areas.
4. Promote regional cooperation in conservation through establishing trans-boundary Wildlife Conservation Areas as part of the national and regional network.
5. Conduct periodic reviews of the Wildlife Conservation Area network with a view to adding, removing (if no longer viable) areas, or changing the category or boundaries of specific areas to improve the integrity and conservation function of the network as a whole.

Box 1: International Union for Conservation of Nature Protected Area Category Titles (see Appendix for description of categories)

- Category Ia: Strict nature reserve
- Category Ib: Wilderness area
- Category II: National park
- Category III: Natural monument or feature
- Category IV: Habitat/species management area
- Category V: Protected landscape/seascape
- Category VI: Protected area with sustainable use of natural resources

Policy Statement 6: Manage Wildlife Conservation Areas according to international best practice.

A vast amount of information and applied knowledge has accumulated on best management practices for conservation areas. Sierra Leone will use and adapt this wisdom to manage its Wildlife Conservation Area network.

STRATEGIES

1. To ensure effective management, the government shall consider state ownership of Category I, II and III (if any) Wildlife Conservation Areas, unless other agreements ensure long-term

conservation. Compulsory purchase of such lands should seek informed consent of any occupants and/or owners and payment of fair compensation for alienated land, structures and economic livelihoods adversely affected. Wildlife protection is the overriding objective for these categories and activities destructive of wildlife, habitats and ecosystems is precluded.

2. Category IV to VI Wildlife Conservation Areas will establish and account for land tenure rights prior to gazette. Ownership may include a mixture of state land, community land and private land, in which the owners have agreed to apply requirements of the assigned IUCN management category.
3. Develop management plans for all Wildlife Conservation Areas in the network, along with mechanisms for their implementation. These plans will apply international best practice approaches including participation, demarcation, zonation, landscape and ecosystem adaptive management approaches.
4. Ensure the development of effective co-management agreements and benefit sharing (including revenue-sharing and sustainable resource use in designated areas) for local communities in and adjacent to Wildlife Conservation Areas.

Policy Statement 7: Develop appropriate visitor services and ecotourism in and adjacent to appropriate Wildlife Conservation Areas.

The potential to raise revenues from conservation depend to a significant extent on attracting paying visitors to conservation areas. Ecotourism requires that tourist experiences are ecologically appealing and sustainable, and that local communities are involved in, and benefit from, the tourism developments.

STRATEGIES

1. Work with the Ministry of Tourism and Cultural Affairs and other relevant government and non-government stakeholders to develop a national ecotourism policy and strategy within the framework of this policy and national tourism policies and strategies.
2. Develop capacity in wildlife interpretation, tour guiding and setting standards for and management of visitor infrastructure such as information and visitor displays and centres.
3. Develop guidelines and regulations for private-sector tourism concessions for visitors to the wildlife conservation network.

5.3 WILDLIFE OUTSIDE THE WILDLIFE CONSERVATION AREA SYSTEM

Many species of flora and fauna, and ecosystems of conservation significance occur outside Wildlife Conservation Areas. Such species and ecosystems need effective conservation management and control of sustainable use.

Policy Statement 8: Work towards a national and local system of strategic land use planning that incorporates wildlife conservation.

STRATEGIES

1. Ensure that wildlife conservation concerns are incorporated into rural planning and development activities at all levels, including but not limited to Environmental Impact Assessments.
2. Integrate the Wildlife Conservation Area network with other land uses to ensure that indigenous flora and fauna and ecosystem services are maintained (for example by establishing buffer zones and wildlife corridors with use-limitations). A regional perspective will be applied to take account of transboundary protected areas, and wildlife dispersal and migration.
3. Provide guidelines for establishment and management of private protected areas and community protected areas. Such areas may be incorporated into the national network if meeting criteria included in national guidelines and regulations including biodiversity significance, commitment

to maintenance in perpetuity and meeting management standards. Community sacred sites are included in this strategy.

Policy Statement 9: Ensure permissible offtake of indigenous flora and fauna is sustainable.

STRATEGIES

1. Prohibit all collection, hunting, live capture and holding of IUCN Red List, CITES listed species and any nationally listed species of flora and fauna other than for approved scientific research. CITES Appendix II and III species may only be collected or hunted after their conservation status in Sierra Leone is established and indicates that licensed offtake within sustainable limits is permitted.
2. Develop regulations and guidelines that ensure collection and holding of live indigenous fauna specimens for research, zoological gardens, private collections and other allowed purposes, in Sierra Leone and for export, meet international animal rights standards.
3. Develop regulations and guidelines on sustainable collection of unlisted plants and subsistence hunting of unlisted animal species, based wherever possible on traditional conservation practices and community-based enforcement. Commercial collection of plants outside the Wildlife Conservation Area network (timber, non-wood and non-timber forest products) fall under the national forestry policy.
Develop regulations and guidelines that encourage sustainable offtake of defined wild animal species⁷ from licensed game ranches.

5.4 WILDLIFE RESEARCH AND MONITORING

Effective conservation and wildlife management depends on timely and accurate information, which informs management decisions. Such knowledge comes from scientific research and traditional knowledge, and monitoring of indigenous flora, fauna and ecosystems. Monitoring, in turn produces new information that may require revised objectives or management activities in an adaptive management cycle.

Policy Statement 10: Collect and apply scientific evidence and traditional knowledge for informed decision-making and adaptive wildlife management.

STRATEGIES

1. With relevant stakeholders, develop applied research priorities and collaborative research programs that enhance wildlife management capacity. Such research encompasses the range of topics covered by this policy including, but not limited to, ecological, socioeconomic, visitor-related, ecosystem restoration and services (including climate change adaptation and mitigation, and carbon sequestration), traditional knowledge, sustainable use and other aspects of wildlife conservation.
2. Actively engage national, regional and worldwide research institutions to seek funds and carry out the priority research programs and develop resulting management proposals.
3. Wherever possible, research should engage wildlife officials and other relevant Sierra Leonean counterparts to ensure skills, technology and knowledge are transferred. While implementation of this policy does not require a national wildlife research institution, research facilities may be incorporated into the Wildlife Conservation Area network if resources allow.

⁷ A game ranch in this policy is an area of private, public or communal land supporting consumptive exploitation of viable populations of wild animal species that are not of special conservation status (see Section 5.1).

4. Develop regulations for research permits and a fee schedule for institutions and individuals permitted to undertake wildlife research that is not included in the national research priorities.

Policy Statement 11: Apply adaptive management and requisite monitoring and evaluation to all aspects of wildlife management, from policy to management of specific species or sites.

Implementation of this policy and its individual strategies, and application of its guiding principles, requires development of transparent and participatory monitoring and evaluation systems and information management at all levels and for all plans and programs developed under the policy. Findings from monitoring and evaluation will be used to improve all levels of policy implementation in an adaptive management framework (Box 3).

STRATEGIES

1. Seek resources to establish monitoring and evaluation systems and capacity for adaptive management of wildlife from policy implementation to field activities. These systems will incorporate modern geospatial information systems and research findings, and include any project or program monitoring required by donor partners.
2. Apply adaptive management approaches to wildlife management policy, plans and activities from national level to site-level and species conservation.



5.5 WILDLIFE EDUCATION AND AWARENESS

Sierra Leone’s universities provide relevant undergraduate and graduate degrees that provide a sound foundation for biodiversity conservation and wildlife management. However, awareness of wildlife conservation among the general public is poor. Long-term conservation depends on a supportive population with an understanding through formal education of biodiversity conservation. Awareness in the adult population is crucial for informed support in the shorter-term.

Policy Statement 12: Incorporate an understanding of biological diversity conservation and wildlife management into school and other curricula.

STRATEGIES

1. Work with the Ministry of Education, Youth and Sports, teacher-training institutions, universities and relevant non-government organizations to incorporate biodiversity conservation into the national school curriculum and development of educational materials.
2. Support and expand extra-curricular school activities (such as nature clubs) by school visits to conservation areas and projects, and encouraging wildlife conservation practitioners to visit schools to explain their work.
3. Work with the Ministry of Education, Youth and Sports to incorporate biodiversity conservation into the curricula of tertiary and other professional training institutions

Policy Statement 13: Develop and apply information and education tools to raise awareness and understanding of biodiversity conservation and wildlife management among the general public.

STRATEGIES

1. Develop national, district and site-based (for visitors and communities) information and education programs on this policy.
2. Develop specific conservation information and education materials on topics including key species, Wildlife Conservation Areas, international obligations, wildlife news and conservation success stories.
3. Develop and implement a comprehensive media strategy, including the use of the worldwide web, radio, television, print media, jingles, and community meetings and theatre.

5.6 HUMAN CAPACITY-BUILDING FOR WILDLIFE MANAGEMENT

There are very few qualified and experienced wildlife officers. Junior grades have minimal training or capacity to implement this policy. Similarly, although this policy envisages that diverse partners and stakeholders will collaborate to implement the policy, most have insufficient knowledge and skills to do so effectively.

Policy Statement 14: Develop and Implement a Training program for Wildlife Staff

A comprehensive assessment of human resource and training needs for wildlife conservation is necessary. Such an assessment should be mindful of the review of institutional arrangements for wildlife conservation proposed in Section 6. This assessment will consider differentiation of functions among wildlife officers to enable more effective field implementation. This policy includes establishing cadres of extension and law enforcement staff, but additional specializations for different aspects of Wildlife Conservation Area management are required.

Meanwhile, other strategies will be pursued, which will later be incorporated into a comprehensive plan. This assessment will investigate the needs and feasibility of a national technical training institution for wildlife officers alongside regional opportunities for in-service training.

STRATEGIES

1. Seek external support to conduct a broad-based assessment of human resource and training needs (within and outside the current Wildlife Conservation and Management Unit) to implement this policy.
2. Provide adequate budgetary allocations for senior wildlife officers to provide basic on-the-job training to field staff.
3. Seek external support for formal training of wildlife officers in locally commissioned short courses or degree programs at national universities, and multi-year diploma, certificate and degree courses available in the region or internally.

Policy Statement 15: Provide appropriate Training to Partners and Stakeholders directly involved in Wildlife Management.

STRATEGIES

1. Develop a cadre of wildlife extension officers to work with communities in co-management, advisory and educational roles.
2. Provide informational and educational seminars and presentations for staff of other government agencies (including security forces) and politicians on this policy, relevant international obligations, laws, regulations and guidelines, and other wildlife issues.

3. Encourage implementing agents of conservation projects to build capacity in their Sierra Leonean staff and collaborating civil society organizations to play their full and active role in implementing this policy.

6.0 INSTITUTIONAL ARRANGEMENTS FOR POLICY IMPLEMENTATION

Sierra Leone will take a strategic approach throughout implementation of this policy. While wildlife officers in government will take the lead responsibility, diverse stakeholders will participate in implementation. An opportunistic approach may be employed in some cases, given the need to muster international and national partner support, provided specific opportunities are consistent with the policy.

When the policy is formally adopted a strategic plan for its implementation will include an action plan that identifies partner and stakeholder roles and responsibilities, and a timeline for the first five years of implementation. This action plan will prioritise strategies based upon whether certain activities necessarily precede others, and on resources available.

6.1 INSTITUTIONAL REVIEW OF WILDLIFE MANAGEMENT

A crucial aspect of implementing this policy is a high-level *independent review of the current status and location of wildlife conservation responsibilities in the government system* to determine the type of lead agency needed to implement a policy of this scope and significance. Sierra Leone has ratified several international conventions on biodiversity and wildlife management that have rigorous and high profile reporting and compliance requirements. In addition this policy recognises the importance of the sector to national heritage and lays out wide-ranging powers, duties, responsibilities and partnerships required for biodiversity conservation and wildlife management.

Many African countries have determined that wildlife conservation is best served by an independent parastatal organization with a board of trustees representing major national stakeholders, and have revitalised the wildlife sector as a result. The greater flexibility of suitably constituted parastatals, or even semi-autonomous individual protected areas, has often improved wildlife governance, led to improved ability to attract external funding to the sector and attracted higher calibre staff. The Government of Sierra Leone will determine and adopt the best institutional arrangements for the wildlife sector based on the independent review.

6.2 FINANCIAL RESOURCES

In the near term, the wildlife sector will continue to rely on budgetary support and donor funding for implementation of this policy. Support for direct operational costs, equipment and human capacity development is essential before the sector begins to generate significant revenues itself. New donor or private funding related to mitigation of climate change and carbon sequestration is a promising source for the wildlife sector through its maintenance of intact ecosystems.

Over time the wildlife sector will generate substantial income from diverse sources including fees for entry and use of facilities in Wildlife Conservation Areas, tourism concessions, and permits and licenses for non-priority research and, potentially, hunting-tourism. As opportunities develop for charges related to ecosystem services, such as watershed protection and carbon sequestration, those accruing from Wildlife Conservation Areas will be credited to the Wildlife Conservation Unit.

These revenues and donations will accumulate and be managed in a wildlife conservation trust with an independent board representative of sector interests. The trust will distribute funds to support wildlife conservation objectives, which may include management costs of the Wildlife Conservation Area network, sustainable livelihood support for associated communities, and partners engaged in research,

outreach and other activities supporting conservation. Design of the trust will be flexible such that special requirements of different donors can be accommodated (national and multilateral development aid community, foundations, private-sector, individuals) such as endowments and site-specific funds.

Wildlife management outside the conservation area network involves integrated land use planning at all levels. Budgets for development activities and for local government therefore should include environmental management aspects (including wildlife management) for all relevant programs and projects.

6.3 COMPLIANCE WITH THE CONSERVATION AND WILDLIFE POLICY AND INTERNATIONAL CONVENTIONS

Legal and Regulatory Reform: This policy requires significant legal and regulatory updating for effective implementation through new legislation. A high priority is to update species listings in the current Wildlife Laws schedules to comply with CITES and to be consistent with Red Lists, and any newly established national listings. When new legislation is in place, creation of implementing regulations will enable enforcement, along with user-friendly guidelines and information materials to support implementation. New legislation will also domesticate relevant aspects of international conventions that Sierra Leone has ratified, with particular emphasis on the Convention on Biological Diversity, CITES and Ramsar, as well as allowing for adoption of CMS and the Agreement on Conservation of African-Eurasian Migratory Waterbirds. Implementation of these conventions and agreements requires harmonization of institutional mandates and collaboration of diverse government and non-government partners taking account of land-based, fresh water and marine environments.

Law Enforcement: A cadre of law-enforcement wildlife staff will support application of this policy and subsequent legislation and regulations. At the community level, such staff will collaborate closely with wildlife extension staff and local leaders to ensure compatibility with local rules, bye-laws and enforcement procedures whenever possible. Demarcation of agreed external boundaries of Wildlife Conservation Areas and internal permitted use zones, along with information and education campaigns will clarify law enforcement requirements. When necessary, wildlife staff will engage police, customs and military officers in law enforcement activities when such resources are necessary.

Environmental Management Requirements: In collaboration with SLEPA, special guidelines for environmental impact assessment in the wildlife sector will be developed. These guidelines will apply high environmental management standards for any development in and around conservation areas, and provide guidance on mitigation and management of impacts on wildlife of other developments. In addition, Wildlife Conservation Area management plans will include a review of environmental impacts of implementation of the plan itself.

6.4 COLLABORATION AND COORDINATION MECHANISMS

This policy cannot be implemented by government wildlife staff alone. A wide array of national and local government, international partners, civil society, educational, research, private sector and community institutions will need to collaborate to ensure effective coordination at national, regional and site levels.

A Wildlife Committee at national level will comprise those central government ministries and agencies with mandates encompassing finance, land administration, law enforcement, land and aquatic natural resources, agriculture, tourism, education and local government. This high level national committee will oversee coordination of intra-governmental aspects of implementation of this policy and resolve specific issues of overlapping mandates and interagency collaboration. The committee may invite external non-

government wildlife stakeholders, including international partners, to provide information and advice as required.

At an operational level a Wildlife Thematic Working Group encompassing all stakeholders in the sector will provide technical advice and advance the cause of wildlife conservation nationwide. This group will assist in monitoring policy implementation, managing conflicts, and in identifying emerging issues for the sector. Given its multi-stakeholder membership, the group will provide a consistent and consensus approach to public and policy advocacy on wildlife issues.

The Wildlife Committee and Thematic Working Group will also serve to assist in coordination of international donor and implementing partner programs and projects at policy and operational levels, respectively. These fora will provide support to assist international partners in planning and implementing their activities to achieve added value and avoid overlaps.

Coordination and collaboration at District and site level is also necessary, and will be mediated through local government meetings, traditional structures and committees overseeing wildlife conservation at local level whether inside or outside conservation areas.

6.5 POLICY REVIEW AND UPDATES

The policy will be comprehensively reviewed at least every five years and adaptively amended as necessary. If circumstances change, the Wildlife Committee or Thematic Working Group (Section 6.4) may request government for an earlier review.

APPENDIX TO NATIONAL WILDLIFE POLICY 2010.

4.4 Protected Area Categories (International Union for the Conservation of Nature)

Dudley, N. (Editor) (2008). *Guidelines for Applying Protected Area Management Categories*. Gland, Switzerland: IUCN (www.iucn.org/dbtw-wpd/edocs/PAPS-016.pdf).

Category Ia Strict Nature Reserve: strictly protected areas set aside to protect biodiversity and also possibly geological/geomorphological features, where human visitation, use and impacts are strictly controlled and limited to ensure protection of the conservation values. Such protected areas can serve as indispensable reference areas for scientific research and monitoring.

Primary objective: To conserve regionally, nationally or globally outstanding ecosystems, species (occurrences or aggregations) and/or geodiversity features: these attributes will have been formed mostly or entirely by non-human forces and will be degraded or destroyed when subjected to all but very light human impact.

Other objectives

- To preserve ecosystems, species and geodiversity features in a state as undisturbed by recent human activity as possible;
- To secure examples of the natural environment for scientific studies, environmental monitoring and education, including baseline areas from which all avoidable access is excluded;
- To minimise disturbance through careful planning and implementation of research and other approved activities;
- To conserve cultural and spiritual values associated with nature.

Category Ib Wilderness Area: protected areas are usually large unmodified or slightly modified areas, retaining their natural character and influence, without permanent or significant human habitation, which are protected and managed so as to preserve their natural condition.

Primary objective: To protect the long-term ecological integrity of natural areas that are undisturbed by significant human activity, free of modern infrastructure and where natural forces and processes predominate, so that current and future generations have the opportunity to experience such areas.

Other objectives

- To provide for public access at levels and of a type which will maintain the wilderness qualities of the area for present and future generations;
- To enable indigenous communities to maintain their traditional wilderness-based lifestyle and customs, living at low density and using the available resources in ways compatible with the conservation objectives;
- To protect the relevant cultural and spiritual values and non-material benefits to indigenous or non-indigenous populations, such as solitude, respect for sacred sites, respect for ancestors etc.;
- To allow for low-impact minimally invasive educational and scientific research activities, when such activities cannot be conducted outside the wilderness area.

Category II National Park: protected areas are large natural or near natural areas set aside to protect large-scale ecological processes, along with the complement of species and ecosystems characteristic of

the area, which also provide a foundation for environmentally and culturally compatible spiritual, scientific, educational, recreational and visitor opportunities.

Primary objective: To protect natural biodiversity along with its underlying ecological structure and supporting environmental processes, and to promote education and recreation.

Other objectives:

- To manage the area in order to perpetuate, in as natural a state as possible, representative examples of physiographic regions, biotic communities, genetic resources and unimpaired natural processes;
- To maintain viable and ecologically functional populations and assemblages of native species at densities sufficient to conserve ecosystem integrity and resilience in the long term;
- To contribute in particular to conservation of wide-ranging species, regional ecological processes and migration routes;
- To manage visitor use for inspirational, educational, cultural and recreational purposes at a level which will not cause significant biological or ecological degradation to the natural resources;
- To take into account the needs of indigenous people and local communities, including subsistence resource use, in so far as these will not adversely affect the primary management objective;
- To contribute to local economies through tourism.

Category III Natural Monument or Feature: protected areas are set aside to protect a specific natural monument, which can be a landform, sea mount, submarine cavern, geological feature such as a cave or even a living feature such as an ancient grove. They are generally quite small protected areas and often have high visitor value.

Primary objective: To protect specific outstanding natural features and their associated biodiversity and habitats.

Other objectives

- To provide biodiversity protection in landscapes or seascapes that have otherwise undergone major changes;
- To protect specific natural sites with spiritual and/or cultural values where these also have biodiversity values;
- To conserve traditional spiritual and cultural values of the site.

Category IV Habitat/Species Management Area: protected areas aim to protect particular species or habitats and management reflects this priority. Many category IV protected areas will need regular, active interventions to address the requirements of particular species or to maintain habitats, but this is not a requirement of the category.

Primary Objective: To maintain, conserve and restore species and habitats.

Other objectives:

- To protect vegetation patterns or other biological features through traditional management approaches;
- To protect fragments of habitats as components of landscape or seascape-scale conservation strategies;
- To develop public education and appreciation of the species and/or habitats concerned;
- To provide a means by which the urban residents may obtain regular contact with nature.

Category V Protected Landscape/Seascape: protected area where the interaction of people and nature over time has produced an area of distinct character with significant ecological, biological, cultural

and scenic value: and where safeguarding the integrity of this interaction is vital to protecting and sustaining the area and its associated nature conservation and other values.

Primary objective: To protect and sustain important landscapes/seascapes and the associated nature conservation and other values created by interactions with humans through traditional management practices.

Other objectives

- To maintain a balanced interaction of nature and culture through the protection of landscape and/or seascape and associated traditional management approaches, societies, cultures and spiritual values;
- To contribute to broad-scale conservation by maintaining species associated with cultural landscapes and/or by providing conservation opportunities in heavily used landscapes.
- To provide opportunities for enjoyment, well-being and socio-economic activity through recreation and tourism;
- To provide natural products and environmental services;
- To provide a framework to underpin active involvement by the community in the management of valued landscapes or seascapes and the natural and cultural heritage that they contain;
- To encourage the conservation of agrobiodiversity⁶ and aquatic biodiversity;
- To act as models of sustainability so that lessons can be learnt for wider application.

Category VI: Protected area with Sustainable Use of Natural Resources: protected areas conserve ecosystems and habitats, together with associated cultural values and traditional natural resource management systems. They are generally large, with most of the area in a natural condition, where a proportion is under sustainable natural resource management and where low-level non-industrial use of natural resources compatible with nature conservation is seen as one of the main aims of the area.

Primary objective: To protect natural ecosystems and use natural resources sustainably, when conservation and sustainable use can be mutually beneficial.

Other objectives

- To promote sustainable use of natural resources, considering ecological, economic and social dimensions;
- To promote social and economic benefits to local communities where relevant;
- To facilitate inter-generational security for local communities' livelihoods – therefore ensuring that such livelihoods are sustainable;
- To integrate other cultural approaches, belief systems and world-views within a range of social and economic approaches to nature conservation;
- To contribute to developing and/or maintaining a more balanced relationship between humans and the rest of nature;
- To contribute to sustainable development at national, regional and local level (in the last case mainly to local communities and/or indigenous peoples depending on the protected natural resources);
- To facilitate scientific research and environmental monitoring, mainly related to the conservation and sustainable use of natural resources;
- To collaborate in the delivery of benefits to people, mostly local communities, living in or near to the designated protected area;
- To facilitate recreation and appropriate small-scale tourism

ANNEX 8: WILDLIFE POLICY LETTER OF ACCEPTANCE

CEPESL—Creating an Enabling Policy Environment in Sierra Leone

To: Mr. Sheku Mansaray
Acting Director, Forestry Division, MAFFS

Date: September 23, 2010

Re: Letter of Acceptance—Forest Policy and wildlife Conservation Policy

Dear Mr. Mansaray,

This letter is to officially document “acceptance” of two CEPESL deliverables, the Forestry Policy and the Wildlife Conservation Policy, delivered to MAFFS on August 10th, 2010. Your signature at the bottom of this page, simply formalizes this process, and officially accepts the final Forestry Policy and Wildlife Conservation Policy, that were developed by the Forestry Division with support from CEPESL.

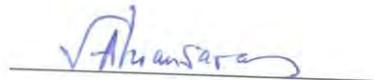
We look forward to continued cooperation with the Forestry Division, and more broadly MAFFS, on the reform of the Forestry and Wildlife Conservation Acts.

Sincerely,



Ramzy Kanaan
Team Leader, CEPESL

Acceptance:



Mr. Sheku Mansaray
Acting Director, Forestry Division
MAFFS

Date: 27/09/10

ANNEX 9: FORESTRY ACT

BILL
A BILL ENTITLED

Short title **THE FORESTRY ACT**

Being an Act to promote the sustainable management and development of forests for environmental, economic, educational, recreational, health and other related purposes

Date of commencement

ENACTED by the President and Members of Parliament in this present Parliament assembled.

PART I- PRELIMINARY

Interpretation 1. In this Act unless the context otherwise requires-

—Authorized officer” means any forest officer or other officers or person authorized in writing by the Minister or Director to exercise any power or to discharge any duty under this Act;

—Classified forest” means a national production forest, national protection forest or community forest;

—Committee” means the National Advisory Forestry Committee established under section 3

—Community forest” means an area of land constituted as a community forest under section 14

—Concessionaire” means the holder of a forest utilization concession or a forest plantation concession;

—Confirmed usage rights” means a right to use land and to take forest produce therefrom which has been recognized and confirmed under section 13 or 14 of the current act;

—Director” means the Director of Forestry;

—Forest management plan” means a plan drawn up in accordance with section 10 for the management of any classified forest;

—Forest officer” means an officer in the Public Service appointed to serve in the Forestry Division;

—Forest plantation concession” means a grant of rights in a national forest pursuant to an agreement under section 21

—Forest produce” means any tree or anything which is produced by or from trees or other vegetation growing in or removed from a classified forest;

—Forestry Division” means the Forestry Division of the Ministry responsible for forestry

“Fund” means the Sierra Leone Forest Fund

—Inspector” means a person authorized by the Director to be an inspector

—Licensee” means the holder of a licence issued under section 17 or 33 of the current act

—Minister” means the minister responsible for forestry;

—National forest” means an area of land constituted as a national forest under section 13 of the current act

—National production forest” means a national forest of which the primary management objective is production of forest produce

—National protection forest” means a national forest of which the primary management objective is preservation of the forest environment and protection of soil, water, flora and fauna;

—Protected area” means any land declared to be a protected area under section 32

—Protected tree” means a tree declared to be a protected tree under section 33;

—Purchaser” means a purchaser of forest produce under section 26

—Tree” means any woody vegetation

PART II- ADMINISTRATION

Director of forestry

2. Subject to the direction of the Minister the Director shall be responsible for the implementation of this Act and in particular for –

- (a) the efficient management and rational utilization of the country's forest resources;
- (b) the preservation of the forest environment and the environmental role of forest land ;
- (c) promoting and assisting the practice of forestry in agricultural , pastoral and other areas of the country in order to ensure the continued local supply of forest products and the protection of soil and water resources ;
- (d) promoting and conducting forest research education and extension ;
- (e) conducting forest inventories and preparing forest management and working plans;
- (f) afforestation and silvicultural treatment of forests;
- (g) conducting sales and issuing licences for the disposition of forest produce ;
- (h) negotiating concession agreements for the plantation and utilization of production forests and the processing of their products and ensuring performance of such agreements;
- (i) adopting and promoting methods for the sustainability , conservation and preservation of ecosystems and biological diversity in national forest and community forests;
- (j) collecting , compiling and disseminating information on forest resource in an areas and advise on areas requiring afforestation and protection of flora threatened or in danger of extinction;
- (k) devising and implementing t participatory forest management approaches;

- (l) developing and implementing participatory public education programmes on various aspects of forestry and conservation of forestry resources to ensure better appreciation , management and utilization of forest resources ;
- (m) undertaking and supporting adaptive research and development of forest resources management , farm forestry, agroforestry , agriculture and forest products at national, regional and local levels;
- (n) developing mechanisms for monitoring and evaluating forest resources;
- (o) developing mechanisms for monitoring the use of forest resources and development in the forest sector;
- (p) promoting the sustainable utilization of forest resources for the development of the national economy; and
- (q) establishing and operating effective and systemic management of financial , human and natural resources for the conservation and sustainable use of forest resources and the conservation of biological diversity

national forestry advisory committee

3(1). There is hereby established a committee to be

known as the national forestry advisory committee.

(2) The Committee shall consist of the following members-

(a) the Director ;

(b)the Director, Ministry of lands , country planning and the environment;

(c) the Executive Director, Sierra Leone Environmental Protection Agency;

(d)a representative of a Civil Society organization having expertise on issue relating forest management ; and

(e)two persons who possess the necessary expertise, qualifications and interest in all aspects of forest management and the marketing of forest produce

(3)The functions of the Committee shall be to advise the Minister and the Director on-

- (a) matters relating to issuance of licence and concession;
 - (b) matters relating to declaration of a forest reserve;
 - (c) matters relating to the management of a forest reserve;
 - (d) regulations required to ensure the conservation and sustainable use of forest resources;
 - (e) review of the forest policy; and
 - (f) any other matter which the Minister may specify.
- (4) The committee shall regulate its own proceedings

PART III-THE SIERRA LEONE FOREST FUND

Establishment of fund 4(1).There is hereby established a fund to be known as the Sierra Leone Forest Fund

(2)The fund shall consist of -

- (a) government's budgetary allocation to forest management;
- (b)environmental allocation funds designated for forestry management;
- (c) proceeds from concessions;
- (d) grants , donations, bequests or such sums contributed by any private individuals, corporate bodies , foundations or international organizations or funds within or outside the country; and
- (f) any such funds acquired from various sources

(2) The proceeds of the funds shall be applied to –

- (a) promote awareness of the importance of the protection , development and sustainable use of forest resources through public education training;
- (b)promote and support wood processing industry , afforestation and reforestation programmes within the forest sector;
- (c) promote and fund research into forestry;
- (d) assist in enabling Sierra Leone to benefit from international initiatives and international funds directed towards the conservation and protection of biological diversity and the promotion of sustainable development of forest resources
- (e) promote such other activities as may be determined by the Director

Account and audit

(3) The fund shall be managed by the Director

5(1) The Director shall keep proper books of account and proper records in a form to be approved by the Auditor-General.

(2) The books of accounts kept under subsection (1) shall within three months after the end of each financial year be audited by the Auditor-General or an auditor appointed by him.

Annual report

6. The Director shall as soon as possible but not later than three months after the end of each financial year submit to the Minister a report of the activities, operations, undertakings, properties and finances of the forestry division for the year, including the Auditor-General's report and a list of persons granted licences and concessions in that year

PART IV- FOREST MANAGEMENT

**Management of
Classified forests**

7. Every classified forest shall be managed to achieve the greatest combination of benefits, in the forms of forest production, forest protection and non-forest uses, that is compatible with the primary objectives of the forest.

Forest inventory

8(1). The Director shall compile a national inventory of the forest resources of Sierra Leone and shall revise the inventory as necessary to maintain its currency.

(2) The inventory referred to in subsection (1) shall –

(a) contain the total number of forest reserves as well as the total area covered by forest reserves;

(b) contain the total number of national and community forests as well as the total area covered by such forests;

(c) identify other public, private or communal land which is being used for forestry as well as the total area covered by that land;

(d) contain the type and quantity of forest produce in the forest or land referred to in paragraphs (a), (b) and (c);

(e) contain a record of the management plan for each classified forest;

(f) identify-

(i) water catchment areas, steep slopes and other environmental fragile areas which require permanent forest cover

(ii) areas which are suitable for forest plantations; and

(g) contain any other information which is necessary to ensure the efficient management of forest resources .

(3) The Minister may by regulation require detailed inventories to be compiled for any area of classified forest and such regulations may prohibit any forest operation in any area for which a detailed inventory has not been approved by the Director.

Forest management plans 9(1) The Director shall prepare a forest management plan for each classified forest.

(2) The management plan shall –

(a) describe the area covered by the classified forest, the forest produce found in that classified forest and how the forest is being used;

(b) state the management objectives of the classified forest ; and

(c) state the measures to be taken for management of classified forest .

Area forest management plans 10(1) Prior to granting a forest concession in any area of a national forest, a forest management plan for such area or for a series of related areas shall be prepared by or authorized and approved by the Director. The plan shall indicate the technical requirements of rational use of the forest resources within the area covered by the plan and shall –

(a) describe the area and its forest resources and customary and other rights affecting it;

(b) describe the surrounding area and its land uses;

(c) state the management objectives for the area;

(d) contain provisions regarding forest protection such as fire prevention and control, protected trees, control of land clearing, soil conservation;

(e) establish an allowable annual cut;

(f) specify species and sizes of trees which must and must not be cut and extracted;

(g) establish the plan of road construction;

(h) establish requirements for the utilization and processing of forest produce;

- (i) specify methods of felling and extracting timber; and
- (j) specify silvicultural and reforestation measures

(2) So far as practicable, plans shall also be prepared and revised for the management of areas of national forest not under concession and for community forests.

**Joint management
Agreements**

11(1) A joint management agreement for the management of a forest may be made between

the Director and any person or organization in the public or private sector, community groups for the management of forest reserves.

(2) A joint management agreement shall include the following-

(a) a description of the forest reserve or the area of the forest reserve covered by the agreement;

(b) a description of the matters which are the subject matter of the agreement;

(c) a statement of the objectives of the agreement;

(d) a description of the management activities agreed to be undertaken;

(e) the rules governing and regulating the use of access to the forest reserve;

(f) rules regulating access to, use and division of and management and audit of any funds which may be made available or are generated by the implementation of the agreement;

(g) procedure for resolving disputes which may arise between the parties to the agreement ;

(h) revision of the agreement;

(i) penalties on violation of rules, expulsion from occupation or limiting or preventing use of or access to the forest reserve or produce therein; and

(j) such other matters as may be prescribed or as the parties to the agreement consider necessary and desirable to include in the agreement.

**Environmental impact
Assessment required
For certain developments**

12. The proposer of any proposed development in a forest reserve shall prepare and submit to the Director

an environmental impact assessment of the proposed development

PART V- NATIONAL FORESTS

Constitution of a national forest

13(1) The Director may prepare a proposal for a national forest .

The proposal shall contain-

- (a) the boundaries of the proposed forest described by reference to geographical features, markers, co-ordinates and measurement and demarcated on a map of suitable scale;
- (b) a description of the forest resources and potential of the proposed forest;
- (c) the main objective whether production or protection to be pursued in the management of the forest and a description of the multiple benefits that may be obtained by such management;
- (d) a description of all ownership ,usage and other rights affecting the area of the proposed forest and recommendations for acquiring or confirming them;
- (e) an analysis of the effect if any that the constitution of the proposed forest will have on any rights that are not recommended to be acquired; and
- (f) an analysis of the effect of the proposal on the agricultural , herding and other activities of the neighbouring population

(2) Whenever the Minister intends to constitute as a national forest any land not owned or leased by the State, he shall first acquire the land by purchase or lease on such terms as to him seem just subject to the following provisions :-

- (a) existing usage rights shall be confirmed in so far as they are consistent with the main objectives of the proposed forest, and the acquisition of land under this subsection shall be subject to confirmed usage rights ;
- (b) in the use of land in the provinces-
 - (i) the Minister shall acquire a lease of such land for such term not exceeding 99 years as appears to him appropriate to the objectives of the proposed forest;
 - (ii) a lease may be renewed for successive terms of 99 years subject to the provisions of this sub-section

(iii) the amount agreed as rent for such land shall be adjusted by mutual agreement every five years;

(iv) the lease shall state what proportion of the rent as from time to time agreed shall be paid to the Chiefdom Council and what proportion shall be paid to each of the land –user whose rights are being curtailed or extinguished;

(v) with respect to any part of the land that is constituted as a forest reserve under this Act, no compensation shall be payable to land users whose use contravenes this Act or any order made thereunder;

(vi) at the time of the execution or renewal of lease or adjustment of rent, no compensation or rent shall be payable in respect of improvements , including afforestation made on the land by the Forestry Division or a concessionaire , purchaser or licensee ;

(vii) if at the time of seeking a lease or at any renegotiation thereof, the Minister is unable to obtain the agreement of the District Council or the Chiefdom Council to such terms as to him seem just, he may execute the lease or any modification thereof on such terms and in the name of the District Council or the Chiefdom Council subject to the adequacy of the amount of rent determined by the Minister

(viii) every lease and every renewal thereof shall be subject to the approval of the District Officer for the District in which the land is situated; and

(c)in the case of land in the Western Area, the Minister shall acquire the freehold or leasehold by agreement or on such terms as to him seem just , subject to the right of any person to apply to a court for judicial determination of the adequacy of the compensation offered.

(3) Upon receipt of a proposal prepared in accordance with sub-section (1), the Minister may, by notice in the Gazette, constitute any land owned or leased by the State as a national production forest or a national protection forest. The notice shall contain –

(a) the boundaries of the forest described by reference to geographical features, markers, co-ordinates and measurements and demarcated on a map of suitable scale;

(b) the main objective whether production or protection to be pursued in the management of the forest; and

(c) a description of all confirmed usage rights affecting the forest.

(4) The Minister may, where it appears to him to be in the long-term interest of the country and of the proper management of its forest resources, revoke or modify any notice constituting a national forest. If the modification of an order under this section would enlarge the area of a national forest or reduce the rights of others in the forest, applicable provisions of this section with respect to the acquisition of land rights shall first be complied with .

(5) Any area of national forest which is leased by the State shall cease to be a national forest upon the expiry without renewal of the lease .

PART VI- COMMUNITY FOREST

Constitution of a community forest

14(1)The District Council of any district or the Chiefdom

Council of any chiefdom may conclude an agreement with the Director providing for the constitution as a community forest of any land within the Chiefdom, subject to the approval of the District Officer for the District in which the land is situated.

(2)Every agreement under this section shall-

(a) describe the area included in the forest by reference to geographical features, markers, co-ordinates and measurements and indicate the same on a map of suitable scale which shall be annexed to the agreement;

(b) describe the forest resources and potential of the area;

(c) indicate the purpose of the forest , such as supply of fuel, building poles, production of commercial timber, protection of soil and water supplies;

(d) contain a detailed inventory of any rights that will be suppressed upon the constitution of the forest and provide for adequate compensation for such rights, either in money or through the allocation of equivalent rights in other land, within the Chiefdom;

(e) contain a list of existing rights that will be confirmed by the agreement; and

(f) be valid for such period not exceeding 99 years as is reasonable in view of the purpose for which the forest is to be constituted

(3) The Minister may by notice in the Gazette constitute any state land and any land in respect of which there is an agreement in force under this section as a community forest.

(4) A community forest agreement may be terminated or modified by mutual consent of the parties thereto. The Director shall agree to termination or modification of an agreement in the following case :-

(a) when the agreement no longer serves its original purpose ;

(b) when the needs of the community require such termination or modification

(5) Before agreeing to the modification or termination of any community forest agreement, the Director shall give such notice as is reasonably necessary for any person affected to communicate his views on the modification or termination under consideration .

(6) The Minister may at any time revoke or modify a notice constituting a community forest, but he shall not modify a notice constituting a community forest in a manner contrary to any agreement under this section regarding such forest. The Minister shall revoke or modify a notice constituting a community forest as necessary to reflect any modification or termination of an agreement under sub-section (4)

Management of Community forests

15(1) A community forest on State land shall be managed by the Forestry Division or , pursuant to an agreement with the Forestry Division , by a unit of local government or a community forest association, co-operative or other association of persons.

(2) A community forest not on State land shall be managed by the District Council or the Chiefdom Council or pursuant to an agreement with the Chiefdom Council, by a community forest

association, co-operative or other association of persons or the Forestry Division.

(3) The Forestry Division shall provide all necessary advice and assistance for the management of community forests, including the preparation of a management plan for any community forest which the District Council or Chiefdom Council may request.

(4) The Director may require a management plan and annual working plans to be prepared for any community forest.

(5) The Forestry Division shall oversee the management of community forests and may itself perform any operation which is required for the proper management of any community forest .

(6) The Director may , where he considers it appropriate so to do , require reimbursement from the District Council or the Chiefdom Council or other entity responsible for managing of community forest for the cost of any operation or assistance undertaken by the Forestry Division for the management of such forest.

PART VII- PERMIT, LICENCES AND OTHER RELATED PROVISIONS

Acts prohibited In classified forests

16. No person in a national or community forest shall

- (a) cut ,burn, uproot, damage or destroy any tree
- (b)remove any timber or other forest produce,
- (c) clear any land, build any road or structure,
- (d) take any earth , clay, sand, gravel or stone,
- (e)cultivate any crop,
- (f) graze any animal or
- (g) conduct any forest operation

except pursuant to a concession agreement , contract of sale, licence, confirmed usage right or other authority under this Act.

Licences for Utilization of national forest 17(1) Subject to any applicable forest management plan and to the prior rights of other persons, a forestry officer designated by the Director may issue a licence authorizing the holder to perform any of the following acts in a national forest as may be stated in the licence :-

- (a) to fell , take an extract timber , fuelwood and other forest produce;
- (b) clear land;
- (c) plant trees and crops;
- (d) graze animals

(2) A licence issued under this section shall be subject to such conditions as may be stated thereon or prescribed by regulations made under this Act and to the payment of such fees as may be prescribed by regulations made under this Act

(3) A licence issued under this section shall, unless sooner revoked or suspended be valid for such period not exceeding one year as may be stated therein, except that a licence to clear land and plant trees and crops may be valid for such longer period as is necessary for the maturation and harvesting of the crops or tree products to be planted

(4) A licence to clear land shall, unless the Minister shall otherwise provide with respect to any specified area, be subject to the condition that the land be restocked with approved forest vegetation within a period to be specified in the licence

National forest Utilization concessions 18(1)The Minister may enter into an agreement with any person for a concession to utilize any area of national forest classified for production forestry .

(2) A forest utilization concession shall convey such rights as are specified in the concession agreement to (a)fell and extract timber and other forest produce;

- (b) build roads, bridges, saw mills factories and other works and structures;
- (c)undertake operations necessary to the extraction and processing of timber and other forest produce

(3) A forest utilization concession shall not convey an interest in any land.

(4) An agreement for a forest utilization concession shall specify –

(a) the boundaries of the concession area;

(b) the customary and other rights affecting the concession area;

(c) the rights granted to the concessionaire;

(d) the type and size of the wood conversion and processing facilities to be operated by the concessionaire and the schedule for their operation;

(e) the quantity of logs, if any, that may be exported and the conditions under which they may be exported;

(f) a programme for the training and employment of Sierra Leoneans in all phases of the operation;

(g) the payments, in addition to any fees imposed under this Act, which the concessionaire agrees to pay in respect of operations pursuant to the concession agreement;

(h) the amount of the bond or other security that the concessionaire agrees to post to guarantee the performance under the concession;

(i) the compensation to be paid by the concessionaire for any failure to fulfill the terms of the agreement

(4) Subject to this Act and regulation made hereunder an agreement for a forest utilization concession may be modified by mutual agreement of the Minister and the concessionaire

**Conditions of national
Forest utilization
Concessions**

19. A forest utilization concession shall be subject to a forest management and reforestation plan prepared by Director and to an annual working plan prepared by the concessionaire and approved by the Director

**Duration of national
Forest utilization
Concessions**

20(1) A national forest utilization concession shall be valid for a period not exceeding ten years, except that such period may extend to twenty years if the concession agreement provides for an integrated wood-based industry that converts substantially all of the forest produce extracted under the concession into the most highly processed products for which the different kinds of produce are technically and economically suitable

**National forest
Plantation concession**

(2) The Minister may revoke a national forest concession if the concessionaire fails to undertake logging or processing operations of the scale and within the time limits agreed

(3) A forest utilization concession granted for a period exceeding ten years shall be revoked at the end of ten years if by that time an integrated wood-based industry as described in subsection (1) is not operating at the level required by the concession agreement

21(1) The Minister may enter into an agreement with any person for a concession to clear any area of national forest classified for production forestry , to restock it with approved forest vegetation and , at the culmination of the optimum growth of the restocked forest vegetation , to fell and extract the same .

(2) A forest plantation concession shall be subject to the section 18 except with respect to payments which shall be governed by subsection (3) of this section

(3) A forest plantation concession shall be subject to the following payments by the concessionaire :-

(a) with respect to the forest produce felled, taken or extracted in the initial clearance of the land, all fees payable under this Act or regulations made hereunder , subject to refund of the reforestation fee if approved planting is accomplished on schedule;

(b) the amount of rent payable under section (check section 13(2) with respect to the land;

(c) with respect to the felling or extraction of forest produce planted by the concessionaire , the Mano River Training Fee and reforestation fee prescribed under section 25 subject to refund of the reforestation fee if approved reforestation fee of works are accomplished , but no other fee shall be payable in respect of such produce unless payment of such fee is specified in the concession agreement;

(d) such other amounts as may be specified in the concession agreement .

(4) A forest plantation agreement shall be subject to section 17 with respect to the felling and extraction of timber

(5) A forest plantation concession shall be valid for a period equal to the estimated optimum growth cycle of the forest vegetation to be planted and to an additional period determined in accordance with section 20

**Utilisation of
Community forest**

22(1) The Chiefdom Council or other entity responsible for managing a community forest shall determine the conditions including the fees and prices under which the forest may be utilised and produce may be taken from it

(2) Conditions, fees and prices established under sub-section (1) may be more favourable for inhabitants of the chiefdom or other unit of local government in which the community forest is situated than for other persons

(3) All fees and prices paid in respect of a community forest shall be retained by the Chiefdom Council or other entity responsible for managing the forest, subject to the terms of any applicable agreement under sub-section (1) and (2) of section 15

(4) The Chiefdom Council or other entity responsible for managing a community forest shall maintain records of the forest's utilisation of silvicultural and afforestation activities, and of all fees and prices received, and shall transmit copies of such information to the Forestry Division and to the Chiefdom Council

**Transfer of licence
or permit**

23. A licence or permit issued under this Act shall not be transferred without the written consent of the Director

**cancellation and
suspension of
licences and contracts**

24. The Director may cancel or suspend a licence, permit or a contract of sale under this Act if the licensee, permit holder or purchaser violates any provision of this Act or regulations made hereunder or any conditions of the licence, permit or contract.

National forest fees

25(1) Every concessionaire, every purchaser of standing timber and every holder of a licence to fell and extract timber shall pay the reforestation fee on the basis of the quantity of timber felled or extracted and at such rate as the Minister may prescribe. The reforestation fee shall be paid to the Director who shall immediately

pay all amounts so collected into the national forestry fund , provided that where the person liable to payment of the reforestation fee completes approved reforestation works to the satisfaction of the Director , the amount of reforestation fee paid with respect to the reforestation area shall be returned to such person forthwith

(2) The Minister may prescribe fees payable in addition to the fees referred to in sub-section (1) in respect of each kind of forest produce and operation , and fees under this provision may be fixed at different rates for different classes of concessions, licences and other authorities

(3) The Minister may prescribe that any fee payable on the basis of the kind and quantity of timber felled or extracted shall be payable on the basis of timber felled, damaged or destroyed, whether or not extracted (or authorised to be felled whether or not actually felled) and may further prescribe that any fee shall be paid in advance of the operation to which it relates

PART VIII- TRADE IN FOREST PRODUCE

- sale of national forest produce** 26. Subject to any applicable forest management plan and to the prior rights of other persons , the Director may sell the produce of a national forest by auction or by private agreement , but the price of sale shall in no case be less than the total of fees that would be payable if such produce were disposed of under licence. In the case of sales of felled timber, if the sale is not conducted by auction , the price shall not be less than the prevailing price for such timber in the locality. If standing timber is sold , the contract of sale shall provide for the following –
- (a) time and methods of felling and extraction;
 - (b) end use of the timber;
 - (c) reforestation plan;
- export certificate** 27(1) No person shall export or enter for export any timber or other forest produce unless-
- (a) that person has a valid export certificate issued by the Director in respect of that timber or other forest produce ;or

(b) that timber or other forest produce has by an order made by the Minister and published in the Gazette been exempted from the provisions of paragraph (a)

(2) No export certificate shall be granted or shall be valid except in relation to graded timber , the origin and grade of each piece of timber of which accords with the marks placed thereon.

(3) No export certificate for the export of forest produce other than timber shall be granted or shall be valid except in relation to forest produce which has been certified by an authorised officer as having complied with such standards or quality as may be prescribed.

(4) Every export certificate shall be in the prescribed form and shall expire -----months after the date of issuance .

Authorisation of graders and inspectors

28. The Director shall on the basis of an application made in the prescribed form authorise in writing any suitable person to be a grader of timber or an inspector of forest produce for the purpose of carrying out the provisions of this Part .

inspection of forest produce before export

29(1) Where application is made for grading or inspecting of any timber , such timber shall be staked by the owner or exporter in convenient parcels to allow a thorough inspection of piece by piece by the grader

(2) Where an application is made for inspection of any forest produce, the produce shall be set out in such a manner which will allow a thorough inspection as the inspector may require.

(3) A grader may refuse to grade timber if he considers it to be in an unfit condition for export .

(4) An inspector may refuse to inspect any forest produce if he considers it to be in an unfit condition for export

(5) A grader in relation to timber and a inspector in relation to forest produce may at any time inspect timber or forest produce other than timber for any purpose connected with checking or confirming the grading or quality of the timber or the forest produce

(6) All handling charges in respect of grading or inspection or any inspection to confirm the grading of timber or for any other purpose connected with timber or forest produce shall be at the expense of the owner or exporter who shall provide all necessary service, labour and other facilities as may be required by a grader or an inspector to enable any such inspection to be carried out

(7) Any person aggrieved by a decision of a grader or an inspector may appeal within thirty days of the decision to the Director and the Director may confirm, vary or reverse any such decision of a grader or inspector and such decision shall be final.

Prohibition of marking by authorised person

30(1) No person except a grader shall mark any timber with any mark prescribed under this Act.

(2) No person except an inspector shall mark or place on any forest produce any mark prescribed under this Act.

(3) No person shall mark any timber or place upon any forest produce any mark similar to any mark prescribed under this Act

Control of Movement of Timber

31(1) The Minister may, by order published in the Gazette prohibit or restrict the movement of timber of any kind, quantity or description within Sierra Leone and from Sierra Leone for such periods as shall be specified in the order .

(2) In determining whether to exercise powers under subsection (1), the Minister shall have regard to –

(a) the need to maintain the quality of exports of timber and forest produce;

(b) the need to contain and prevent the spread of any disease affecting trees, timber or other forest produce;

(c) the importance of conforming to international agreements and standards relating to the export of timber;

(d) the prevention of any criminal activity in relation to the export or sale of timber and other forest produce;

(e) such other factors affecting the sustainability of forests

PART IX- CONSERVATION OF NATURAL VEGETATION , TREES AND WILD ANIMALS

Protected areas

32(1) The Minister may by notice published in the Gazette declare any area to be a protected area for purposes of the conservation of soil, water, flora or fauna.

(2) In a protected area, no vegetation of such description as may be specified in the notice declaring the area may be cut, burned, uprooted, damaged or destroyed except with permission in writing from the Director

(3) The Minister may at any time revoke or modify a notice declaring a protected area

(4) A notice declaring a protected area shall expire after five years unless sooner revoked.

Protected trees

33(1) The Minister may by notice in the Gazette declare any specie or other description of tree to be a protected tree

(2) No person shall cut, burn, uproot, damage or destroy a protected tree except pursuant to a licence under this section

(3) Any forest officer designated by the Director may issue a licence authorising the holder to fell and extract a protected tree.

(4) A licence issued under this section shall be subject to such conditions as may be stated thereon or prescribed by regulations made under this Act and to the payment of such fees as may be prescribed by regulations made under this Act.

Protected wild animals

34. No person shall -

(a) kill, injure, destroy, drug, capture, collect or take any listed wild animal ;

(b)take , injure or destroy any egg or nest or part thereof or any lair or part thereof of any wild animal ;

(c) transport any wild animal from one part of a forest reserve to another part of the same forest reserve or to a different forest reserve

Unless that person holds a permit from the Director or a licence from the authority responsible for the management and protection of wildlife

PART X- CONTROL OF FIRE

Prohibitions

35(1) No person shall light a fire or cause a fire to be lit in a classified forest or a forest reserve unless the fire is lit in a place which has been set

aside for that purpose by a forest officer or the lighting of the fire has been authorised by a forest officer.

(2) A person who contravenes this section commits an offence and shall be liable on conviction to a fine not exceeding -----

PART XI- OFFENCES AND ENFORCEMENT

Inspection

36(1) A forest officer may enter upon any land or premises held or occupied by virtue of a forest licence, contract of sale or concession under this Act and inspect such land or premises and carry out silvicultural operations or other forest work including operations to prevent or suppress fires, forest pests and diseases

(2) Where there is reason to believe that an offence has been committed against this Act, a forest officer or a police officer may without a warrant seize any article by means of which or in respect of which the offence is suspected of having been committed and any article which there is reason to believe will afford evidence of the commission of the offence.

(3) Any person who seizes an article under this section shall give a receipt thereof and deliver the article to the custody of the court, where it shall be held pending the completion of any proceedings, provided that on the order of the Director any live animal may be sold and any perishable article may be sold or destroyed. Any proceeds from the sale under this sub-section shall be paid to the court and held in place of the article sold.

(4) Articles and proceeds held under this section shall be disposed of according to the provisions of the Criminal Procedure Act

Arrest

37. A forest officer may without a warrant arrest any person who he reasonably suspects has committed any offence against this Act or regulations made hereunder, if such person refuses to give his name and address or give a name and address which the forest officer reasonably believes to be false, or if the forest officer has reason to believe that such person will abscond. Any person arrested under this section shall without delay be brought before the Magistrate's Court within the local limits of whose jurisdiction the person was arrested or the offence was committed

Offences

38(1) Any person who without lawful authority , in a national or community forest , cuts, burns, uproots, damages or destroys any tree, removes any timber or other forest produce , clears any land, builds any road or structure , takes any cork, clay, sand, gravel or stone, cultivates any crop, grazes any animal or conducts any forest operation commits an offence and shall be liable on conviction to a fine not exceeding ----or imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

(2) Any person who without lawful authority in any protected area cuts, burns, uproots, damages or destroys any vegetation commits an offence shall be liable on conviction to a fine not exceeding -----or imprisonment for a term not exceeding six months or both such fine and imprisonment

(3) Any person who without lawful authority cuts, burns, uproots, damages or destroys any protected tree commits an offence and shall be liable on conviction to a fine not exceeding -----or imprisonment for a term not exceeding three months or to both such fine and imprisonment

(4) Any person who without lawful authority destroys, removes or alters any boundary mark placed by or under the authority of the Director to mark any area for the purposes of this Act commits an offence and shall be liable on conviction to a fine not exceeding ----or imprisonment for a term not exceeding six months or to both such fine and imprisonment

(5) Any person who knowingly and falsely represents that any wood or wood product has been graded or meets any standard according to any grading rules commits an offence and shall be liable on conviction to a fine not exceeding ----or imprisonment for a term not exceeding twelve months or to both such fine and imprisonment

(6) Any person who counterfeits upon or unlawfully affixes to any forest produce a mark used by forest officers to indicate that such produce is the property of the Government , or that it may be lawfully felled, taken or extracted, or that it has been inspected and graded in any category commits an offence and shall be liable on conviction to a fine not exceeding ----or imprisonment for a term not exceeding two years or to both such fine and imprisonment

(7) Any person who without lawful authority makes use or possesses a brand, stamp or mark which resembles or purports to be a brand, stamp or mark used by forest officers for official purposes under this Act commits an offence and shall be liable on conviction to a fine not exceeding ----or imprisonment for a term not exceeding twelve months or to both such fine and imprisonment .

(8) Any person who knowingly makes a false or incorrect statement , report or entry of any information required under this Act or regulations made hereunder commits an offence and shall be liable on conviction to a fine not exceeding -----or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment

(9) Any person who obstructs or hinders any forest officer in the exercise of his powers and duties under this Act commits an offence and shall be liable on conviction to a fine not exceeding ----or imprisonment for a term not exceeding three months or to both such fine and imprisonment

Presumption

39. Where any person in a national or community forest possesses any forest produce which he is not authorised to take from such forest, he shall be presumed, unless the contrary is proved, to have taken such produce from such forest.

Forfeiture and Compensation

40. Where any person is convicted of an offence against this Act or any regulations made hereunder , the Court , in addition to any other penalty provided by this Act, may order-

- (a) that any article or thing by means of which or in respect of which the offence has been committed shall be forfeited to the Government
- (b) the convicted person to pay to the Government a sum equal to the value of any damage to forest produce or forest land caused by the offence ; and
- (c) may cancel any concession ,licence or contract of sale under this Act or regulations made hereunder

compounding of offences

41(1) A forest officer not below the rank of Assistant Director of Forest may, where he is satisfied that a person has committed an offence against this Act or regulations made hereunder and such person consents in writing to compounding under this section , compound such offence by accepting –

- (a) a sum of money not exceeding the value of the produce involved or -----Leones whichever is the higher;
- (b) the return of any forest produce, or the proceeds thereof , in respect of which the offence has been committed

(2) In any proceedings brought for an offence against this Act or any regulations made hereunder, it shall be a good defence save with regard to damages recoverable in respect of personal liability to any person other than the Government, if the person against whom proceedings are brought proves to the satisfaction of the court that he has compounded the offence under this section

PART XI- MISCELLANEOUS

Regulations

42(1). The Minister may by statutory instrument, make regulations for giving in effect to this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations –

- (a) prescribing the form and contents of community forest agreements, concession agreements, contracts of sale, licences and other authorities under this Act, the manner of applying for, granting , issuing, registering and transferring such agreements, contracts, licences and the covenants , terms and conditions under which they shall be held , determined , suspended or cancelled;
- (b) prescribing the rate, amount and manner of assessment of fees, royalties and other charges for forest produce and for any concession, contract of sale , licence or other authority or for any application for any of the foregoing;
- (c) establishing different classes of licences and other authorizations and providing that different conditions and fees shall pertain to each of them;
- (d) prescribing rules and standards for the inspection and grading of forest produce , including timber and the products thereof , and prohibiting any forest produce from being described or traded or exported except in accordance with such rules and standards ;
- (e) providing for the manner of preparing proposals for national forest;
- (f) prescribe the form and content of any forest inventory or national or area forest management plan;

- (g) prescribing the kinds, sizes and quantities of any forest produce that may be felled, taken or extracted in or from any national forest, community forest or protected area;
- (h) prohibiting any forest operation in any area of classified forest for which a detailed inventory or a forest management plan has not been approved by the Director;
- (i) requiring any person conducting any operation in a national or community forest or a protected area to furnish all information concerning such operation and prescribe the form and manner of reporting such information;
- (j) prescribing conditions and standards for the transportation and processing of any forest produce;
- (k) prohibiting or otherwise regulating the export of logs or of forest produce in any form;;
- (l) providing for the assignment , registration and use of timber marks;
- (m) providing for the demarcation of any national or community forest or protected area; and
- (n) providing that the contraventions of any such regulations shall be an offence and prescribe in respect of such offence any penalty not exceeding a fine of -----Leones or imprisonment for a term not exceeding two years or to both such fine and imprisonment and in addition , prescribe in respect of any continuing offence , a fine not less than -----Leones in respect of each day on which the offence continues

Repeal and Savings

43(1) The Forestry Act is hereby repealed except that the Forest Order , the Forestry (Forest Protection) order and every Protected Forest Order and Forest Reserve Order in force on the commencement of this Act shall remain in force subject to the following –

- (a) the Minister may by notice published in the Gazette revoke or modify any Protected Forest Order or Forest Reserve Order in its entirety or with respect to any area of land
- (b) the provisions of the Forestry Order and the Forestry (forest Protection) shall only apply to areas with respect to which a protected forest order or Forest Reserve Order remains in force
- (c) the Minister may by notice published in the Gazette make provisions for –

- (i) the fees to be charged on the grant and issue of licences
 - (ii) the royalties to be paid by the holders of such licences
 - (iii) tolls on timber , rubber and forest produce conveyed on any river or creek and the cost of surveys and demarcations
 - (iv) the collection , payment and disposal of fees, royalties , tolls and costs of survey and demarcations
- (d) the national forestry fund established by section -----of this Act shall be payable in respect of such concessions, licences and operations in Protected Forests and Forests Reserves as the Minister may by order published in the Gazette determine , but other fees and royalties shall be assessed and distributed under the provisions of the Forestry Order

ANNEX 10: FORESTRY ACT LETTER OF ACCEPTANCE

CEPESL—Creating an Enabling Policy Environment in Sierra Leone

To: Mr. Sheku Ahmed Mansaray
Director of Forestry, MAFFS

Date: February 28, 2011

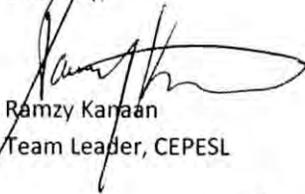
Re: Letter of Acceptance—Draft Forestry Act

Dear Mr. Mansaray,

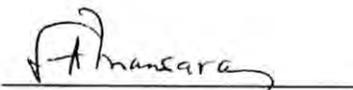
This letter is to officially document “acceptance” of the Draft Forestry Act, a deliverable of the CEPESL Project, delivered to the Director of Forestry, Ministry of Agriculture, Forestry and Food Security this date. Your signature at the bottom of this page, simply formalizes this process, and officially accepts the Draft Forestry Act, that was developed with support from CEPESL.

We look forward to continued cooperation with the Forestry Division of the Ministry of Agriculture, Forestry and Food Security.

Sincerely,



Ramzy Karaan
Team Leader, CEPESL

Acceptance: 

Mr. Sheku Ahmed Mansaray

Director Of Forestry, MAFFS

Date: 28/02/11

ANNEX 11: WILDLIFE ACT

THE WILDLIFE CONSERVATION ACT 2011

ARRANGEMENT OF SECTIONS

PART I - PRELIMINARY

1. COMMENCEMENT
2. INTERPRETATION

PART II – CONSTITUTION OF STRICT NATURAL RESERVES, NATIONAL PARKS, AND OTHER PROTECTED AREAS.

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4. Purpose and conservation standard of Strict Natural Reserve
5. Constitution of Wilderness Area (Category Ib Protected Area)
6. Purpose and conservation standard of Wilderness Area
7. Constitution of National Park (Category II Protected Area)
8. Purpose and conservation standard of National Park
9. Constitution of Natural Monument or Feature (Category III Protected Area)
10. Purpose and conservation standard of Natural Monument or Feature
11. Constitution of Habitat/Species Management Area (Category IV Protected Area)
12. Purpose and conservation standard of Habitat/Species Management Area
13. Constitution of Protected Landscape/Seascape (Category V Protected Area)
14. Purpose and conservation standard of Protected Landscape/Seascape
15. Constitution of Protected Area with Sustainable Use of Natural Resources (Category VI Protected Area)
16. Purpose and conservation standard of Protected Area with Sustainable Use of Natural Resources
17. Acts prohibited in Category I-IV Protected Areas
18. Intermediate Zone
19. Claim of owner to lapse after certain time

20. Notice of Intention to Constitute a Category I – VI Protected Area
21. Duties of Reserve Settlement Officer
22. Publication of report
23. Appeals
24. Compulsory Acquisition of Land for purposes of constituting a Category I, II or III Protected Area
25. Further powers affecting rights
26. Extinguishment of rights
27. Extinguishment of right by non-use
28. Rights not to be alienated without consent of Minister
29. Acts prohibited in proposed Category I, II, III, IV, V or VI Protected Area
30. Declaration of Game Sanctuary
31. Hunting in Game Sanctuary prohibited
32. Non-hunting Forest Reserve
33. Prohibition of hunting in Non-hunting Forest Reserve
34. Persons permitted to perform certain prohibited acts in National Park, etc.
35. Controlled hunting areas
36. Hunting in controlled hunting areas prohibited
37. Migratory Species Habitats, Migratory Corridors and Migratory Flyways
38. Purpose and Conservation Standard of Migratory Species habitats, etc

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40. Power to vary Schedules
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42. Regulation of hunting, capturing or trading in Threatened Species

43. License to hunt Game Animals
44. Hunting of Wild Animals by non-citizens
45. Penalty for offence under Sections 33 and 34
46. Permission or License to cover assistants

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48. Permits which the Assistant Director of Forests, Conservation and Wildlife Management may grant
49. Refusal to issue Permits
50. Conditions applicable to Permits
51. Declaration of Open Season
52. Penalty for hunting during Close Season
53. Concessions to Operate Recreational Facilities

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56. Destruction of animals in self-defence, etc.
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59. Vermin
60. Wounding, etc.
61. Licenses to hunt animals

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63. Onus of proof
64. Finding the remains of elephants or rhinoceroses

65. Finding the remains of other specially protected animals
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71. Competent verdict on charge of contravening particular provision of this Act or Regulations
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74. Search Warrant
75. Reward to informers
76. Power to prosecute
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83. Indemnity for acts done in good faith
84. Power of holder of License or Permit to demand License or Permit of other persons
85. Impersonation of Officers
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87. Penalties for Breaches of Regulations
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90. Annual Report

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SECOND SCHEDULE – ENDANGERED SPECIES

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SERIES B – MAMMALS AND REPTILES

SERIES C - PLANTS

THIRD SCHEDULE – THREATENED SPECIES

FOURTH SCHEDULE – GAME ANIMALS

FIFTH SCHEDULE – ANIMALS DESTRUCTION OF WHICH MUST BE REPORTED

SIXTH SCHEDULE – DANGEROUS ANIMALS

SEVENTH SCHEDULE – VERMIN

EIGHTH SCHEDULE - RESTRICTION OF WEAPONS FOR HUNTING GAME ANIMALS

The Wild Life Conservation Act, 2011

Being an Act to repeal and re-enact with amendments the Wildlife Conservation Act 1972 and to give effect to the Convention on International Trade in Endangered Species of Fauna and Flora, the Convention on the Conservation of Migratory Species of Wild Animals, the Agreement on the Conservation of African-Eurasian Migratory Waterbirds, and for other related matters.”

PART I – PRELIMINARY

Commencement

1. This Act shall come into operation on such date as the President may by Order in the *Gazette* appoint.

Interpretation

2. In this Act, unless a contrary intention appears –

—~~AWA~~” means the Agreement on the Conservation of African-Eurasian Migratory Waterbirds

—~~Alien Species~~” means any species or subspecies which do not naturally occur in the country

—~~Animal~~” means any vertebrate or invertebrate other than domestic animals, dead or alive or any part thereof, (and includes birds, reptiles, fishes and the nests, eggs and egg shells, skins and plumage thereof);

—~~Assistant Director of Forests, Conservation and Wildlife Management~~” means the professional head of the Conservation and Wildlife Management Unit of the Ministry of Agriculture, Forestry and Food Security appointed as such by the Public Service Commission;

—~~Authorised Officer~~” means any person charged with the responsibility of carrying out the provisions of this Act under section 78 or appointed by the Minister for the purpose of the carrying out of such provisions under section 81;

—~~Capture~~” includes any act immediately directed at the taking of any animal and the

taking of the nest, eggs or young of any animal;

—“CITES” means the Convention on International Trade in Endangered Species of Fauna and Flora

—“Close Season” in relation to any game animal and any area, means any period which is not open season in respect of that animal and that area;

“CMS” means the Convention on the Conservation of Migratory Species of Wild Animals

—“Conservation and Wildlife Management Unit” means the technical unit within the Forestry Division, with the mandate to carry out the provisions of this Act and Regulations made hereunder, and shall be responsible generally for managing the Protected Areas and conserving the Wildlife and their ecosystems therein.

—“Controlled Hunting Area” means an area of land declared to be a controlled hunting area under the provisions of section 35;

—“Dangerous Animal” means any animal specified in the Sixth Schedule;

—“Director of Forestry” means the professional head of the Forestry Division of the Ministry of Agriculture, Forestry and Food Security appointed as such by the Public Service Commission;

—“Division” means the Forestry Division of the Ministry of Agriculture, Forestry and Food Security;

—“Employee of the Division” means a person employed in the Forestry Division of the Ministry of Agriculture, Forestry and Food Security;

—“Endangered Species” refers to species of flora and/or fauna facing the risk of extinction in the wild and/or any species or subspecies categorized as Endangered or Critically Endangered in the Red List of the IUCN, and species categorized as Endangered and/or listed in Appendices I or II of the Convention on International Trade in Endangered Species of Fauna and Flora (CITES), and/or any species or

subspecies categorized as Endangered in Appendix I of the CMS.

—~~if~~arms” means any lethal or other weapon of any description from which any shot, bullet or other missile or explosive can be discharged, or any part thereof;

—~~Game~~” and “~~Game~~ Animal” mean any animal specified in the Fourth Schedule;

—~~Game~~ Sanctuary” means an area of land declared as such under section 30;

—~~Government~~ Trophy” means anything which under this Act is declared to be a Government trophy;

—~~Habitat~~/Species Management Area” means a Category IV Protected Area as defined by the International Union for the Conservation of Nature and any area of land constituted as a Habitat/Species Management Area under section 11

“Horn” includes a buffalo horn;

—~~hunt~~ means –

- (a) kill, capture, take, attempt to kill, capture, take, injure, shoot at, follow or search for;
- (b) willfully disturb or molest by any method; or
- (c) lie in wait for with intent to kill, capture, take, injure or shoot at; and

hunting has the like meaning;

—~~IUCN~~” means the International Union for Conservation of Nature and Natural Resources

—~~Licence~~” means a licence issued in accordance with this Act;

—~~Licensing~~ Officer” means a person appointed by the Minister to be a licensing officer for the purpose of this Act;

—~~Meat~~” includes the fat, blood and flesh of any animal fresh, dried, tinned or otherwise preserved;

"Migratory Species" means the entire population or any geographically separate part of the population of any species or lower taxon of wild animals, a significant proportion of whose members cyclically and predictably cross one or more national

jurisdictional boundaries;

—~~Minister~~” means the Minister for the time being charged with responsibility for matters relating to Agriculture, Forestry and Food Security;

—~~National Monument or Feature~~” means a Category III Protected Area as defined by the International Union for the Conservation of Nature and any area of land constituted as a National Monument or Feature under section 9

—~~National Park~~” means a Category II Protected Area as defined by the International Union for the Conservation of Nature and any area of land constituted as a National Park under section 7;

—~~night~~” means the period of time from six o’clock in the evening to six o’clock in the morning;

—~~Non-Hunting Forest Reserve~~” means forest reserve declared as such or an area of land declared to be a non-hunting forest reserve by or under this Act;

—~~Occupier~~” in relation to land means the person in actual lawful occupation of the land who has the right to exercise general control over such land and actually resides thereon;

—~~Open Season~~”, in relation to any game animal and any area, means the period declared by the Minister under section 50 as the period during which such game animal may lawfully be hunted in such area;

—~~Owner~~”, in relation to land, means-

(a) in the case of private land, the person in whose name such land is registered in a deeds register;

(b) in the case of land vested in a municipal or town council, the person appointed for the purpose by the municipal or town council as the case may be;

(c) in the case of Crown land, the Minister;

(d) in the case of land which is under the provisions of any law deemed to

be Protected Forest or Forest Reserve as defined in the Forestry Act,
the Minister;

(e) in the case of land in the Provinces, the Paramount Chief or family or
other person or authority as the case may be who has the right by
customary law to exercise general control over such land;

—~~Permit~~” means a permit granted in accordance with this Act or the Regulations made hereunder;

—~~Protected Landscape/Seascape~~” means a Category V Protected Area as defined by the International
Union for the Conservation of Nature and any area of land constituted as a Protected Landscape/Seascape
under section 13

—~~Purchase~~” includes barter or exchange;

—~~RMSAR Convention~~” or —~~RMSAR~~” refers to the Convention on Wetlands (Ramsar, Iran, 1971)

—~~Sell~~” means sell, barter, exchange, hawk, offer or expose for sale and sale has the
like meaning;

—~~Strict Natural Reserve~~” means a Category Ia Protected Area as defined by the
International Union for the Conservation of Nature and any area of land constituted as
a Strict Natural Reserve under section 3;

—~~Threatened Species~~” means any species or subspecies of flora and/or fauna that is not endangered but
whose survival in the wild is unlikely if adverse causal factors continue operating and any species
categorized as threatened in the Red List of the
IUCN, and species categorized as threatened and listed in Appendix II of CITES.

—~~Trophy~~” means any horn, ivory, tooth, tusk, bone, claw, hoof, hide, skin, hair, feather, egg or other
durable portion whatsoever of any Endangered or Threatened
Species or any game animal, whether processed or not, which is recognizable as a durable portion of such
animal;

—~~Trophy Dealer~~” means a person who engages in the purchase, sale or processing of trophies;

—~~Vermin~~” means any animal specified in the Seventh Schedule;

—“Veterinary Officer” means a Veterinary Officer appointed in the Veterinary Division of the Ministry of Agriculture, Forestry and Food Security;

—“Wild Animal” means any animal not normally found in a domesticated state;

—“Wild Bird” means any bird which occurs in the wild state except any such birds as has been bred in captivity;

—“Wilderness Area” means a Category Ib Protected Area as defined by the International Union for the Conservation of Nature and any area of land constituted as a Wilderness Area under section 5

—“Wildlife” means all species of indigenous terrestrial and aquatic flora and fauna, including micro-organisms, and their natural habitats

—“Wildlife Conservation” means the methods by which wildlife and the ecosystems that contain them are maintained indefinitely through protection and sustainable use;

—“Wildlife Conservation Officer” means an officer so specially designated and authorized by the Minister to enforce the provisions of this Act and any Regulations made hereunder and the Assistant Director of Forests, Conservation and Wildlife Management and Officers of the Forestry Division of the Ministry of Agriculture, Forestry and Food Security;

—“Wildlife Management” means the application of scientific and traditional knowledge and technical skills and the implementation of relevant laws and policies to conserve indigenous species and their habitats.

—“Wire Snare” means a snare made of wire in any form whether covered or otherwise and whether plaited, twisted or otherwise.

PART II

CONSTITUTION OF VARIOUS CATEGORIES OF PROTECTED AREAS

Constitution of Strict Natural Reserve

3. Subject to the provisions of section 20, where the Minister is of the opinion that an area of land and/or sea should be set aside to protect biodiversity and/or geological or geomorphological features,

he may, by Order published in the *Gazette* constitute any such area to be a Strict Natural Reserve (IUCN Category Ia Protected Area) except that where such area of land is situated anywhere in the Provinces, he shall only exercise this power after consultation with the legally authorized institution (i.e. District Council, Chiefdom Council) concerned.

Purpose and conservation standard of Strict Natural Reserve

4. A Strict Natural Reserve shall be kept and maintained -

- (a) for the purposes of preserving and protecting the ecosystems, species and geodiversity features therein from any kind of injury or destruction; and
- (b) so as to ensure that human visitation, use and impact are strictly controlled and limited.

Constitution of Wilderness Area

5. Subject to the provisions of section 20, where the Minister is of the opinion that an area of land and/or sea should be set aside to protect and retain its unmodified, natural character and influence, he may, by order published in the *Gazette* constitute any such area to be a Wilderness Area (IUCN Category Ib Protected Area) except that where such area of land is situated anywhere in the Provinces, he shall only exercise this power after consultation with the legally authorized institution (i.e. District Council, Chiefdom Council) concerned.

Purpose and conservation standard of Wilderness Area

6. A Wilderness Area shall be kept and maintained for the purposes of preserving and protecting its long-term ecological integrity and retaining its natural character and condition. It shall be kept free of permanent or significant human habitation and modern infrastructure, and the use of its available resources shall be compatible with the conservation objectives.

Constitution of National Park

7. Subject to the provisions of section 20, where the Minister is of the opinion that an area of land and/or sea should be set aside to protect its long-term ecological integrity and to provide a foundation for

spiritual, scientific, educational, recreational and visitor opportunities, he may, with the consent of the House of Representatives, by Proclamation in the Gazette constitute any such area to be a National Park (IUCN Category II Protected Area).

Purpose and conservation standard of National Park

8. A National Park shall be maintained for the purposes of –
- (a) propagating, conserving and managing wildlife; and
 - (b) protecting sites, landscapes or geological formations of scientific or aesthetic value for the benefit and enjoyment of the public; and
 - (c) preventing significant biological or ecological degradation to its natural resources.

Constitution of Natural Monument or Feature

9. Subject to the provisions of section 20, where the Minister is of the opinion that an area of land and/or sea should be set aside to protect one or more specific natural features of outstanding value because of its inherent rarity, aesthetic qualities or cultural significance, he may, by order published in the *Gazette* constitute any such area to be a Natural Monument or Feature (IUCN Category III Protected Area) except that where such area of land is situated anywhere in the Provinces, he shall only exercise this power after consultation with the legally authorized institution (i.e. District Council, Chiefdom Council) concerned.

Purpose and conservation standard of Natural Monument or Feature

10. A Natural Monument or Feature shall be kept and maintained for the purposes of –
- (a) preserving and protecting a specific natural monument which may include a landform, sea mount, submarine cavern, geological feature, living feature or such other feature as the Minister may specify in the Order; and/or
 - (b) conserving the traditional, spiritual and /or cultural values of the site; and/or
 - (c) protecting biodiversity.

Constitution of Habitat/Species Management Area

11. Subject to the provisions of section 20, where the Minister is of the opinion that an area of land and/or sea should be set aside to protect particular species or habitats, he may, by Order published in the *Gazette* constitute any such area a Habitat/Species Management Area (IUCN Category IV Protected Area) in respect of habitats or animals of any species, variety, specimen or sex, whether migratory or non-migratory, as he may specify in the Order.

Purpose and conservation standard of Habitat/Species Management Area

12. A Habitat/Species Management Area shall be maintained and managed for the purposes of protecting, conserving and restoring particular habitats or species.

Constitution of Protected Landscape/Seascape

13. Subject to the provisions of section 20, where the Minister is of the opinion that an area of land and/or sea should be set aside to protect its distinct character and significant ecological, biological, cultural and/or scenic value, including Ramsar Sites, he may, by order published in the *Gazette* constitute any such area to be a Protected Landscape/Seascape (IUCN Category V Protected Area) except that where such area of land is situated anywhere in the Provinces, he shall only exercise this power after consultation with the legally authorized institution (i.e. District Council, Chiefdom Council) concerned.

Purpose and conservation standard of Protected Landscape/Seascape

14. A Protected Landscape/Seascape shall be kept and maintained for the purposes of protecting and sustaining nature conservation values created by the balanced interaction with humans through traditional management practices, and for purposes of providing opportunities for recreation and socio-economic activity.

Constitution of Protected Area with Sustainable Use of Natural Resources

15. Subject to the provisions of section 20, where the Minister is of the opinion that an area of land and/or sea should be set aside to protect sustainable use of its natural resources and ecosystems, he may, by order published in the *Gazette* constitute any such area to be a Protected Area with Sustainable Use of Natural Resources (IUCN Category VI Protected Area) except that where such area of land is situated anywhere in the Provinces, he shall only exercise this power after consultation with the legally authorized institution (i.e. District Council, Chiefdom Council) concerned.

Purpose and conservation standard of Protected Area with Sustainable Use of Natural Resources

16. A Protected Area with Sustainable Use of Natural Resources shall be maintained for the purposes of conserving ecosystems and habitats, together with associated cultural values and traditional natural resource management systems. It shall aim to sustain low-level, non-industrial use of natural resources compatible with nature conservation.

Acts Prohibited in Category I – VI Protected Areas

17. No person shall in any Category I – IV Protected Area, unless otherwise authorized to do so under this Act or by Regulations made hereunder –

- (a) hunt or take possession of any wild animal;
- (b) take any forest produce as defined in the Forestry Act;
- (c) uproot, burn, strip the bark or leaves from, or otherwise damage any tree;
- (d) set fire to any grass or herbage or kindle a fire without taking due precautions to prevent its spreading;
- (e) permit any domestic animal to enter or trespass;
- (f) do any act connected with forestry, agriculture or mining, excavate or prospect, drill or level the ground or construct or perform any work involving the alteration of the configuration of the soil or the character of the vegetation;
- (g) do any act likely to injure or disturb the flora or fauna;

- (h) reside in or erect any building or make any camp;
- (i) fish or attempt to kill fish;
- (j) set any snare, net, trap or other instrument for the purpose of catching or killing animals or likely to catch, kill or injure any animals;
- (k) introduce any species of fauna and/or flora, whether indigenous or imported, wild or domesticated;
- (l) construct any dam or weir across any river or stream or otherwise obstruct the channel of any river or stream;
- (m) enter, traverse or camp.

Intermediate Zone

18. The area of land one mile in width surrounding each Strict Natural Reserve and each National Park shall be an intermediate zone within which no person shall hunt, kill or capture any animals except with the written permission of the Assistant Director of Forests, Conservation and Wildlife Management.

Claim of ownership to lapse after certain time

19. No person who becomes an owner, tenant or occupier of land in any intermediate zone, after the day on which such intermediate zone comes into being shall have any claim against the Government in respect of any damage caused by animals to his property situated within such intermediate zone.

Notice of intention to constitute a Category I - VI Protected Area

20. (1) Before any area is constituted a Category I, II, III, IV, V or VI Protected Area

the Minister shall publish a Notice in the *Gazette* –

- (a) specifying the boundaries and limits of the area of land which it is proposed to constitute a Category I, II, III, IV, V or VI Protected Area as the case may be;

- (b) appointing by name an officer to be a Reserve Settlement Officer for the proposed Category I, II, III, IV, V or VI Protected Area as the case may be;
 - (c) inviting all persons who lawfully enjoy any rights within the area specified in the Notice to submit their claims to the exercise of such rights to the Reserve Settlement Officer; and
 - (d) appointing a date, not earlier than thirty days after the date of the publication of the Notice, and a place for the hearing by the Reserve Settlement Officer of all claims to right in, over or affecting the land specified in the Notice.
- (2) No Order under section 3, 5, 9, 11, 13 or 15 or Proclamation under section 7 shall be made before the expiration of ninety days after the date of publication of the Notice to which such Order or Proclamation relates.

Duties of the Reserve Settlement Officer

21. (1) The Reserve Settlement Officer shall –
- (a) inquire into the boundaries and limits of the area specified in the Notice published under section 11;
 - (b) inquire into the substance of all claims to the exercise of rights within such area and determine whether such rights are admitted or not;
- (2) Upon the completion of his inquiry, the Reserve Settlement Officer shall deliver his findings in which he shall –
- (a) determine –
 - (i) the boundaries and limits of the area of land specified in the Notice published under section 11 (with all such particulars as he may consider necessary to define the nature, incidents and limits of such land)
 - (ii) all claims to the exercise of rights brought in accordance with section 11, admitting or rejecting them wholly or partly;
 - (b) submit to the Minister a report showing whether any claim he has admitted wholly or partly in accordance with paragraph (a) would in his opinion –

- (i) defeat the purpose of any Category I, II, III, IV, V or VI Protected Area as the case may be, or
 - (ii) seriously hinder the efficient working of any such Category I, II, III, IV, V or VI Protected Area, and in each case he shall also state in his report whether any right so claimed and admitted could be extinguished with appropriate monetary compensation or by grant in exchange of similar rights on other similarly situated land, or could be confined or restricted to certain areas within the area of land specified in the Notice or to a certain time of year, without undue hardship to the persons claiming the rights.
- (3) For the purpose of an inquiry held under this section, the Reserve Settlement Officer shall have the powers of a Magistrate.
- (4) The Reserve Settlement Officer shall be a person of high integrity with proven relevant skills, experience and knowledge.

Publication of Report

22. The Reserve Settlement Officer shall also send to each person whose claim of right has been inquired into under section 21, a certified copy of the report not later than fourteen days after the day on which he submits such report to the Minister.

Appeals

23. Any person aggrieved with a decision of the Reserve Settlement Officer to admit or reject a claim of right may, within three months of the date of his receipt of the copy of the report submitted by the Reserve Settlement Officer to the Minister, appeal to the Supreme Court against such decision and may further appeal to the Court of Appeal against the decision of the Supreme Court.

Compulsory Acquisition of land for purposes of constituting a Category I, II or III Protected Area

24. (1) After considering the report of the Reserve Settlement Officer, if he is of the opinion that any claim of right admitted wholly or partly would –

- (a) defeat the purposes of a Category I, II, or III Protected Area; or
- (b) seriously hinder the efficient working of such Category I, II, or III Protected Area; or
- (c) not be in the interests of long-term Conservation, the Minister may –

- (i) compulsorily acquire any private land or rights over or under private land with appropriate monetary compensation;
- (ii) confine or restrict the rights to certain areas either within or without the Category I, II or III Protected Area as the case may be or restrict the exercise of such rights to certain times of the year only; or
- (iii) adopt wholly or in part any one or any combination of the above methods in dealing with the matter.

(2) The Minister shall, in all cases where rights are extinguished or in any way restricted, grant appropriate monetary compensation to any persons lawfully claiming such rights.

Further powers affecting rights

25. The Minister may, in any Category I, II, III, IV, V or VI Protected Area, close any right of way or water-course where in his opinion another right of way or water-course equally convenient already exists or is provided.

Extinguishment of rights

26. Subject to any right to compensation, every right in or over land in respect of which no claim shall have been made to the Reserve Settlement Officer, in accordance with the provisions of this Act, shall be extinguished.

Extinguishment of right by non-use

27. If any right within a Category I, II, III, IV, V or VI Protected Area shall not have been exercised for a period of ten years or more it shall be deemed to have been extinguished.

Rights not to be alienated without consent of Minister

28. No person shall alienate any right affecting land included in a Category I, II, III, IV, V or VI Protected Area by sale, mortgage or transfer without the written consent of the Minister first had and

obtained and such sale, mortgage or transfer effected without such consent shall be null and void for all purposes.

Acts prohibited in proposed Category I, II, III, IV, V or VI Protected Area

29. (1) During the period between the date of the publication of the Notice referred to in section 20 and the date of publication of the Order or Proclamation constituting the Category I, II, III, IV, V or VI Protected Area in accordance with sections 3, 5, 7, 9, 11, 13 or 15 as the case may be –

(a) no person shall acquire any right within the lands specified in the Notice otherwise than by succession, or under a grant or contract in writing entered into with the approval of the Minister; and

(b) save as hereinafter provided, no person shall within the lands specified in the notice-

(I) erect any new buildings;

(II) clear any new lands for farming or cultivation;

(III) cut any tree or plant;

(IV) hunt, capture or kill any wild animal

(2) Nothing in subsection (1) shall be deemed to prohibit any act done with the permission in writing of a Wildlife Conservation Officer.

Declaration of Game Sanctuary

30. A District Council and/or a Chiefdom Council may, with the approval of the Minister, declare any area to be a Game Sanctuary or declare that any game sanctuary shall cease to be a Game Sanctuary.

Hunting in Game Sanctuary prohibited

31. Save as otherwise provided in this Act, or any Regulations made hereunder, no person shall hunt any wild animal within the limits of a Game Sanctuary.

Non-Hunting Forest Reserve – First Schedule

32. Each of the areas defined in the First Schedule is hereby declared to be a Non-Hunting Forest Reserve.

Prohibition of hunting in Non-Hunting Forest Reserve

33. No person shall hunt or capture any animal in a Non-Hunting Forest Reserve except under and in accordance with the terms and conditions of a permit issued by the Director of Forestry, through the Conservation and Wildlife Management Unit.

Persons permitted to perform certain acts, otherwise prohibited in Protected Areas.

34. The Director of Forestry or any person acting upon his instructions may perform within a Category I, II, III, IV, V or VI Protected Area, any of the acts otherwise prohibited in section 17.

Controlled hunting areas

35. The Minister may by Notice in the *Gazette* declare any area of land to be a controlled hunting area and may in like manner revoke such Notice or alter the boundaries of any such area.

Hunting in controlled hunting areas prohibited

36. No person shall hunt or capture any animal in a controlled hunting area except-

(a) in accordance with such terms and conditions as may be prescribed by Regulations for that area;
or

(b) under an order in accordance with the terms and conditions of a permit issued by the Director of Forestry, through the Conservation and Wildlife Management Unit.

Migratory Species habitats, Migratory Corridors and Migratory flyways

37. (1) Where the Minister is of the opinion that an area of land and/or sea should be set aside to protect, maintain or restore the habitat or migratory route of any terrestrial, aquatic or avian species in order to remove the species from danger of extinction, the Minister may by Notice in the *Gazette* declare such area of land to be a Migratory Species habitat, a Migratory Corridor or a Migratory flyway.

(2) The Minister may in like manner revoke such Notice or alter the boundaries of any such area to the extent that the provisions of section 38 will be maintained on that same area or areas adjacent to it.

Purpose and Conservation Standard of Migratory Species habitats, etc.

38. A Migratory Species habitat, Migratory Corridor or a Migratory flyway shall be conserved so as to –

- (a) prevent, remove, compensate for or minimize, as appropriate, the adverse effects of activities or obstacles that seriously impede or prevent the migration of the species; and
- (b) prevent, reduce or control factors that are endangering or are likely to further endanger the species, including strictly controlling the introduction of, or controlling or eliminating, already introduced exotic species.

PART III

ENDANGERED SPECIES, THREATENED SPECIES, HUNTING OF ANIMALS GENERALLY, LICENCES AND PERMITS

A – LICENCES

Declaration of Schedules.

Second Schedule

39. (1) The birds specified under series A, the mammals and reptiles specified under series B and the plants specified under series C of the Second Schedule are hereby declared to be Endangered Species.

(2) In addition, any other species from time to time categorized as Endangered Species in the following:

- (a) Appendix I of the Convention on International Trade in Endangered Species (CITES);
- (b) International Union for Conservation of Nature (IUCN) Red List;
- (c) Appendix I of the Convention on the Conservation of Migratory Species of Wild Animals (CMS);
- (d) Category (1) of Column A of Table 1 of the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA);

shall be accorded the status of Endangered Species within Sierra Leone

Third Schedule

- (3) The species specified in the Third Schedule are hereby declared to be Threatened Species.
- (4) In addition, any other species from time to time categorized as Threatened Species in the following:
- (a) Appendix II of the Convention on International Trade in Endangered Species (CITES);
 - (b) International Union for Conservation of Nature (IUCN) Red List;
 - (c) Appendix II of the Convention on the Conservation of Migratory Species of Wild Animals (CMS);
 - (d) Category (2) or (3) of Column A of Table 1 of the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA);
- shall be accorded the status of Threatened Species within Sierra Leone

Fourth Schedule

- (5) The birds and animals specified in the first column of the Fourth Schedule are hereby declared Game Animals which may be hunted only to the extent specified in the second column of that Schedule.

Fifth Schedule

- (6) The animals specified in the Fifth Schedule are hereby declared to be animals the destruction of which must be reported.

Sixth Schedule

- (7) The animals specified in the Sixth Schedule are hereby declared to be Dangerous Animals.

Seventh Schedule

- (8) The animals specified in the first column of the Seventh Schedule are declared to be Vermin in respect of the areas specified in the second column.

Eighth Schedule

- (9) The animals specified in the first column of the Eighth Schedule are hereby declared to be Game Animals which shall not be hunted by weapons other than those specified in the second column.

Power to vary Schedules

40. The President may by Order revoke, amend, or in any other way vary any of the Schedules to this Act: Provided always that an Order made under the provisions of this section shall be laid before the House of Representatives

Prohibition of hunting, capturing, possessing or trading in Endangered Species

41. (1) No person shall hunt, capture, be in possession of or trade in any Endangered Species.
- (2) Any person who contravenes the provisions of this section shall be guilty of an offence and liable –
- (a) if the contravention is in respect of any mammal or reptile specified in series B in the Second Schedule-
- (i) on a first conviction, to a fine not exceeding One Million Leones or to imprisonment not exceeding six months or to both such fine and imprisonment;
- (ii) on a second or subsequent conviction, to a fine not exceeding One Million, Five Hundred Thousand Leones or to imprisonment for a period not exceeding twelve months or to both such fine and imprisonment;
- (b) if the contravention is in respect of any bird specified in Series A in the Second Schedule, to a fine not exceeding Two Hundred Thousand Leones or to imprisonment not exceeding two months or to both such fine and imprisonment.
- (c) if the contravention is in respect of any plant specified in Series C in the Second Schedule, to a fine not exceeding Two Hundred Thousand Leones or to imprisonment not exceeding two months or to both such fine and imprisonment.

Regulation of hunting, capturing or trading in Threatened Species

42. (1) No person shall hunt, capture, be in possession of or trade in any Threatened Species except in accordance with the terms and conditions of a licence issued under this section.

(2) The Minister may grant a licence in such form and subject to such conditions as may be prescribed, to any person to hunt, capture, be in possession of or trade in any Threatened Species.

License to hunt Game Animals

43. No person shall with firearms hunt any game animal except by virtue of a licence issued in accordance with prescribed Regulations.

Hunting of wild animals by non-citizens

44. No non-citizen shall hunt any wild animal except by virtue of a licence issued in accordance with prescribed Regulations.

Penalty for offence under sections 43 and 44

45. Any person who contravenes any of the provisions of section 43 or 44 shall be guilty of an offence and liable-

(a) if the contravention is in respect of any birds specified in Part A of the Fourth Schedule-

(i) on a first conviction, to a fine not exceeding Eighty Thousand Leones; or in default of payment, imprisonment for a period not exceeding one month;

(ii) on a second or subsequent conviction, to a fine not exceeding Two Hundred Thousand Leones or to imprisonment for a period not exceeding two months or to both such fine and imprisonment;

(b) if the contravention is in respect of any Game Animal which he would have been entitled to hunt had he been the holder of a game licence-

(i) on a first conviction, to a fine not exceeding Four Hundred Thousand Leones; or in default of payment to imprisonment for a period not exceeding four months;

(ii) on a second or subsequent conviction, to a fine not exceeding Eight Hundred Thousand Leones or to imprisonment for a period not exceeding eight months or to both such fine and imprisonment.

Permission or licences to cover assistants

46. (1) Any permit in writing or licence issued under the provisions of this Act shall cover in addition to the holder of such permit or licence, any other person employed by him to assist him in hunting.

(2) Notwithstanding the provisions of subsection (1), no person employed to assist the holder of a permit or a licence under this Act shall discharge any firearm in the hunting of the animal in respect of which such a permit or licence is issued.

B-PERMITS

Permits which may be granted by the Minister

47. Notwithstanding anything in this Act contained, the Minister may grant permits authorizing the holder thereof to –

(a) kill or capture any plant or animal or to take the eggs of any bird, whether or not such plant, animal or bird is specified in any schedule, for the purpose inter alia of –

(i) education or scientific research;

(ii) providing specimens for museums, zoological gardens and similar institutions;

(b) kill or drive animals for the purpose of controlling any disease;

(c) kill a defined species, if the Minister is satisfied that the killing of such species is in the interests of wildlife conservation, management, control or utilization;

(d) sell animals killed or captured under the authority of a permit granted in terms of this section and to sell the meat, hides or skins obtained from such animals, but only if the Minister is satisfied that the sale of the animals or such products is in the interests of Wildlife Conservation and the proper regulation of commercial development connected with wildlife;

Provided that the Minister shall not grant a permit authorizing the killing, capture or taking of any plant or animal species in a Category I, II, III or IV Protected Area unless such killing or capture is necessary for –

(a) scientific purposes;

- (b) purposes connected with Wildlife Conservation management;
- (c) purposes of accommodating the needs of traditional subsistence users of such species; or
- (d) control of disease.

Permits which the Director of Forestry, through the Conservation and Wildlife Management Unit, may grant

48. The Director of Forestry, through the Conservation and Wildlife Management Unit, may grant permits authorizing –

- (a) the capture of animals whether or not specified in any Schedule, for the purpose of domestication, breeding or farming;
- (b) the killing of animals for the protection of livestock, crops, water, installations or fences;
- (c) the killing, capture, sale or purchase of wild birds for –
 - (i) confinement in aviaries for display or breeding purposes;
 - (ii) scientific or educational purposes;
 - (iii) such other purposes as the Minister may approve.
- (d) the establishment of wildlife rehabilitation centres/ holding ground for confiscated animals for subsequent release in the wild.

Refusal to issue permit

49. The Minister or the Assistant Director of Forests, Conservation and Wildlife Management, as the case may be may, without assigning any reason therefor, refuse to grant any permit under this Act.

Conditions applicable to permits

50. (1) Every permit issued in terms of this Act or the Regulations made hereunder shall be subject to such terms and conditions as may be prescribed by Regulations and to such other terms,

conditions and requirements as the Minister or Director of Forestry, as the case may be, may deem fit to impose in each case.

(2) The applicant for any permit which may be issued in terms of this Act or the Regulations made hereunder shall pay such fees as may be prescribed by Regulation, but the Minister may in any particular case for good reason grant exemption from the payment of such fees.

(3) The Minister may at any time without assigning any reason therefor, cancel, amend or modify any permit issued under the provisions of this Act or the Regulations made hereunder.

(4) Where the Minister decides to exercise any of the powers conferred upon him by subsection (3), he shall forthwith inform the holder of the permit and such holder shall return such permit to the Minister for cancellation, amendment or modification, as the case may be, within twenty-one days from the date of his being informed.

(5) Any holder of a permit who is required under the provisions of subsection (4) to return such permit and who fails to do so within the period specified shall be guilty of an offence and liable on conviction to a fine not exceeding Five Hundred Thousand Leones, or in default of payment, to imprisonment for a period not exceeding one month.

Declaration of Open Season

51. (1) The Minister may, by Notice in the *Gazette*, in relation to the whole country or to any defined part thereof, declare any period an Open Season during which it shall be lawful to hunt any Game Animal.

(2) Such Notice may make different provisions in respect of different areas, different species of such Game Animals or in respect of one or other sex of any species of such Game Animal.

(3) The Minister may in like manner revoke or amend any such notice.

Penalty for hunting during Close Season

52. (1) No person other than –

(a) the holder of a valid permit granted under the provisions of this Act or Regulations made hereunder (which authorize the holder to kill or capture any Game Animal during the Close Season); or

(b) any person acting in accordance with the provisions of sections 56 or 57, shall hunt any animal during the Close Season.

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding Four Million Leones or to imprisonment for a period not exceeding twelve months or both.

Concessions to Operate recreational Facilities

53. (1) The Minister may, on the recommendations of the Director of Forestry and upon consultation with the Minister responsible for Tourism, enter into an agreement with *nationals of Sierra Leone* granting concessions for the construction and operation of lodges, camps and other tourist facilities and services, within any Protected Area where he is satisfied that the granting of such concessions will be in the interest of the proper management and development of such Protected Area and is not likely to have significantly adverse effect upon the ecology, landscape and aesthetic value of such Protected Area.

(2) Prior to the granting of a concession in any Protected Area, a Conservation and Wildlife Management Plan for such area shall be prepared by, or authorized and approved by the Director of Forestry.

(3) Detailed plans of the site and construction of any building or construction which the concession holder proposes to erect in the Protected Area shall be submitted in advance to the Conservation and Wildlife Management Unit for review and environmental impact assessment and shall be subject to the written approval of the Minister.

(4) The minimum provisions of any such concession agreement shall be subject to such terms and conditions as may be prescribed by Regulations and to such other terms, conditions and requirements as the Minister may deem fit to impose in each case.

(5) A land lease or other rights to use land obtained by the concession holder shall be subject to surface rent which shall be distributed as follows:

- (a) Land owners 50%
- (b) District Council 15%
- (c) Paramount Chiefs 15%
- (d) Chiefdom Administration 10%
- (e) Constituency Development Fund 10%
- (6) Any significant departure from or violation by the concession holder of the terms and conditions of a concession agreement granted under this section shall entitle the Minister to suspend the agreement or invoke such other penalties as may be specified in the concession agreement.

C – GENERAL

Minister may prohibit certain activities in certain areas

54. (1) The Minister may by Notice in the *Gazette* prohibit for a period not exceeding twelve months at a time, the hunting of any species, specimen or sex of any animal in any defined area or areas for all or any of the following purposes –

- (a) the control of the spread of diseases;
- (b) the protection of life and property;
- (c) the determination of the conservation status of any unlisted species;
- (d) the conservation of wildlife;

and the Minister may in like manner cancel or amend any such prohibition.

(2) No person shall in any such defined area hunt any animal or any species, specimen or sex of any animal the hunting of which is so prohibited and no person shall remove or cause to be removed any animal or plant species or any part of any animal or plant from any such area or areas, the removal of which is so prohibited.

Prohibition of the introduction of alien plant or animal species

55. (1) No alien plant or animal species shall be introduced into the country, unless a clearance from the Ministry of Agriculture, Forestry and Food Security is first obtained. In no case shall any alien species of plant or animal be introduced into any Protected Areas covered by this Act.

(2) In cases where introduction of such alien plant or animal species is allowed, it shall be subject to an environmental impact assessment which shall focus on the bioecology, socioeconomic and related aspects of the area where the species will be introduced.

Destruction of animals in self-defence, etc

56. (1) Notwithstanding anything in this Act contained, it shall be lawful for any person to kill, capture or injure any animal in defence of himself or of any other person, or any crops, cattle, building or other property which he has an interest or duty to protect.

(2) The burden of proving that any animal has been killed or injured in accordance with the provisions of this section shall lie upon the person who killed or injured such animal.

Killing by unauthorized person to be reported, etc.

57. Where any Game Animal is killed in accordance with the provisions of subsection (1) of Section 56 by any person who is not the holder of a licence or permit entitling or authorizing him to kill such animal, such animal shall be a government trophy and such person shall as soon as possible report the killing thereof at the nearest convenient police station, District Council Office or Chiefdom Council Office or to a Wildlife Conservation Officer or any officer appointed to act in such capacity by the Ministry and shall, if so directed, deliver the animal or such parts thereof as may be specified, at such police station, District Council Office or Chiefdom Council Office or to such Wildlife Conservation Officer as the case may be.

No hunting in Category I – IV Protected Areas or Non-hunting Forest Reserve without permission

58. Any person seen or found in any Category I – IV Protected Area or Non-Hunting Forest Reserve in possession of any firearm or any weapon capable of killing any animal by the discharge of any missile or any poisoned bait, poisoned weapon, bird line, net, gin, trap or same or with a dog shall be guilty of an offence unless he proves-

- (a) that he had a valid licence to enter upon such land for the purpose of hunting or capturing animals; or
- (b) that he was not upon such land for that purpose.

Vermin

59. It shall be lawful to hunt, without licence or permit, any Vermin within any area in relation to which it has been declared to be Vermin in the Seventh Schedule:

Provided that nothing in this section contained shall be construed as permitting the hunting of any such Vermin within any Category I – IV Protected Area, Non-Hunting Forest Reserve or Game Sanctuary.

Wounding, etc.

60. (1) Any person who in any circumstances, wounds but does not kill a Dangerous Animal, shall make a report thereof at the nearest convenient police station or District Council Office or Chiefdom Council Office or to a Wildlife Conservation Officer or any officer appointed to act in such capacity by the Ministry, at the earliest opportunity after his failure to kill such animal and such report shall specify the animal wounded, the date and place at which it was wounded, the efforts made to kill the animal after it was wounded, the time and place at which the animal was lost and any other information likely to be of use in locating or identifying the animal. In addition, such person shall give the name of any other person (if any) who witnessed the wounding of the animal or who participated in the efforts made to destroy it.

(2) Any person who while hunting witnesses the wounding of a Dangerous Animal shall make a report thereof at the nearest convenient police station or District Council Office or Chiefdom Council

Office or to a Wildlife Conservation Officer at the earliest opportunity after witnessing the event, stating the name of the person who inflicted the wound.

(3) Any person who contravenes or fails to comply with any of the provisions of this section shall be guilty of an offence and liable on conviction to a fine not exceeding Four Hundred Thousand Leones or, in default of payment to imprisonment for a period not exceeding three months.

(4) The provisions of this section shall not apply to a Wildlife Conservation Officer who wounds a dangerous animal in the course of carrying out his official duties:

Provided that if he wounds such animal on private land, he shall inform the owner or occupier of the land immediately.

Licences to hunt animals

61. Licences to hunt animals shall be of such kinds and subject to such conditions as may be prescribed by Regulations made hereunder.

PART IV – TROPHIES

Possession of Trophy

62. (1) No person shall possess any Trophy or manufacture anything from any Trophy unless such Trophy shall have been lawfully obtained in accordance with the provisions of this Act or Regulations made hereunder and shall have been registered as a Trophy in accordance with Regulations or unless otherwise specifically authorized in writing by the Minister or such officer as may be appointed by him for this purpose.

(2) Every person possessing a Trophy shall pay a trophy fee as prescribed by Regulations made hereunder.

Onus of proof

63. The onus of proof that any Trophy was lawfully obtained shall lie on the possessor thereof.

Finding the remains of elephants

64. (1) Any person who finds the carcass or remains of an elephant with the tusk shall, within two weeks of such finding report the find to a Wildlife Conservation Officer.

(2) The Minister may direct the payment of a reward to any person who reports a find in accordance with subsection (1)

Finding the remains of other specially protected animals

65. Any person who finds the remains of any Endangered Animal other than an elephant or rhinoceros may, if he wishes to take possession thereof, report the find to a Wildlife Conservation Officer and, provided that the officer to whom the report is made shall be satisfied that the circumstances of the finding do not constitute an offence, the Wildlife Conservation Officer may dispose of the remains to such person on payment of such fees as may be prescribed.

Sale and manufacture of articles from Trophies.

66. (1) No person shall -

(a) manufacture any article from any Trophy which has not been obtained from an animal lawfully killed or captured in Sierra Leone; or

(b) sell or otherwise deal in any such article or Trophy.

(2) No person shall manufacture from Trophies articles for sale or carry on the business of a Trophy Dealer except under and in accordance with the terms and conditions of a Trophy Dealer's licence.

Trophy Dealers licence.

67. A Trophy Dealer's licence in such form and subject to such conditions as may be prescribed, may be issued by the Minister in his discretion, upon application made in writing, in such form as may be prescribed, and such licence shall entitle the holder thereof to carry on the business of a Trophy Dealer upon the premises specified in the licence:

Provided that nothing in this section contained shall be construed as exempting the holder of such licence from compliance with the provisions of any other law relating to any other business or to any other licence.

Minister may waive right of Government to any Government Trophy

68. The Minister may, in respect of any Trophy declared to be a Government Trophy under Regulations made hereunder direct that such Trophy shall not be regarded as the property of the Government.

PART V - EVIDENCE, PENALTIES AND FORFEITURES

Evidence and presumptions

69. (1) Any person charged with doing any act which is an offence under this Act or Regulations made hereunder if done without a licence, permit, or authority, shall be presumed to have done such an act without such licence, permit, or authority, as the case may be, unless he proves that he was in possession of such licence, permit, or authority, as the case may be, when he performed the act in question.

(2) Whenever in any prosecution under the provisions of this Act or Regulations made hereunder, it is alleged in any charge, indictment or summons that the person charged has failed to report any matter or to deliver any article or thing at the nearest convenient police station or District Council Office or Chiefdom Council Office or to a Wildlife Conservation Officer it shall be presumed, until the contrary is proved, that such person has so failed to report such matter or to deliver such article, as the case may be.

(3) If the driver of any vehicle fails to stop when required or signalled to do so by any person authorized thereto under this Act, it shall, unless the contrary is proved, be presumed that the person in whose name such vehicle is registered was the driver thereof at the time.

Magistrate's Court special jurisdiction.

70. Notwithstanding anything to the contrary contained in any law relating to Magistrates' Courts, a Magistrate's Court may impose summarily the maximum penalty provided in this Act for any contravention of the provisions of this Act or Regulations made hereunder.

Competent verdict on charge of contravening particular provision of this Act or Regulations.

71. Where any person is charged with contravening any particular provision of this Act or Regulations made hereunder and the evidence discloses that he was not guilty of contravening that provision but was guilty of contravening another provision of this Act or Regulations made, such person may be found guilty of contravening such other provision, notwithstanding the fact that he was not charged with contravening such last mentioned provision.

Penalties.

72. Any person guilty of any offence against this Act for which no special penalty is provided shall be liable on summary conviction in respect of each offence to a fine not exceeding One Million Leones or to a term of imprisonment not exceeding six months or to both such fine and imprisonment, and any Trophy in respect of which a conviction shall have been recorded shall be forfeited.

Forfeiture.

73. In addition to any penalty provided in this Act, where any person is convicted of an offence against this Act or Regulations made hereunder, the court may order that any article or thing by means of which or in respect of which the offence has been committed, shall be forfeited to the Government and in addition cancel any licence, permit, or authority issued or granted under the provisions of this Act or the Regulations made hereunder and anything so forfeited may be destroyed or otherwise disposed of, or dealt with as the Court may direct.

Search Warrant.

74. Where the Court has reasonable cause to believe that any person has been guilty of an offence against this Act or Regulations made hereunder, the Court may issue a warrant authorizing the officer named therein to search any baggage, package, wagons, tents, buildings or caravans belonging to such person,

and if the officer shall find any animal, whether dead or alive, or any Trophy, he shall seize and take the same before the Court to be dealt with according to law.

Reward to informers.

75. Every informer on whose information any person is prosecuted to conviction under this Act or Regulations made hereunder, shall receive out of every penalty recovered in consequence of such prosecution a portion of such penalty, as the Minister shall determine and the remainder of such penalty shall be paid into the Conservation Trust Fund:

Provided that the Minister may, at any time, at his discretion disallow any payment under this section to an informer.

Power to prosecute.

76. In any proceeding for an offence against this Act or any Regulations made hereunder, the prosecution may be represented by a Wildlife Conservation Officer.

Limitation of prosecution.

77. No offence against this Act or Regulations made hereunder shall be prosecuted after a period of one year from the date of the commission of the offence.

PART VI – ADMINISTRATION

Conservation and Wildlife Management Unit responsible for execution of the Act.

78. (1) Subject to the direction of the Minister, the officers and employees of the Forestry Division of the Ministry of Agriculture, Forestry and Food Security and more particularly the Officers and employees of the Conservation and Wildlife Management Unit headed by the Assistant Director of Forests, Conservation and Wildlife Management and supervised by the Director of Forestry are charged with the responsibility of carrying out the provisions of this Act and Regulations made hereunder, and

shall be responsible generally for managing the Protected Areas and conserving the wildlife and their ecosystems therein.

(2) Without prejudice to the generality of subsection (1), it shall be the function of the Conservation and Wildlife Management Unit to –

- (a) conduct regular assessments, based on IUCN Red lists, CITES and the CMS, of the status of national critical species including terrestrial and aquatic flora and fauna for the purposes of monitoring and improving their conservation status;
- (b) ensure that existing and newly discovered Endangered Species and/or Threatened Species are added to internationally recognized registers including IUCN Red lists, the appropriate CMS Appendices and the appropriate CITES Appendices, and that the status of such species are updated regularly;
- (c) prepare, draw up, approve and/or implement Conservation and Wildlife Management Plans for all Protected Areas; such Management plans shall deal with species conservation, habitat conservation, management of human activities, research and monitoring, and the dissemination of education and information, among other things;
- (d) control the invasion of alien species of plants and animals by collaborating or coordinating with the agencies responsible for border control, environmental protection and any other appropriate agencies to conduct environmental impact assessments and take any other necessary measures prior to the introduction of such alien species of plants and animals into Sierra Leone;
- (e) establish, manage and oversee a nationwide Wildlife Conservation Area network covering all Protected Areas whether such protected areas are owned in whole or part by the Government, local communities or private individuals, and to ensure that international best practice is adopted with respect to all such Protected Areas including with respect to participation, demarcation, zoning, landscape management and ecosystem management;

- (f) coordinate and cooperate, where applicable, with neighbouring states in respect of the conservation of the habitats, migratory routes and/or flyways of migratory species where such habitats, migratory routes and/or flyways extend beyond Sierra Leone's national borders;
 - (g) in cooperation with the Ministry of Tourism and other competent authorities and where applicable, local communities, to develop, modify and implement national ecotourism services, policies and strategies in and adjacent to appropriate Wildlife Conservation Areas;
 - (h) provide guidelines to local Councils, The Sierra Leone Environmental Protection Agency and other relevant Ministries, Departments, Agencies or bodies for purposes of ensuring that Wildlife Conservation interests are incorporated into land use planning;
 - (i) develop, in conjunction with the relevant stakeholders, applied research priorities and collaborative research programs that enhance wildlife management capacity;
 - (j) develop transparent and participatory monitoring and evaluation systems for all Conservation and Wildlife Management plans and programs;
 - (k) work with the Ministry responsible for Education and educational institutions to incorporate biodiversity conservation into the curricula of schools, tertiary education and training institutions and to develop educational materials;
 - (l) develop national, district and site-based information and education programs on wildlife conservation and promote public awareness of Wildlife Conservation issues;
 - (m) Work with the Veterinary Division of the Ministry of Agriculture, Forestry and Food Security to conduct scientific investigation into causes and cure of wildlife related diseases
 - (n) Appoint Scientific Authorities to work in collaboration with the Conservation and Wildlife Management Unit for the design and conduct of research, and maintaining scientific standards in executing the mandates of the Unit and shall exercise such other powers and perform such other duties as are conferred and imposed upon them by this Act and Regulations made hereunder.
- (3) The Ministry shall, in respect of the above functions –

- (a) be responsible for policy matters;
- (b) provide technical guidance to the Conservation and Wildlife Management Unit;
- (c) provide for capacity building and training for Officers of the Department; and
- (d) monitor the performance of the functions by Conservation and Wildlife Management Unit.

Power to demarcate and survey

79. It shall be lawful for the officers and employees of the Forestry Division to enter, demarcate and survey any land for the purpose constituting such land as a Protected Area.

Officers and employees of the Division may destroy animals or plants in certain cases.

80. (1) Any Wildlife Conservation Officer may, on the instructions of the Director of Forestry, through the Assistant Director of Forests, Conservation and Wildlife Management and with the consent of the owner or occupier of land, destroy any indigenous or alien species of animal which-

- (a) has caused or is causing or is likely to cause damage to any livestock, crops, water, installation, fence;
- (b) is likely to be dangerous to human life;
- (c) he has been directed to destroy as part of his official duty on such land:

Provided that-

- (i) in the case of a dangerous animal which has been previously wounded or otherwise injured so as to make it a potential source of danger to human life, any such Officer or Employee of the Division may follow such animal with the intention of killing it on any land notwithstanding the fact that the consent of the owner or occupier of such land has not been first obtained;
- (ii) any such Officer or Employee of the Division who follows any such animal on to such land shall as soon as possible inform the owner or occupier of such land of the fact that he followed such animal on to such land and whether he was successful in killing the animal or not.

(2) Any Wildlife Conservation Officer may, on the instructions of the Director of Forestry and with the consent of the owner or occupier of land, destroy any indigenous or alien species of plant which is likely to have a detrimental impact upon human life or wildlife or which has spread or is spreading or is likely to spread to any Protected Area.

Honorary Officers.

81. (1) The Minister may by Notice in the *Gazette* appoint fit and proper persons to be Honorary Officers of the Division for the purpose of assisting in the carrying out of the provisions of this Act and Regulations made hereunder.

(2) An Honorary Officer shall exercise such powers as may be prescribed by Regulations so however that such power shall not be greater than the powers conferred upon a Wildlife Conservation Officer by this Act and Regulations made hereunder.

(3) An Honorary Officer shall hold office for a period of three years unless the appointment be sooner revoked.

Power to arrest without warrant.

82. A Wildlife Conservation Officer may arrest without a warrant any person whom he reasonably suspects to have been concerned in any offence punishable under this Act, if such person refuses to give his name and address or gives a name and address which the Wildlife Conservation Officer has reason to believe that such person will abscond:

Provided that any person so arrested shall be taken before a Magistrate without any unnecessary delay.

Indemnity for acts done in good faith

83. No action shall lie against any public officer in respect of any act done by him in good faith in the execution or intended execution of his duties or powers under this Act or Regulations made hereunder.

Power of holder of licence or permit to demand licence or permit of others

84. (1) The holder of a valid licence or permit who is lawfully on any land in pursuit of game may require any other person found by him apparently in pursuit of game upon such land to produce the licence, permit or authority or permission authorizing him to be on such land or to furnish him with his full name and address.

(2) Any person who, upon being requested to do so under the provisions of subsection (1) fails to produce any such licence, permit, authority or permission, or gives a false or incomplete name and address shall be guilty of an offence and liable on conviction to a fine not exceeding One Million Leones or to imprisonment for a period not exceeding three months or both.

Impersonation of Officers.

85. Any person who-

(a) falsely represents himself to be the Director of Forestry or the Assistant Director of Forests, Conservation and Wildlife Management or an Officer or Employee of the Division or an Honorary Officer; or

(b) without lawful excuse, wears any uniform or carries or displays any badge or letter or other document of appointment authorized or required under the provisions of this Act or by the Director of Forestry or the Assistant Director of Forests, Conservation and Wildlife Management to be worn or carried by an Officer or Employee of the Division or by an Honorary Officer or so nearly resembling any such uniform badge, letter or other document as to be calculated to deceive;

shall be guilty of an offence and liable on conviction to a fine not exceeding Two Million Leones or imprisonment for a period not exceeding six months or both such fine and imprisonment.

Regulations.

86. (1) The Minister may make such Regulations as he may consider necessary for giving force and effect to the provisions of this Act.

(2) Without derogation from the generality of the provisions of subsection (1) such Regulations may provide for the following matters-

- (a) any matters which this Act specially provides may be prescribed;
- (b) prescribing forms of applications, licences, permits, certificates, registers, returns and other forms that may be required for the purposes of this Act or the Regulations;
- (c) providing for-
 - (i) the administration of Protected Areas, non-hunting Forest Reserves or any other reserve;
 - (ii) the prohibition, restriction, control or regulation of entry into, passage through or sojourning in such Protected Area or any other reserve or part thereof.
 - (iii) the control of persons who, or animals (including domestic animals) which are in such Protected Areas or any other reserve or part thereof either permanently or temporarily;
 - (iv) the prohibition, restriction, control or regulation, or the introduction into, passage or conveyance through or keeping within such Protected Area or any other reserve or part thereof of any domestic animal;
 - (v) the prohibition, restriction, control or regulation of the burning of vegetation or the felling, cutting and removal of timber in or from such Protected Area or any other reserve or part thereof;
 - (vi) the prohibition, restriction, control or regulation of the searching for, and removal of, honey from Protected Areas or any other reserve or part thereof;
 - (vii) the prohibition, restriction, control or regulation of fishing in Protected Area or any other reserve or any part thereof;
 - (viii) the prohibition, restriction, control or regulation of the carrying or possession of weapons in Protected Areas or any other reserve or any part thereof;
 - (ix) the fee, if any, to be paid by persons entering such Protected Area, or any part thereof, or to be paid in respect of the doing of any specified thing therein or the use of any article or facility provided therein;
- (d) providing for-
 - (i) the administration of controlled hunting areas or any other such area or any part thereof;

- (ii) the restriction, control or regulation of the hunting or capture of animals in such areas or part thereof and the terms and conditions under which animals may be hunted or captured therein;
- (iii) the fees to be paid for such hunting or capture or in respect of the doing of any specified thing therein or the use of any article or facility provided therein;
- (e) prescribing the terms and conditions to be complied with by the holder of any licence or permit:
- (f) fixing and altering the fees to be paid for any permit including the fixing of different fees to be paid by persons resident in Sierra Leone and persons not so resident;
- (g) providing for the payment of royalties by holders of permits, for the circumstances in which such royalties shall be paid and fixing and altering such royalties, including the fixing of different royalties to be paid by persons resident in Sierra Leone and persons not so resident;
- (h) prohibiting, restricting, controlling or regulating the coursing of animals with dogs or the ousting of animals with beaters;
- (i) providing for the care and handling during and after capture of animals captured under the authority of a permit, the stabling and feeding of such animals and the conditions under which such animals may be transported:
- (j) providing for the treatment of animals before export and the requisition and control of import and export of animals and trophies;
- (k) the declaration of government trophies and the regulation of possession and disposal of trophies;
- (l) providing for the payment of rewards to persons finding and surrendering trophies generally or particular trophies, the amount of such rewards and the conditions subject to which such rewards shall be paid;
- (m) providing for the payment of the costs of transport of trophies generally or particular trophies surrendered or delivered to the nearest Government office and the manner of calculating the amounts to be paid;

- (n) providing for the wearing of uniforms or badges by officers or employees of the department and the type or description of such uniforms or badges;
 - (o) providing for the protection and reservation of Protected Areas, non-hunting forest reserves, Game Sanctuaries and the animals therein;
 - (p) providing for the regulation and control of the manufacture of articles from trophies;
 - (q) the application of measures for preventing the transmission of contagious diseases from domestic to wild animals;
 - (r) the destruction of the eggs of crocodiles, poisonous snakes and pythons;
 - (s) notification and returns to be made of animals killed, and the persons by whom the same are to be made;
 - (t) prohibiting, restricting, controlling or regulating the sale of any net, gin, trap, snare or similar contrivance which may be used in the trapping, snaring or capture of animals;
 - (u) providing for the payment of reward for the destruction of vermin, the amount of such rewards and the conditions subject to which such rewards shall be paid.
 - (v) prescribing the terms and conditions to be complied with by the holder of any concession to provide recreational facilities in any Protected Area, and the royalties payable by such concession holder in respect of the concession.
- (3) Different Regulations may be made as respects different animals or classes or species of animals or as respects the same animals or class or species of animals in different circumstances or as respects different areas or particular areas.

Penalties for breaches of Regulations.

87. Any Regulations may provide penalties for any breach thereof, and may also provide different penalties in case of successive or continuous breaches, but no such penalty shall exceed a fine of One Million Leones or imprisonment for a period of six months or both.

Establishment of Fund

88. (1) There is hereby established a fund to be known as the Conservation Trust Fund
- (2) The fund shall consist of -
- (a) Government's Budgetary Allocation to Conservation and Wildlife Management;
 - (b) Proceeds from fines imposed under this Act;
 - (c) Proceeds from concessions;
 - (d) grants, donations, bequests or such sums contributed by any private individuals, corporate bodies, foundations or international organizations or funds within or outside the country;
 - (f) any such funds acquired from various sources.
- (3) The proceeds of the funds shall be applied to –
- (a) promote awareness of the importance of Conservation and Wildlife Management through public education training;
 - (b) promote and fund research into Conservation and Wildlife Management;
 - (c) assist in enabling Sierra Leone to benefit from international initiatives and international funds directed towards the conservation and protection of biological diversity and the promotion of sustainable development of Conservation and Wildlife Management resources
 - (d) promote such other activities as may be determined by the Director of Forestry
- (4) The fund shall be managed by the Director of Forestry

Account and audit

89. (1) The Director of Forestry shall keep proper books of account and proper records in a form to be approved by the Auditor-General.
- (2) The books of accounts kept under subsection (1) shall within three months after the end of each financial year be audited by the Auditor-General or an auditor appointed by him.

Annual report

90. The Director of Forestry shall as soon as possible but not later than three months after the end of each financial year submit to the Minister a report of the activities, operations, undertakings, properties and finances of the forestry division for the year, including the Auditor-General's report and a list of persons granted licences and concessions in that year

Repeal and saving

91. (1) The Wildlife Conservation Act 1972 is hereby repealed.

(2) Notwithstanding subsection (1), any rules, regulations, orders, notices, licences, permits and other instruments or directives issued under the repealed Act and in existence immediately before the commencement of this Act, shall continue in operation until their expiration or until their express repeal or revocation.

PART VII

FIRST SCHEDULE

NON-HUNTING FOREST RESERVES

1. Loma Mountain Forest Reserve
2. Tingi Hills Forest Reserve
3. Western Area Forest Reserve
4. Kangari Hills Forest Reserve

SECOND SCHEDULE
ENDANGERED SPECIES

Series A- Birds

1. Birds used in the plumage trade, not specifically mentioned in another schedule.
2. Egrets, Herons, Bitterns
3. Marabou –*Leptoptilos crumeniferus*
4. Owls
5. Secretary Bird – *Sagittarius serpentarius*
6. Crested or Crowned Cranes.
7. Bold headed Ibis or Waldrapp – *Comatibis cremta*
8. White breasted Guinea Fowl – *Agelastes melvagriles*
9. Bare headed Rock Fowl (*picarthartes gymnocephalus*)
10. The Vulture
11. Pelicans
12. White Stork – *Cicomia civonia*

Series B – MAMMALS AND REPTILES

1. Colobid Monkeys – *colobus pcolobus*
2. Senegal Hartebeest – *Damalisous*
3. Elephant – *Loxodonia species* – with tusk below a total weight of 5 kilogrammes
4. Royal Antelope – *Neotragus*
5. Wate Chevrotain – *Hyemoschus acquaticus*
6. Manatee – *Trichecus senegalensis*
7. Buffons Kob- *Adenota kob*
8. Golden Cat – *Felis aurata*

9. Banded Duiker – *Cephalophula doriae*
10. Pygmy Hippo – *Choeropsis liberiensis*
11. Bongo – *Boocercus cryceros*
12. Monitor Lizards – *Varanus* (all species)
13. Cheetah – *Acinonyx jubatus*
14. Pangolin - *Manis temminckii et M. gigantea*
15. Cobus Antelope
16. Red Colobus Monkey-*Colobus polykomos*

Series C – PLANTS

THIRD SCHEDULE
THREATENED SPECIES

Genera of which the young are specifically protected.

1. Antelopes, Gazelles, Duikers, Buck and Buffalo
2. All Pholidont pangolins of the genus *Manis* (= *Uromanis phataginus*)
3. All Cercopithecoid Monkeys with the exception of the Baboon- *Papio*
4. Chimpanzee
5. Hyaena - *Crocuta crocuta*

FOURTH SCHEDULE

GAME ANIMALS

PART A

First Column

Second Column

Birds

Number that may be hunted

1. Ducks and Teal	Unlimited
2. Geese	Unlimited
3. Snipe	Unlimited
4. Francolins	Unlimited
5. Guinea fowls	Unlimited
6. Sandgrouse	Unlimited
7. Quails	Unlimited
8. Other birds not included in Second Schedule	Unlimited

PART - B

Animals

Maximum No.

1. CARNIVORA:

(a) Rate1 or Honey Badger - <i>Melivora</i>	2 for each person
(b) Clawless Otter - <i>Anonyx</i>	2 for each person
(c) Serval Cat - <i>Leptailurus</i>	2 for each person

- (d) Wild *Cat - Profelis* 2 for each person
- (e) Genet spp. 5 for each person
- (f) Civet-Viverra 5 for each person

2. PRIMATES:

(a) Lorisiformes of the genera

- (i) Galago--Bush Babies 2
- (ii) Perodictus-Potto 2

(b) Monkeys of the genera

- (i) *Cereopithecus*-Diana, Spotnosed,
Mona Unlimited
- (ii) *Erythrocebus* Patas Unlimited
- (iii) *Cercocebus*-Mangabey Unlimited
- (c) *Pan troglodytes* – Chimpanzee 2

3. PHOLIDONTA:

Pangoline of the genus *Manis*

excluding *Manis temminckii* and *Manis*

gigantea

4. GLIVES:

Rodents of the genera

- (i) *Anomalurus*-Flying squirrels Unlimited
- (ii) *Hystrix*-Crested Porcupine Unlimited
- (iii) *Atherura*-Bush Tailed Porcupine Unlimited

5. UNGULATA:

(a) *Paraxonia-Suiformes*

(i) *Phacochoerus* - Wart Hog 2

(ii) *Potamochoerus* – Bushpig 2

(b) *Parxonia – Ruminatia – Bovoidea*

(i) *Tragelaphus*-Bush Buck 1

(ii) *Cephalophus*-Black, Bay, Red Flank

Duikers etc 4

(iii) *Sylvicapra*-Crowned Duiker 4

(iv) *Philantomba*-Maxwell Duiker 4

(v) *Redunca*-Reedbuck 1

(vi) *Alcelaphus*-Hartebeeste 1

(vii) *Ourebia*-Oribi 1

(viii) *Adenota kob*—Buffon’s kob 1

(ix) *Python*-Python Unlimited

Syncerus - Bush Cow (Buffalo) 1

Hippopotamus – (Huppopotamus) 2

Panthera – Leopard 1

Kobus - Water buck 1

Hippotragus - Roan antelope 1

Crocodilus – Crocodile 10

PART D

Animals

Maximum No.

FIFTH SCHEDULE

ANIMALS DESTRUCTION OF WHICH MUST BE REPORTED

Elephant - *Loxodonta Africana*

Waterbuck – *Kobus ellipsiprymnus*

Hippopotamus - *Hippopotmus amphibius*

Roan antelope - *Hippotragus equinas*

SIXTH SCHEDULE

DANGEROUS ANIMALS

Buffalo-*Syncerus caffer*

Elephant - *Loxodonta Africana*

Hippopotamus - *Hippopotmus amphibius*

Leopard-*Panthera pardus*

Crocodile-*Crocodilus*

SEVENTH SCHEDULE

VERMIN

<i>Animal</i>	<i>Area</i>
1. Baboon (<i>Papio</i> spp .)	whole country
2. Cutting grass	whole country
3. Harmful monkeys	
Green	whole country
Mangabey	whole country
4. Large birds of prey except the following:-	
(a) the vulture	whole country
(b) the Secretary Bird	whole country
(c) the Owl	whole country
(d) The Kites, Hawks and Eagles	whole country
5. Poisonous snakes	whole country

EIGHTH SCHEDULE
RESTRICTION OF WEAPONS FOR HUNTING GAME ANIMALS

First Column
Item Animals

Second Column
Weapon specified

Passed in Parliament this ___ day of _____ in the year of our Lord two thousand and eleven

ANNEX 12: WILDLIFE ACT LETTER OF ACCEPTANCE

CEPESL—Creating an Enabling Policy Environment in Sierra Leone

To: Mr. Sheku Ahmed Mansaray
Director of Forestry, MAFFS

Date: February 28, 2011

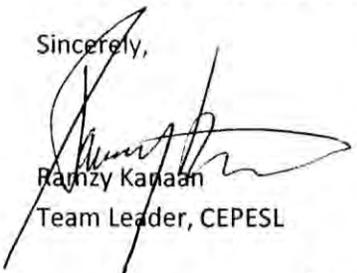
Re: Letter of Acceptance—Draft Wildlife Conservation Act

Dear Mr. Mansaray,

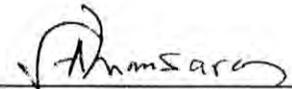
This letter is to officially document “acceptance” of the Draft Wildlife Conservation Act, a deliverable of the CEPESL Project, delivered to the Director of Forestry, Ministry of Agriculture, Forestry and Food Security this date. Your signature at the bottom of this page, simply formalizes this process, and officially accepts the Draft Wildlife Conservation Act, that was developed with support from CEPESL.

We look forward to continued cooperation with the Forestry Division of the Ministry of Agriculture, Forestry and Food Security.

Sincerely,


Rainzy Kanaan
Team Leader, CEPESL

Acceptance:



Mr. Sheku Ahmed Mansaray
Director Of Forestry, MAFFS

Date:

28/02/11

ANNEX 13: ARTISANAL MINING POLICY

Sierra Leone

ARTISANAL MINING POLICY FOR SIERRA
LEONE (UNABRIDGED)

JANUARY 2011

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ACRONYMS AND ABBREVIATIONS

ADMS	Alluvial Diamond Mining Scheme
AMS	Artisanal Mining Sector
ASM	Artisanal and Small-scale Mining
CEPESL	Creating an Enabling Policy Environment in Sierra Leone
DACDF	Diamond Area Community Development Fund
D4D	Diamonds for Development
EIA	Environmental Impact Assessment
EITI	Extractive Industries Transparency Initiative
GGDO	Government Gold and Diamond Office
GDP	Gross Domestic Product
GOSL	Government of Sierra Leone
ILO	International Labour Organisation
IPEC	International Programme on the elimination of Child Labour
KCP	Kimberley Certification Process
LSM	Large-Scale Mining
MAFFS	Ministry of Agriculture, Forestry and Food Security
MDAs	Ministries, Departments, and Agencies
MMR	Ministry of Mineral Resources
MTAP	Mining Technical Assistance Programme
NGO	Non-governmental Organization
NMA	National Minerals Agency
ONS	Office of National Security
PDA	Peace Diamond Alliance
ROSCAS	Rotating Savings and Credit Associations
SLEPA	Sierra Leone Environmental Protection Agency
UNHCR	United Nations High Commissioner for Refugees
USAID	United States Agency for International Development
USD	United States Dollar

1.0 POLICY BACKGROUND

1.1 GENERAL BACKGROUND

The Government of Sierra Leone (GOSL), through the Ministry of Mineral Resources (MMR), embarked upon the formulation of a policy for the artisanal mining sector in Sierra Leone. Recognising the pivotal role of mining in the economy and the pervasive nature of artisanal mining, which affects a large number of artisanal miners and mining communities, an artisanal mining policy can help in improved performance of the sector and improvements in the lives of thousands of communities—especially in rural areas. A considerable amount of work has preceded the formulation of this policy. This includes a situational analysis of the artisanal mining sector, analysis of key issues in the sector, and charting of strategic directions for the sector’s management. Extensive stakeholder consultation has been a key element in the policy formulation process. This document outlines the policy for the artisanal mining sector in Sierra Leone.

1.2 THE NEED FOR AN ARTISANAL MINING POLICY

The artisanal mining sector currently accounts for some 40% of the total export earnings from the mining sector and up to 70% of the diamond exports from Sierra Leone. It employs between 200,000 to 300,000 miners and their families and takes place in every district and in over 80 of the 149 chiefdoms. It is also important to note, from a livelihoods perspective, that AMS often provides the only source of income for many people and is consequently significant.

Despite the importance of this sector to the economy and the pervasive nature of artisanal mining, there has never been a concerted public policy for this sector. Changes taking place or contemplated at present in the mining sector would address many of the legislative and regulatory problems related to the large-scale mining sector, and to a certain extent, the artisanal sector. They are, however, short on specifics related to policy issues in the artisanal mining sector. The sector can benefit from several areas of intervention by governments, donors, and civil society in the artisanal mining arena, but to support legislation and regulations, clear policy guidelines would be needed for any meaningful intervention. Such a policy could address many of the pressing challenges in the sector that have built up over the years and have led to several socio-economic problems in mining regions. Artisanal mining, though contributing immensely to the national economy, is accompanied by a considerable amount of ill effects that need to be tackled. Achieving this will need a well-integrated and coordinated public policy for the artisanal mining sector.

1.3 THE PROCESS OF FORMULATING THE ARTISANAL MINING POLICY

A situation analysis was undertaken for the sector to provide an up-to-date assessment of the context and issues facing artisanal mining in Sierra Leone. This report served as a discussion document at an initial stakeholders’ consultative meeting. The methodology used has included discussions with a multitude of stakeholders in the sector and extensive literature review. Existing policies, legislation, and regulations have been collated and sections dealing with artisanal mining reviewed. Meetings were held with key stakeholders to discuss changes being implemented or contemplated in the policy, legal, and regulatory areas of the sector. After reviewing the situation analysis report and stocktaking of best practices, which also included some suggestions on policy options, stakeholders were invited to proffer their views on various issues, suggest revisions to various areas, and validate the report. This was followed by a second series of workshops to consider a draft policy document based on the revised report and the deliberations

of the first workshop. The input of stakeholders at the second series of workshops held in Magburaka, Koidu, Kenema, and Freetown has been taken into consideration in the revisions that led to this final policy document.

2.0 THE ARTISANAL MINING SECTOR WITHIN THE CONTEXT OF SIERRA LEONE MINING INDUSTRY

2.1 OVERVIEW OF THE OVERALL MINING SECTOR

Mining has featured prominently in Sierra Leone's history since the early 1930s. Diamonds, bauxite, and rutile are currently being mined by major mining companies. The country's established diamond fields cover an area of almost 20,000 km², over one-quarter of the country, mainly in the southeastern and eastern parts of Sierra Leone. Sierra Leone possesses one of the largest rutile reserves in the world and has significant bauxite reserves in the southern and northern regions. Sierra Leone is also rich in gold and iron ore and two major iron ore mines are slated for start up soon. Other identified minerals include chromite, clays, and base metals (copper, nickel, molybdenum, lead, and zinc). Chromite, columbite, iron ore, and platinum were mined in the past.

Mining contributed up to 20% of the Gross Domestic Product (GDP) and 90% of export earnings throughout most of the 1990s, employing about 14% of the total labour force, directly or indirectly. Direct and indirect employment in the large-scale mines (large and small-scale mining sector) could amount to about 38,000 people, with an estimated 300,000 people (including dependents and extended families) deriving their livelihoods from these mines. The artisanal mining sector employs between 200,000 and 300,000 people. Mining still continues to play a major part in the economy, but to a lesser extent than before. The minerals sector in Sierra Leone is made up of three sub sectors: a) large-scale mining, b) small-scale mining, and c) artisanal mining. The latter two sections are mainly involved in production of precious minerals—mainly diamonds and, to a lesser extent, gold. Large-scale mining operations are mainly foreign owned. Rudimentary artisanal mining continues to be carried out by local individual miners and cooperatives, with foreigners and resident Lebanese and West Africans having key roles, particularly in financing and marketing.

The large-scale mining companies are capital-intensive operations and often in need of considerable up-front, pre-production investment. There are several small-scale mining companies operating in Sierra Leone, many having international investors, with varying degree of involvement with local operations. Artisanal mining operations are usually small in scale (area less than 5 acres) and carried out by miners with very little capital using rudimentary equipment. Mining and process recovery rates are often low.

2.2 NATURE AND STRUCTURE OF THE ARTISANAL MINING SECTOR

Artisanal mining takes place in over 80 chiefdoms in Sierra Leone, with the highest levels of activity in the Eastern Region. Diamond mining dominates the artisanal mining sector, but gold is also mined, though to a much lesser extent. It is estimated that the annual value of artisanal diamond output is between US \$150 million and US \$200 million, and of gold is about US \$15 million. Artisanal diamond mining partially or completely supports 200,000 to 300,000 miners and their families directly and many more individuals who either work in other aspects of the industry or who benefit from standard multiplier effects. Artisanal mining is labour intensive. The industry is characterised by limited skills; low capital investment; and absence of infrastructure, minimum reserves, and short implementation time.

2.2.1 Artisanal Diamond Mining

Artisanal diamond mining operations were started in 1955 with the inception of the Alluvial Diamond Mining Scheme (ADMS). It has a long, hierarchical, and complex marketing chain. The license holder is

in a vulnerable position for several reasons. Most have little knowledge of the value of rough diamonds. Supporters are needed to help purchase capital equipment and to compensate labour if they are paid any wage. Diggers work very long hours with little compensation. “Supporters” are the financial backers for most artisanal diamond mining operations. Miners are intensely dependent on financial supporters. In return, the supporters, generally closely tied to the domestic diamond-buying cartel, assume *de facto* control of a “supported” miner’s mineral output. The United Nations High Commissioner for Human Rights (UNHCR) has referred the miners as subject to “a system of debt bondage and a contemporary form of slavery.” Dealers represent the first real expertise in valuation in the diamond chain, allowing them to set the prices for gems, while in turn demanding a reasonable market price from the exporter. The few diamond exporters take their product to the Government Gold and Diamond Office (GGDO) for valuation, before selling them abroad. Their operations are based on keeping to government regulations relating to the export of diamonds, with international certification, being ensured. Overall, this system guarantees that there is no serious market competition internally within Sierra Leone.

2.2.2 Artisanal Gold Mining

Seven of the 12 diamondiferous districts in Sierra Leone also have significant alluvial gold deposits. These deposits are spread over 25 chiefdoms. Gold production figures indicate that \$3.7 million worth of gold was exported in 1987 and \$1.6 million in 1993. Several reports allude to gold being illegally exported from Sierra Leone, which would explain the low export figures. Gold mining remains largely unregulated. Artisanal gold mining takes place in many districts in the northern region. Gold also occurs as a by-product of diamond mining and its mining has been exploited by artisanal mining, especially in the Eastern Kono District.

2.3 INSTITUTIONAL FRAMEWORK OF THE ARTISANAL MINING SECTOR

The management of Sierra Leone’s mineral resources is within the purview of the MMR. The ministry has two divisions—Mines and Geological Survey—both headed by directors. A permanent secretary heads its administrative wing. The MMR’s mission is to “Develop policies and programmes for the systematic and economic exploitation of mineral resources as well as formulate appropriate regulations for the mining industry and related activities to ensure that the nation derives maximum benefit from the mineral resources.”

Despite the importance of mining to the economy, the capacity of the MMR is grossly inadequate. This inadequacy relates to physical resources and the quality and number of personnel. The ministry lacks the basic resources to carry out its mandate and the AMS remains poorly planned and supervised. Although taxes paid to the government from licenses and other functions are substantial, financial support to the ministry is paltry and far short of meeting its operational requirements.

The work of several ministries, departments and agencies (MDAs) also impacts on that of the MMR to varying degrees. These include the Ministry of Finance (fiscal and tax matters); the Ministry of Lands and Country Planning (land issues); the Ministry of Local Government and Community Development (communal lands); and the Ministry of Agriculture, Forestry, and Food Security (MAFFS) for issues dealing with agricultural compensation and protected areas or forest reserves with mineral deposits. In addition, the Sierra Leone Environmental Protection Agency (SLEPA) has a key role to play in the mining sector, given that it is the main agency in charge of monitoring and enforcing environmental regulations. Its role is, however, very limited in the area of artisanal mining.

The Chiefdom Mining Committee allocates artisanal mining licenses, although they are approved and issued by the MMR. Most fiscal revenue from the mining sector goes directly into central revenue and is used for budgetary support. There have been attempts more recently to designate some part of this revenue to the mining areas and communities for their development through the Diamond Area Community Development Fund (DACDF), by which a certain proportion of the export levy on diamonds is given to the community, but most local benefits still come indirectly. Diamond and gold marketing is done through the GGDO. Diamond and gold exporters bring their products to the GGDO to be valued. A small percentage-based fee is levied on the exports as export taxes.

2.4 POLICY, LEGAL AND REGULATORY ISSUES WITHIN THE SECTOR

The main policies and acts governing the mining sector are the Core Minerals Policy, the newly enacted Mines and Minerals Act, 2009 (which replaces the 1994 Mines and Minerals Act) and —Details of policy measures relating to small-scale and artisanal mining and marketing of precious minerals.” The latter is specifically for small-scale and artisanal mining. There are also several acts dealing with peripheral issues that are important to the sector. These include the Environmental Protection Act, 2008, the Local Government Act, 2004, the Lands Act of 2005, and the 1998 Forestry Act.

2.4.1 Core Minerals Policy

A clear objective of the Core Mineral Policy is the establishment of —an internationally competitive and investor-friendly business environment in the mining sector.” It is designed with the aim of attracting local and foreign private investment into the sector, and to ensure maximum benefit to Sierra Leoneans of exploitation, as well as environmental protection.

Artisanal and small-scale mining is addressed in the Core Minerals Policy under Objective 5, ‘Improve the Regulation and Efficiency of Artisanal and Small-Scale Mines’.

Under this objective, the policy defines the following principle: —The Government will regulate, monitor and administer artisanal and small-scale mining in a manner that will create open competition, continuity and security of tenure for license holders, and make it advantageous for the miners to work within the legal system and therefore minimise smuggling.”

Additionally it states that the government will:

Encourage and promote a revolving loan fund scheme to provide basic mining equipment and machinery at affordable prices and reasonable terms for artisanal and small-scale mining.

Strictly enforce the existing laws governing the financing and operation of artisanal mining operations.

Initiate a scheme that will allow the clear identification of people licensed to operate and trade in the minerals industry.

Review the laws and regulations governing the financing of artisanal mining operations.

Encourage the dissemination of marketing information on the minerals sector.

Encourage technical training to improve mine planning, mineral processing, prospecting, and exploring skills in the sector.

Promote the formation of local trade associations and co-operatives in the mining sector.

Publicise the detrimental effect on the economy of illegal activities such as un-licensed mining and smuggling.

2.4.2 Mines And Minerals Act, 2009

The objectives of the 2009 Act are much wider than the 1994 Act and include social and economic benefits, transparency, and other matters. The new Act also encompasses areas dealing with administration; ownership of minerals; and acquisition of mineral rights and surface rights prospecting and exploration licenses; and several new areas including dredging, underground mining, health and safety, EITI, etc. Some novel ideas have also been introduced.

The 2009 Act provides legal treatment to AMS and separates artisanal from small-scale mining licences in Part X and XI. It covers the following issues related to artisanal mining:

- Eligibility for artisanal mining licences;
- Application for artisanal mining licence;
- Disposal of applications for artisanal mining licences;
- Restriction on grant of artisanal mining licence;
- Contents of artisanal mining licence;
- Size of artisanal licence mining area;
- Duration and renewal of artisanal mining licences;
- Rights and duties of holders of artisanal mining licences;
- Revocation of artisanal mining licences;
- Notice to remedy dangerous or defective mining operations; and
- Transfer of mining artisanal licences.

2.4.3 Details Of Policy Measures Relating To Small-Scale And Artisanal Mining And Marketing Of Precious Minerals

This is a document through which the government intends to —regulate the small-scale and artisanal mining sector in a manner that ensures open competition, continuity and security of tenure, and minimises smuggling of precious minerals so as to maximise benefits to the nation as a whole.”It states the requirements for artisanal miners. The title of the document is, in fact, a misnomer. It is actually more of a regulatory document, but is short on specifics.

As this is a regulatory document and promulgated before the current Mining Law, there is a lack of clarity about what parts are still valid, and what has been superseded by the new Act. To promote greater clarity in the AMS legal framework, it would be valuable to update and integrate the two documents to reflect the current approach of the Mining Act.

2.4.4 Environmental Protection Act, 2008

The Environment Protection Agency was established with a Board of Directors set up as its governing body. The agency shall act in liaison and cooperation with government agencies to control pollution and the general protection of the environment. The agency shall also promote effective planning in the management of the environment, and coordinate and monitor the implementation of national environmental policies. Apart from general statements about preserving the environment and the granting of special powers of enforcement to the agency, the document makes no reference to AMS.

2.4.5 Forestry Act, 1988 And Forestry Regulations, 1989

The Chief Conservator of Forests has the role of preserving the forest environment, promoting the practice of forestry in all use of forestland, to ensure sustainability of forest products, and the protection of the soil and water resources that constitute the environment. In this Act, Part 6, Section 21, Subsection

2 indicates that no protected forest may be cut, burned, uprooted, damaged, or destroyed, except by written permission from the Chief Conservator of the forest. New policies have been drafted for forestry and wildlife conservation and are in the process of being validated by stakeholders, after which they would need to be approved by the cabinet. There is also a plan for drafting the corresponding supporting regulations. All of these documents will have a bearing on AMS.

2.4.6 National Lands Policy, 2005

The Lands Policy of Sierra Leone aims at the judicious use of the nation's land and all its natural resources by all sections of the Sierra Leone society in support of various socio-economic activities undertaken in accordance with sustainable resource management principles and in maintaining viable ecosystems.

2.4.7 National Environmental Policy (Revised Edition – October, 1994)

This National Environmental Policy seeks to achieve sustainable development in Sierra Leone through the implementation of sound environmental management systems which will encourage productivity and harmony between man and his environment. The National Environmental Policy is considered an all-encompassing policy that provides for various environment and socio-economic issues in establishing and strengthening environmental protection standards.

2.4.8 GGDO's Mandate, Legal Status, And Regulations

The GGDO of the MMR, which handles valuation of gold and diamond exports, has an uncertain mandate. The GGDO's mandate outlined in the Sierra Leone Gazette Vol. CXVII No. 100 of Tuesday, 17 December 1985, is:

Buy gold and diamond at competitive prices.

Export gold and diamond purchased.

Put the marketing of gold and diamond on an organised and sound basis, thereby increasing the inflow foreign currency through the local banking system.

Institute more effective control measures in the marketing of gold and diamonds by ensuring that valuation is done with the highest standard of efficiency, professional competence, and integrity.

Provide a strong credible basis for the government to raise external loans using its stock of gold and diamonds as collateral if necessary.

Much of the GGDO's mandate is no longer tenable and circumstances within the mining industry in Sierra Leone have changed over the years, especially as it relates to accountability and transparency issues.

The issue of conflict diamonds has been brought to the fore after the Sierra Leone civil war and the Kimberley Certification Process (KCP) and other international and regional initiatives that now affect the diamond industry. There is need for putting in place strategies for ensuring that producers export gold through official channels. The GGDO has recently been transferred to the MMR and there is need for more clarity in its organizational structure.

2.5 LOCAL INITIATIVES IN THE SECTOR

There have been a number of initiatives in the sector. Some are extensions of regulations and others are purely initiatives undertaken by various groups interested in improving benefits from artisanal mining. These include the DACDF and several initiatives to improve benefits to miners, such as the Peace Diamond Alliance (PDA) initiative.

2.5.1 Diamond Area Community Development Fund

The DACDF, by which a quarter of the 3% export tax would be used for the development of local mining communities, was established in 2001 in order to redress the inadequacies in resource distribution by the government. The MMR, local government officials, the community, civil society organizations, and NGOs are all responsible for monitoring how the funds are used. The funds have been used for various infrastructure projects in the various chiefdoms. The distribution of funds is monitored by many groups, including civil society.

2.5.2 New Efforts To Change The Relationship Between Miners, Buyers, And Exporters In Sierra Leone

Various new players have alluded to addressing the problem of poverty, exploitation of diggers, and poor income distribution. Some have tried new beneficiation schemes without much success. These include the PDA and other initiatives. Although the PDA succeeded in meeting many of its objectives, the issue of providing technical expertise for miners and the accessing of credit by co-operatives was problematic. Several problems were encountered with other beneficiation schemes, which included unknown reserves, monitoring problems, and problems of economic support.

2.5.3 Current Reforms

The new government has set in motion some activities to revamp the mining industry. Some intense activities in the policy, legal, and regulatory arena are currently taking place within the mining sector, all having a bearing on the AMS. In addition to this Artisanal Mining Policy, other directly relevant initiatives include the drafting of a new Core Minerals Policy, the setting up of a National Minerals Agency (NMA), the operation of a Mining Review Task Force, and developments with the EITI process.

2.6 INTERNATIONAL INITIATIVES

2.6.1 The Kimberley Certification Process

Sierra Leone is a founding member of the KCP and its certification scheme, which, although still fraught with difficulties associated with tracking production from the mining source, has proved relatively successful as reflected in increased diamond exports after the inception of the scheme.

2.6.2 The Extractive Industries Transparency Initiative Process

Sierra Leone achieved EITI candidate status in February 2008. The implementation of EITI in Sierra Leone will require significant changes in transparency for both the government and the private companies, and a large capacity-building effort to support the initiative.

3.0 CHALLENGES OF THE ARTISANAL MINING SECTOR

Sierra Leone's economy is largely informal and informal agreements dominate the artisanal mining sector. Informality in the artisanal sector, however, mainly arises because of the lack of support to the miners—both technical and financial. The main problems in AMS are connected with enforcement and the lack of a coordinated, integrated set of policies to guide this sector's development. The large number of highly mobile artisanal miners spread around the country severely stretches the MMR's capacity to organise the sector.

Artisanal mining has unique characteristics and challenges in the geological, technical, human resource, marketing, legal, organizational, and financial environments. The key challenges are summarised below.

Geological environment

- Lack of appropriate ore bodies (broadly speaking)
- Lack of basic information about these ore bodies

Technical environment

- Use of labour-intensive technology (this can be a virtue if handled correctly)
- Inefficient recovery techniques and organization of labour

Human resources

- Unskilled labour force
- Lack of written contracts
- Social dependencies
- Subsistence economy
- Lack of knowledge on entrepreneurial principles – credits and financing aspects

Marketing environment

- Access to the market only via intermediaries
- Market barriers
- Restrictive market regulations

Legal environment

- Inappropriate legal and regulatory framework
- Poor investment climate
- Illegality of artisanal mining
- Lack of social security
- Lack of political and legal stability
- Difficulties to legalise the mines
- Contradictions between different Acts

Organizational environment

Predominance of individual operations and activities
Lack of umbrella organizations
Seasonal activity of mining
Coordination or cooperation difficult because of spread out mine locations

Financial environment

Difficulties in preparation of affordable feasibility studies
Uneconomical investment decisions
Lack of bookkeeping and cost calculation
Lack of capital
High tax and royalty burden
Limited access to foreign currency
Limited access to investors and equity capital

Health and safety environment

Lack of medical insurance
Lack of safe potable water
Lack of knowledge on safe work practices
Lack of access to safety equipment

In addition to these there are specific problems related to:

Poor supervision by Ministries, Departments and Agencies

Poor human and financial capacity of ministries
Lack of motivation

Environmental and social problems

Land degradation, pollution of water and other environmental problems rife
Overcrowding, in-migration into mining areas and financial problems cause several social problems including HIV/AIDS and health and sanitation problems

Fuelling of conflicts

Product easy to smuggle and amenable to money laundering
Exploitative nature of mining could lead to conflicts between various stakeholders—e.g., between miners and supporters, landowners and chiefs etc.

Land ownership problems

Unclear land ownership issues
Competition for use of land and resources
Conflicts between LSM and AMS operators.

4.0 GOAL

The goal of the Artisanal Mining Policy is to contribute to:

The establishment of a legalised and profitable artisanal mining sector that operates in open competition, with continuity and security of tenure for license holders, and where there are clear advantages for the miners to work within the legal system. AMS will be socially and environmentally responsible and will contribute to the generation of decent work, local development, poverty reduction and social peace in Sierra Leone for the benefit of present and future generations.

5.0 GUIDING PRINCIPLES

To attain this goal and its vision for the future of the sector, this policy recognises the following guiding principles.

5.1 SUSTAINABLE MANAGEMENT OF MINERAL RESOURCES

The MMR and relevant MDAs will endeavour to attain ecological, social, cultural, and economic sustainability in managing Sierra Leone’s artisanal mining sector for the benefit of future generations.

The artisanal mining sector should support the socio-economic development of present and future Sierra Leonean society as well as the communities in which mining activities take place. The effective restoration and rededication of mined land to other uses must also be ensured. It is essential that the earth’s life-supporting systems within the sphere of influence of the AMS’s operations be protected and improved and that generally the risk of irreversible damage to the ecological system is reduced. All of these must be done with minimal disruption to the cultural mores of mining communities.

5.2 RIGHTS-BASED GOVERNANCE

All stakeholders will have the right and obligation to practice responsible artisanal mining and will apply principles of good governance. They must have respect for the rule of law and its effective enforcement, including national policies; legislation and regulations; ratified international agreements; and local, traditional, and community-based rules and arrangements supportive of responsible mining.

The authority for the management of artisanal mining must be devolved to the most appropriate level for achieving policy objectives. All relevant parties must participate in and have access to information and decisions on management of artisanal mining and their implementation, and it must be ensured that there is informed consent of those parties directly affected by these decisions. The promotion of an informed and knowledgeable population on sustainable development issues of mining and clear definition of roles and responsibilities among all relevant partners—including all levels and agencies of government, traditional authorities, communities, civil society, academic institutions and the private sector—is a cornerstone of this policy.

5.3 ECONOMIC BENEFITS

All activities undertaken in the minerals industry must help sustain the wealth-generating potential of the community that depends on the exploitation of the mineral resources. It must be ensured that the economic activity of a community does not decline once a mineral resource is depleted. This policy recognises and supports the Sierra Leone Poverty reduction strategy. In this respect it must be ensured that miners and mining communities benefit from artisanal mining activities have access to viable resources and livelihood-enhancing and income-generating activities for mining communities, especially taking into consideration the needs of women, children and other vulnerable sections of the population. International partners, civil society and the private sector are encouraged to support these activities. Fair and equitable benefit sharing which ensures that the marketing of precious minerals is done in such a manner that will optimise benefits to the miners is pivotal to this policy.

5.4 INTEGRATED LAND USE PLANNING AND CONSERVATION MEASURES

This policy recognises that artisanal mining competes with other land uses. It also recognises that other land use activities may take place in areas contiguous with mining plots. Implementation of this policy therefore requires partnership, coordination, and integration among diverse sectors, government entities, non-governmental institutions, and individuals. In particular, these actors need to engage in strategic land use planning at national, regional, and local levels to resolve conflicting interests.

5.5 CAPACITY BUILDING TO ENSURE EFFECTIVE POLICY IMPLEMENTATION

This policy recognises the extremely serious capacity constraints (human and material) in MDAs and local governance structures in areas dealing with artisanal mining and the environment. The government commits to providing adequate financial resources to build human and material capacity to implement this policy. The government will strengthen the institutions that administer, regulate, and monitor the mineral industry in Sierra Leone. Resources to support these activities will be mobilised not only from general revenues but also through international, national, local, and community-based agreements and partnerships.

5.6 PROMOTION OF SOUND ENVIRONMENTAL, HEALTH AND SAFETY PRACTICES

This policy recognises that sound environmental management systems need to be implemented in artisanal mining. It also seeks to promote practices which will prevent or eliminate damage to the environment in mining communities and also that of the health and welfare of miners.

5.7 ALTERNATIVE LIVELIHOODS FOR MINERS

This policy recognises that minerals are non-renewable resources with unique characteristics which pose various challenges for the extraction process, the miners, and the communities.

1. Known artisanal mineral resources are being depleted and becoming harder to mine.
2. The cyclic nature of the mining commodity tends to drive levels of activity in unpredictable ways.
3. The seasonal nature of the work means that there must be alternatives in the off-season.

A central principle of this policy is that plans must be made to create alternative economic opportunities for artisanal miners, whilst sustaining the livelihoods of mining communities. Artisanal mining activities are likely to shrink naturally if progress towards more attractive employment options will become available. A key guiding principle to this policy is the provision of alternative livelihoods for miners in order to reduce the many risks associated with the dependence on artisanal mining and to improve the quality of life of the miners.

5.8 CONFLICT MANAGEMENT AND MITIGATION

This policy recognises the link between the mining of precious minerals by artisanal mining and conflicts engendered by various parties, which include external predatory parties and local parties with competing agendas. The policy recognises the link between diamond mining and the recent civil war in Sierra Leone as well as other conflicts in the sector in the recent past. It is essential that conflict management methods that protect stakeholder interests, and consensus solutions and mechanisms that enable agreed upon actions be actively supported and made to continue in artisanal mining areas.

6.0 TRANSFORMATION OF THE ARTISANAL MINING SECTOR: POLICY OPTIONS AND STRATEGIES

This policy is presented under a series of headings, each containing one or more policy statements. In turn, each policy statement is accompanied by a set of strategies to implement and ultimately accomplish this policy statement. The issues influencing the policy under each heading are succinctly analysed before the policy statements are espoused.

6.1 FINANCING ISSUES

Miners are often beholden to various types of supporters who pay them a fraction of the normal market price for minerals. The hierarchical marketing scheme for artisanal diamond mining is exploitative and many miners often end up in penury. The capital and operating requirements for mining could be considerable. The artisanal mining community continues to be underserved by the formal financial industry and not-for-profit financial institutions. Artisanal mining is generally carried out with little access to geological assessment skills with which to identify or confirm the scale or value of the resource. Therefore, there are typically few guarantees of return on investment and hence financial services cannot be easily accessed. Coupled with this, artisanal miners are frequently insufficiently organised or prepared to qualify for financing on a scale attractive to traditional financial institutions.

Objective:

To assist miners in getting access to credit, put various schemes in place to capacitate miners and to provide technical and geological information to make mining more effective.

Policy statement 1: The government will develop special loan guarantee schemes and encourage lending agencies and NGOs to develop flexible payment schemes for artisanal mining.

Strategies:

1. Promote financial instruments for AMS that draw upon lessons learned from other AMS regions as well as other relevant economic sectors.
2. Promoting the use of third party guarantees to enable other institutions to assist miners to get loans.
3. Work in conjunction with NGOs and national and international financial institutions towards the establishment of miners' banks and informal financial institutions such as rotating savings and credit associations (ROSCAS).

Policy statement 2: The government will promote various schemes to make mining equipment easily available to miners.

Strategies:

1. Promote diverse mechanisms for acquiring equipment, e.g., hire-cum-purchase system, mutual group savings schemes, etc.
2. Implement or facilitate the implementation of a trust fund to finance purchase of mining equipment.
3. Promote capacity-building and innovation programs to finance the adaptation of local equipment/tools to the specific conditions of AMS.
4. Help miners directly in various ways including capacity building in the use of financial mechanisms and strategies.

6.2 TECHNICAL SUPPORT

Artisanal mining is usually rudimentary and changes need to be engendered in exploration, mining, and processing methods. Mining and process recoveries are low and damage to the environment is rife. The inaccessibility of geological data results in a lot of wasted effort because of the uncertainty of the reserve estimates. The adoption of improved and recommended mining methods will ensure that the ore is mined in a safe and efficient way. Improved mining methods could also lead to lesser damage to the natural environment. The use of improved processing methods will not only improve the recovery rate but will directly increase winnings, which will augment the income of miners.

Objective:

To provide technical support to miners in the areas of geological assessment, extraction and mineral processing to be more efficient and environmental friendly.

Policy statement 3: The government, through the various technical departments in the MMR, will provide technical support to artisanal miners' groups in the areas of geological assessment, mining, and mineral processing and encourage NGOs and academic institutions to do so.

Strategies:

1. Provide theoretical and practical training courses to miners' groups in geological assessment, extraction methods and mineral processing through mining extension teams and teams from the Geological Survey Department and other governmental agencies and academic institutions.
2. Encourage NGOs to sponsor technical consultancy groups to carry out theoretical and practical training courses in geological assessment, extraction methods, and mineral processing.
3. Encourage access to extension services, including mobile joint processing plants, which can be more efficient and environmentally friendly.

6.3 TRAINING AND INFORMATION DISSEMINATION

In addition to access to financial and technical resources and a supporting legal framework, knowledge and information is another major pillar for artisanal mining. There is an absence of training and information in management skills, entrepreneurial skills, and rules of law. Awareness raising and information dissemination is poor. Many miners are unaware of basic regulations relating to the industry. There are simple things that miners and mining communities can do to mitigate against the ills of the artisanal mining industry but quite often there is no information dissemination mechanism to assist in such endeavours. The Ministry and technical and academic institutions are little involved in training and information dissemination for the artisanal mining sector. Though there may be considerable local knowledge, miners are not formally trained in mineral identification and valuation techniques and thus lose out in the marketing of minerals.

Objective:

To provide training and information to miners and mining communities and to improve the knowledge of miners in mining management and marketing issues.

Policy statement 4: The government will promote training of miners and information dissemination in various areas necessary for the development of the artisanal mining industry through the MMR and other relevant MDAs and encourage NGOs involved with the sector to do so. The government will also promote the dissemination of information on the minerals sector to various stakeholders and promote transparency in the sector.

Strategies:

1. Provide appropriate training to diamond and gold miners in improving the value of mineral resources (e.g., refine technology and gem analysis).
2. Provide training and information to artisanal miners on basic rules, administrative procedures, and regulations governing the sector.
3. Provide up-to-date marketing information on prices, buyers, and exporters through websites and other forms of media.
4. Establish an information unit within the MMR to generate and maintain basic information about the sector as it evolves and the development of related regional programmes.
5. Encourage the introduction of mining-related courses in the tertiary education curriculum.

6.4 ORGANISATIONAL ISSUES

It is often difficult to enforce laws and regulations for artisanal miners for various reasons including poor access to finance and equipment, the itinerant nature of miners, poor knowledge of regulations, etc. There is a lack of any formal institutions among the miners, making it difficult to resolve many thorny issues. Miners do not have the capital (or access to it) for meeting even the most basic standards and authorities often have no possibility of evaluating, monitoring, and enforcing such regulations on large numbers of artisanal miners. Therefore, one good way to improve compliance with many issues in the sector is to encourage the miners to organise into groupings of various sorts.

There are hardly any organizations representing the interests of the miners and acting as a focal point for discussions with other stakeholders, including representatives of the government and local communities. It is generally known that co-operatives and associations have internal self-regulation, and present greater potential for artisanal miners to contribute to economic efficiency and environmental integrity. Co-operatives and associations reduce marginalization, open access to funding, training, technology and extension services (building social, human, physical capital).

Objective:

To realise the setting up of associations of miners that will serve as good avenues for access to information and skills useful for improving the efficiency of mining.

Policy statement 5: The government will encourage the setting up of associations for artisanal miners by NGOs and international donors whether as cooperatives, enterprises, or other associations.

Strategies:

1. Provide training on forming associations and raise awareness about their associated benefits.
2. Register associations of artisanal miners and actively deal with associations of miners rather than individual miners.
3. Promote a Chamber for the AMS and encourage collaboration between this and the Chamber of Mines.
4. Encourage cooperatives or other associations to engage in other viable business operations, e.g., produce buying and exporting.

6.5 RELATIONSHIP BETWEEN ARTISANAL MINERS AND LARGE SCALE COMPANIES

Artisanal miners have a history of difficult relationships with mining laws, which tend to focus primarily on management of large-scale mining operations. Generally, large-scale mining companies have done little to facilitate a process of dialogue and participation with artisanal mining leaders and members of artisanal mining communities. Even though mining companies have extensive expertise in the technical, safety and environmental aspects of mineral extraction, they have typically not applied these to assist small-scale miners.

Markets and prices for artisanal miners are at the mercy of middlemen, and miners are caught in a poverty trap. Even though some large-scale mining companies work in close proximity with artisanal mines, there is little cooperation between them and miners do not adhere to environmentally acceptable practices.

Notwithstanding this common problem, there are some notable exceptions and precedents in other regions. Where there has been success, the collaboration has been based on a clear and equitable partnership model.

Objective:

To improve the relationship between artisanal miners and large- and small-scale mines that will result in more stable, productive investments for both sides and improved benefits to artisanal miners by accessing information, technology, and markets from these companies.

Policy statement 6: The government will promote the development of the present artisanal mining activities into more organised and modernised small-scale mining units that will enable more effective partnerships.

Strategies:

1. Encouraging land owners and artisanal miners to agglomerate their leases and sign agreements with small-scale miners to make reserves appreciably large for effective exploitation.
2. Promote and enable, through legislation, the organization of artisanal miners into various types of organizational units for the purposes of licensing.

Policy statement 7: The government will promote partnership between local small-scale miners and large-scale investors to facilitate technology transfer and optimise mineral resources exploitation.

Strategies:

1. Encourage mining companies' partnerships with AMS to include assistance with organizational and management capacity building for efficient resource extraction.
2. As part of regional and community development planning, mining companies should be encouraged to assist with local revenue-generating activities that complement artisanal mining. This will stimulate local entrepreneurship, improve purchasing power in local communities and decrease subsistence-related activities.
3. Government should promote, through fiscal and other economic incentives, joint ventures or other forms of partnership between mining companies and local entrepreneurs in mining, ancillary supplies and services.

Policy statement 8: The government will encourage artisanal miners to benefit from good relationships with mining companies.

Strategies:

1. Encourage companies to partner with artisanal miners to buy ore, provide laboratory services, or help miners to develop clean and productive small concentration plants and assist with health and safety issues in a way that promotes fair and equitable profits for both parties.
2. Provide fiscal incentives to large-scale mining companies which provide assistance in approved designated areas (in close proximity to their operations) to artisanal mining groups. The development of a model contract should be considered in such situations.
3. Develop a guide of best practices to orient and promote companies and artisanal miners to develop partnerships.

6.6 RESPONSIBILITY OF GOVERNMENT

The lack of a coordinated and effective set of technical support programs and regulatory mechanisms is a fundamental barrier to improvements in the artisanal mining sector. There are inadequate regulations and many of those present are not effective in addressing the unique issues faced in AMS. In terms of technical support, although it should be the government's responsibility to address health and safety training, technical training in mining skills, appropriate technology and value-added processing (through research programmes and incentives for private actors), there is little being done in these areas.

It is also the responsibility of the government to ensure that environmental standards and protection are present and that trade incentives and access to markets (e.g., fair pricing opportunities and market assurances) are available. In these areas there has also been little in the way of government initiatives.

Government has decentralised many activities to local government structures to ensure that they mesh with other strategies for promoting rural development, but clearly these efforts have not been sufficiently supported or coordinated to serve the AMS and its associated communities.

Policy statement 9: The government will be a promoter and facilitator and service provider and will establish, support and coordinate technical assistance programmes to the artisanal mining sector.

Strategies:

1. Offer extension services to miners including technical training and technology innovation support.
2. Strengthen the capacity of the Mineral Resources Ministry.
3. Strengthen the capacity of local governance units to respond to the needs of the artisanal mining sector.

Policy statement 10: The government will carry out basic geological mapping of the country to obtain information on mineral resource potential.

Strategies:

1. Contract companies to carry out aeromagnetic surveys for mineral resources in the country.
2. Keep proper inventory of diamond and gold resources suitable for artisanal mining in the country in a cost-effective manner.

Policy statement 11: The government will encourage miners to practice good environmentally and socially sound practices.

Strategies:

1. Provide access to extension services, including the promotion of the development and adoption of joint processing plants which are more efficient and environmentally friendly.

2. Provide the ability to sell output through special channels such as fair trade and other ethical markets. Identify present barriers to sell into these markets and establish a strategy to reduce or eliminate barriers while promoting ethical markets development for Sierra Leone.

6.7 ALTERNATIVE LIVELIHOODS

From a livelihood perspective, artisanal mining activities often provide the only source of income for miners and are therefore important. Artisanal mining activities are likely to decrease naturally if progress towards sustainable development is made since alternative, more attractive employment options will become available. Miners concede that mining would not be their livelihood of choice if they had other feasible options but, for the time being, these options are either limited or do not exist. People mine as a rational strategy for coping with and mitigating against a high risk environment in a weak local economy with limited viable and preferable livelihood options. Mining as a livelihood is a rational response to this weak local economy with limited viable and preferable alternatives. There are generally limited credit options for non-mining activities. Donors are often not enthusiastic to offer development assistance to mining communities.

Objective:

To provide alternative livelihoods for miners in order to reduce the risks—especially financial, social, and environmental aspects associated with artisanal mining, and to improve the quality of life of the miners.

Policy statement 12: The government will encourage NGOs and development partners to invest in job creation schemes in artisanal mining communities and raise awareness on various activities that will provide alternative livelihoods for miners.

Strategies:

1. Facilitate community process for the identification of options and preferences for alternative livelihoods.
2. Introduce special job creation programmes to address community needs and complement community initiatives.
3. Raise awareness on other socio-economic activities as alternatives to artisanal mining.
4. Support women and youth groups in agriculture and other socio-economic activities.

Policy statement 13: The government will set up special job creation schemes in artisanal mining areas and increase the proportion of its budget, especially for agriculture and training in special skills in artisanal mining communities.

Strategies:

1. Set up vocational schools and encourage the establishment of scholarship programmes in mining areas specialising in entrepreneurial skills.
2. Introduce special job creation programmes.

6.8 WOMEN AND CHILDREN IN MINING

Women involved directly in diamond mining are not found in productive positions, except for the rare case of a female mine owner, financier, or license holder. More vulnerable women (war widows or older women) are involved in “*overkicking*”; that is, panning the tailings of gravel that has already been washed at least once. Women’s participation in local governments and discussions is low. Women mine workers do not earn as much as their male counterparts and are often forced to take on the worst aspects of the

work. Women face economic and socio cultural barriers, which restrict their effective involvement in mining. There are few organizations of women in mining, which makes it difficult for their issues to be presented and heard.

There is evidence from several surveys of children taking part in mining activities. The enforcement of child labour laws is lax. Children take part in mining because of the underlying poverty problem, particularly for children of widows and single mothers.

Objective:

To enhance the participation of women in mining and eliminate the participation of children in mining activities.

Policy statement 14: The government will support programmes for reducing family reliance on child labour and enforce and monitor programmes for handling child labour issues.

Strategies:

1. Provide support for targeted programmes that increase the benefits to families, especially women to maintain their children in school.
2. Capacitate the Ministry of Social Welfare, Gender and Children's Affairs in the monitoring of child labour especially in mining areas.
3. Target children in mining areas for special effort in their education.
4. Involve traditional rulers in the enforcement of child labour laws.

Policy statement 15: The government will work with the ILO to eliminate child labour through its International Programme on the Elimination of Child Labour (IPEC) and other initiatives.

Strategies:

1. Ratify, domesticate, and implement Conventions dealing with child labour.
2. Seek support from ILO or other donors to implement the IPEC through various programmes..
3. Research the specific nature of the child labour problem in Sierra Leone through various methods including rapid focused assessments, special project studies, surveys, etc.
4. Awareness raising and mobilization about the child labour problem and potential solutions using media, events, public messaging, documentaries, etc.
5. Create institutional capacity to cope with child labour problems enabling local initiatives to be linked to the national level by developing operational guidelines, rules, and regulations for the implementation of relevant child labour legislation, create a child labour unit, establish educational facilities directly in artisanal mining areas etc.

Policy statement 16: The government will encourage and facilitate employment of women in mining, processing, and mineral trade and in the provision of economic services in mining communities.

Strategies:

1. Organise women into co-operatives or other appropriate forms of association and empowering them through access to credit and technical training.
2. Encourage women in mining-related services including, but not limited to vegetable gardening and petty trading.

Policy statement 17: The government will put mechanisms in place to enhance women's participation in local government and discussions and negotiations involving mining companies and access to mineral resources and encourage NGOs and developments partners to support them.

Strategies:

1. Support various initiatives by women's groups targeted at increasing the percentage of women councillors.
2. Encourage the participation of women's representatives in mining development committees of local councils.

6.9 REGIONAL AND GLOBAL INITIATIVES

The economy of Sierra Leone is intertwined with those in neighbouring countries, especially those in the Mano River Union. There has been evidence in the past of diamonds being smuggled from Sierra Leone to Liberia and of gold in the Northern part of Sierra Leone being marketed to buyers from Guinea. Poor marketing and trading schemes for these minerals, uneven tax rates and conflicts have been the main causes of such problems. International sanctions against diamond mining in Cote d'Ivoire and Liberia at one time increased the volume of smuggled diamonds flowing out of West Africa, undermining legitimate trade in Guinea and Sierra Leone. Global initiatives like the Kimberley process were introduced to address conflict diamond problems. The Kimberley Process has helped to ensure that a higher percentage of the diamonds produced by Guinea and Sierra Leone are sold through legal channels but it has not managed to ensure that each diamond certified can be reliably traced back to its mine of origin.

Objective:

To participate in regional and global initiatives in order to reduce smuggling and increase revenue accruing to government.

Policy statement 18: The government is committed to discussions with regional partners, especially in the Mano River Union region in several economic areas, with a view to harmonising taxes and improving upon monitoring and enforcement of rules relating to the trade of precious minerals.

Strategies:

1. Solicit cooperation between the national economic and mining teams within the Mano River area.
2. Support initiatives taken by NGOs and development partners for precious minerals in the subsector (e.g., the Diamond for Development [D4D] initiative for diamonds).
3. Harmonise taxes, fees, and royalties as well as other related economic incentives in the sub region.
4. Implement a robust cross body security team for monitoring and enforcement duties.

Policy statement 19: The government will participate in relevant and appropriate global initiatives dealing with mining in general and specifically to the trade in precious minerals.

Strategies:

1. Seek and provide support from NGOs and development agencies for programmes like the Kimberley Certification Process and the Extractive Industries Transparency Initiative (EITI).
2. Promote and support the involvement of artisanal mining operations in ethical markets initiatives such as Fair Trade.

6.10 INSTITUTIONAL STRENGTHENING

The role of the government is to stimulate and guide private mining investments by administering, regulating, and facilitating the growth of the sector through a well organised and efficient institutional framework. The MMR, which is the main institution overseeing the mining sector, has very weak capacity to fulfil its mandate. Poor remuneration and the absence of qualified staff in the various disciplines required to administer a modern mining sector are the major reasons for this. At the lower level, mines monitors are poorly paid and their supervision and enforcement duties are poorly carried out. The paucity of qualified staff in the MMR and poor financial resourcing make it difficult for the ministry to support artisanal miners. The allied MDAs, which also have some responsibility for mining issues, are plagued with the same capacity problems.

Local councils also have some responsibility for environmental issues and reclamation of mined-out areas, but are severely limited in capacity to fulfil these responsibilities. Mineral resources committees in local councils do not function well due to limited capacity and funding. The GOSL has not been able to provide enough funds for local councils, who in turn have very limited ability to raise extra funds. There is no monitoring framework established to provide clear roles for participation of local governments, civil society, and NGOs in addition to the MMR.

Policy statement 20: The government will strengthen the institutions in terms of human and financial resources and organizational aspects of the MMR, allied MDAs, and local councils to be sufficiently able to cater for the needs of the artisanal mining sector.

Strategies:

1. Ensure the availability of adequate and competent professional and technical staff in these institutions to properly and effectively administer, promote, and service the AMS.
2. Assess potential financial mechanisms or revenue distribution strategies that better link regional mine revenues with local and community institutional resource capacity related to the sector.
3. Allocate sufficient resources to effectively and efficiently carry out duties and responsibilities, which include the administration, supervision, monitoring, training, provision of extension services, and promotion of sectoral activities.
4. Work with academic institutions and partners to establish formal training for regulators on AMS-related issues.
5. Establish a monitoring framework providing clear roles for participation of local governments, civil society, and NGOs in addition to the MMR.
6. Seek assistance from NGOs and development partners.
7. Revise the remuneration and conditions of service of key workers in the MMR and key allied sectors. This should particularly pertain to government mining engineers and mines monitors.
8. Establish clear criteria by which mines monitoring officials (MMOs) are recruited.

6.11 MINERAL RUSHES

The biggest problems associated with the artisanal mining sector occur when there is a “mineral rush;” that is, very lucrative deposits of precious minerals are discovered, and a large number of miners descend upon an area. It is usually beyond the scope of local government authorities to manage such a situation. Accordingly, it is crucial that the national government has a contingency plan to react to a mineral rush and protect the local community, especially with respect to law and order. The paucity of exploration work done in the country and the absence of relevant information on the mineral potential of any area means in effect that new mineral discoveries by artisanal miners are accidental and could occur in places where such minerals are least expected to occur. The MMR technical staff often reacts to the situation and issue mineral licenses for these new areas even if some may prove to be unproductive in the long run. Mineral rushes bring with them attendant social and environmental problems.

Policy statement 21: The government will develop an emergency response plan to address mineral rushes when they do occur and will focus on a preventative approach such as a permit system that stabilises ownership and responsibility among the artisanal mining sector.

Strategies:

1. Restrict the in-migration of people into affected mining areas by instituting a permit system.
2. Promote stable longer-term mineral tenure systems that discourage mobility and protect the rights of tenure holders.

6.12 TRADING AND MARKETING

Diamond marketing of artisanal winnings is done through a hierarchical chain from sponsors to dealers to exporters. Miners are often beholden to supporters and many do not fully appreciate the full value of diamonds sold. Gold mined by artisanal miners is sold mainly through agents who sell it through channels outside the country. Sierra Leone’s official gold export figures are much lower than what is mined and there is suspicion that much of the gold is smuggled out of the country. Diamond and gold exports should officially go through the GGDO to be valued but this is often not the case, especially for gold. The absence of an organised marketing scheme makes it difficult for miners to realise the full potential of their winnings. There is also little latitude in marketing and trading of these minerals and there are certainly no official government channels apart from the GGDO which provides the final valuation for these minerals.

Objective:

To introduce suitable marketing and trading schemes that will facilitate market access for miners and result in optimization of market prices and enhance profitability for the miners.

Policy statement 22: The government will support a study for technical support and marketing of artisanal precious minerals. This will help establish current production figures and production areas, production potential, grades, buying and selling details, and many other issues that may be relevant in carrying out a proper market analysis.

Strategies:

1. Commission a general study on the marketing and smuggling of precious minerals in Sierra Leone.
2. Commission a comprehensive study on the marketing and smuggling of gold, especially in the northern region, either with government funds or with donor funding.

Policy statement 23: The government will encourage the provision of mineral marketing extension services particularly in mineral grading and valuation, facilitate up-to-date information on mineral markets, and offer short-term training programmes on mineral marketing.

Strategies:

1. Facilitate development of competitive mineral markets close to and within the mining areas to be operated by mining associations, licensed individuals, mineral dealers, companies, and financial institutions.
2. Encourage the setting up of buying centres for gold in various parts of the country.
3. Facilitate the rudimentary training of local diamond valuers.

Policy statement 24: The government will encourage developing precious minerals to further stages of processing and will encourage the setting up of manufacturing industries.

Strategies:

1. Encourage companies to set up sophisticated gold jewellery manufacturing industries that could utilise gold mined in Sierra Leone.
2. Upgrade the GGDO gold valuation process to incorporate smelting.
3. Encourage the setting up of diamond cutting and polishing factories.

Policy statement 25: The government will rationalise payments for taxes, tariffs, and fees for precious minerals and will institute stiff penalties for smugglers of minerals including confiscation by government.

Strategies:

1. Undertake a review and rationalization of taxes, tariffs and fees with the view to discourage smuggling and maximise returns to Sierra Leone and miners.
2. Enhance the capacity of security and monitoring groups attached to the mining sector.
3. Publicise punitive measures legislated by government for the smuggling of precious minerals.

6.13 ENVIRONMENTAL AND SOCIAL SUSTAINABILITY OF MINING DEVELOPMENT

Artisanal diamond mining entails widespread environmental degradation and numerous social problems. The main environmental impacts from artisanal mining in Sierra Leone include land and soil degradation as a result of rudimentary and inefficient mining and processing methods, river bank erosion affecting gravel and soils, deterioration of water, and breeding of mosquitoes and microorganisms through disruption of natural drainage and silting of drainage courses, and generally uncontrolled disposal of waste. Social impacts include use of child labour, drug addiction, overcrowding in mining areas, intensification of health problems and creation of an insecure environment, the haphazard development of “boomtowns”, and the neglect of agriculture and other activities.

There are grave health concerns associated with artisanal mining, both for the workers and the surrounding communities. Poor safety practices and the use of chemicals lead to environmental and health problems.

Objective:

To put measures in place that will avoid or mitigate against the environmental and social problems wrought by artisanal mining and result in the sustainable development of artisanal mining areas.

Policy statement 26: The government will initiate actions to reduce or eliminate the adverse environmental and social effects of mining and improve health and safety conditions in mining areas, ensuring the protection of human health and safety in mining development

Strategies:

1. Require artisanal miners to undertake training in the use of more environmentally friendly mining methods and encourage them to implement the requirements in new environmental guidelines covering many issues in the sector.
2. Improve health and safety education and encourage investment in health care facilities and mining rescue services.
3. Improve affordable access to safety equipment for AMS.
4. Enforce technological behaviour through the incentive of obtaining access to some other benefits, such as processing mills or fair trade markets.
5. Draw up and establish health and safety regulations appropriate to AMS.
6. Encourage the institution of environmental awareness programmes.

Policy statement 27: The government will encourage effective environmental assessment of AMS areas through various mechanisms and approaches in relation to the scale of the mining activities and associated impacts.

Strategies:

1. Develop different instruments to assess, prevent, and mitigate impacts according to the scale of operations and types of technologies employed.
2. Establish a support service to work with miners on EIAs and environmental management plans.
3. Carry out collective environmental assessment of some mining areas where appropriate.

6.14 IMPROVEMENTS IN WELFARE OF MINERS

Because of the absence of umbrella organizations and the informal nature of mining operation, there are no formal agreements between miners and sponsors. There are many informal ways of recompensing miners and their earnings depend to a large extent on winnings and the largesse of the sponsor. Miners are not paid regular wages and often supporters skirt around health and safety issues. In the long run, there must be a move away from support for sponsors to direct mining entrepreneurs including restrictions on number of titles that can be held by any one person or company, a license system that allows a range of players from individual entrepreneurs, family businesses to small-scale enterprises to effectively access and manage titles and access to appropriate direct credit for small enterprises and actors.

Objective:

To support the welfare of miners in various areas through a collective umbrella organization that will result in improved working conditions under a predictable atmosphere.

Policy statement 28: The government will encourage mining entrepreneurs to sign valid collective agreements with miners' organizations relating to several welfare areas including working conditions and health and safety issues.

Strategy:

1. Sign agreements that will cover specific issues such as working hours, minimum daily food rations, cash allowance, and share of the value of minerals between various stakeholders and basic health and safety standards.
2. Actively encourage direct tenure holding, and miner-based associations as opposed to a sponsorship structure through regulatory and licensing measures.

6.15 LOCAL DEVELOPMENT ISSUES

Most attempts at resolving the problems associated with AMS have focused on the miners, although if their environmental performance improves, certainly the nearby communities will benefit. Nevertheless, if artisanal mining is to truly contribute to local communities in a sustainable manner, it is important that small industries are developed to add value to the output of the miners. It is important that the local community members, not just those involved in mining, are given the opportunity to participate in any programs to develop skills and small businesses. This is often not the case.

The stakeholders who often benefit the least but suffer the most from artisanal mining activities are women. Accordingly, it is important to have special programs or institutions that deal directly with the problem of getting more benefits from artisanal mining to women and reducing the costs they incur.

Objective:

To enable stakeholders in mining communities, especially the most vulnerable, to benefit economically from local development projects.

Policy statement 29: The government will ensure that special development programmes target people in mining communities, especially the most vulnerable.

Strategies:

1. Design special development programmes for and with mining communities to address community needs in relation to infrastructure, basic services, business development opportunities, access to credit and expertise, etc.
2. Encourage NGOs and development partners to sponsor projects in mining communities targeting youth, women, elderly, and other vulnerable populations.
3. Channel an increased amount of regional mining-generated revenues towards local development priorities.

6.16 CONFLICTS

The nature of diamonds makes it very easy for smuggling and as has been experienced, diamonds were used to fuel the civil conflict in Sierra Leone. There is always a likelihood of insecurity in mining areas. Tensions and conflicts in the AMS are a result of several factors such as the unfair distribution of funds; trespass on leases held by mechanised small-scale mines; lack of access to land for AMS operations; and complicity of local authorities and tensions between local communities and artisanal, small-scale and large-scale mining. Diamond areas are overcrowded with unemployed youths living under very onerous conditions and vulnerable to be impacted by and engaged in the resulting conflicts.

It is essential that conflict management methods that protect stakeholder interests, but develop consensus solutions and mechanisms that enable agreed actions be engendered and made to continue in artisanal mining areas.

Objective

To assess and take measures to prevent situations of conflict in mining areas.

Policy statement 30: The government, through a combination of measures, will study the situation in mining areas and take necessary measures in the interest of national security to prevent conflict in mining areas.

Strategies:

1. Work with local councils, community organizations, and local mining associations to develop consensus solutions and mechanisms that promote community stability and security. Emphasis should be given to addressing the problems faced and posed by youth.
2. Work through appropriate institutions such as the Office of National Security (ONS), the precious minerals smuggling unit within the police, and other institutions to implement relevant measures.
3. Introduce a permit system in mining areas to stabilise tenure, encourage investment, and promote longer-term development options.
4. Carry out security intelligence measures in mining areas to inform planning and support conflict prevention programmes.
5. Provide better clarity and security in regards to rights and responsibilities through AMS-specific mining laws and regulations.

6.17 ILLEGAL OPERATIONS AND SMUGGLING

Although Sierra Leone remains a participant in good standing with the Kimberley Certification Process (KCP), it is still unable to capture a significant amount of the diamond trade. Estimates indicate that diamond smuggling between USD 30 million and USD 160 million in diamonds continues on top of the USD 140 million in legitimate exports, with smuggling representing between 18% and 53% of the total diamond trade. Although the Kimberley Process seems to be a success in its efforts to stop the flow of conflict diamonds, improved government action is needed to reinforce the KCP and address illicit trade. It is generally acknowledged that the following occur on a regular basis:

Smuggling of diamonds into and out of Sierra Leone;

Miners, exporters, dealers and financiers operating without licenses;

Corruption on the part of officials facilitating a range of infringements; and

Serious cases of fraud relating to forged Kimberley Process certificates, some of them involving licensed exporters.

There are credible reports of gold also being smuggled out of the country.

Objective:

To drastically minimise incidences of illegal operations and smuggling in the sector.

Policy statement 31: The government through a combination of measures will capacitate institutions and put in other measures to curb illegal operations within the sector and the smuggling of precious minerals out of the country.

Strategies:

1. Ensure that the fees, taxes, and royalties system and market services create an enabling environment for a competitive, legal market within Sierra Leone.

2. Address bureaucratic and economic disincentives for participating in the national and international precious metals market.
3. Provide support and capacitate the ONS and other law enforcement institutions.
4. Strengthen border patrols.
5. Seek assistance from external bodies like the KCP in various forms.
6. Ensure that current regulations to prevent smuggling and compensate whistle blowers are rigidly enforced.

6.18 LEGAL AND REGULATORY ISSUES

Whereas there are laws and regulations related to the sector, they inadequately cover all the major issues associated with artisanal mining. The Mines and Minerals Act, 2009 addresses artisanal mining in a very cursory fashion and is either silent on many issues of the sector, or where mentioned, is short on specifics. Sierra Leone's economy is largely informal and informal agreements dominate the artisanal mining sector. The sector and the country more broadly would benefit from much clearer and more comprehensive regulations for artisanal mining operations.

Land and tenure issues are often complex and contribute to conflicts and inefficiencies in the sector. Current legislation is not adequate to address these issues. There is an urgent need to develop more appropriate legislation on land and tenure rights in mining areas.

The relationship between the various interest groups at the local level with respect to land ownership and responsibilities needs to be straightened out. A greater proportion of the functions of MDAs will be devolved to local councils over time; however, there are also lapses in local government regulations which may need to be addressed in relation to this devolution.

The relationship between the various players in the governance structure for the artisanal mining sector is often unclear and there are overlapping mandates which result in confusion and conflict.

Objective:

To ensure that there is a clear, well-integrated legal framework that addresses the main dimensions and issues of AMS, including but not limited to land tenure, environmental and social protection, health and safety, and taxation.

Policy statement 32: The government will review and reform laws related to AMS in order to create a stable legal framework that addresses the particular challenges of the sector.

Strategies:

1. Undertake an assessment the existing regulatory framework to identify strengths and weaknesses and establish priorities for and approaches to reform, with the input from relevant stakeholders.
2. Develop an integrated set of new laws and regulations for the sector using the outcomes of the assessment along with the AMS policy document and others pieces of legislation and regulations, including international conventions.

Policy Statement 33: The government will create necessary mechanisms to assist in the coordination of different agencies and with relevant stakeholders in the artisanal mining sector.

Strategies:

1. Articulate a common vision and integrated approach to the sector and its issues with different government agencies responsible for AMS-related regulation and policy.

2. Establish a mechanism to monitor the implementation of the new laws and regulations with the view to identify gaps and needs for improvements and to promote coordination among different government agencies and stakeholders as appropriate.

7.0 INSTITUTIONAL ARRANGEMENTS FOR POLICY IMPLEMENTATION

The Sierra Leone government will take a strategic approach throughout implementation of this policy. Although the MMR staff will take the lead role, a host of stakeholders will also participate in policy implementation, including other MDAs whose supervision is required in many aspects of operating the mining industry. Specific opportunities also exist in partnering with local and international organisations. The role of local councils is also important and must be clearly defined as are the roles of local stakeholder groups including landowners and chiefs.

Sierra Leone has ratified several international conventions on aspects of the operation of the mining industry that have onerous reporting and compliance requirements. This policy also recognises the importance of local laws, especially those related to land ownership.

After formal adoption of this policy, a strategic plan for its implementation will include an action plan that identifies partner and stakeholder roles and responsibilities, and a timeline for the first five years of implementation. This action plan prioritises strategies based upon whether certain activities necessarily precede others, and on resources available.

7.1 INSTITUTIONAL REVIEW OF THE MANAGEMENT OF THE ARTISANAL MINING SECTOR

Although the management of the artisanal mining industry is within the purview of the Ministry of Mineral Resources, there are plans to introduce private sector management and oversight practices into the sector's oversight mechanisms. Plans for a new National Minerals Agency (NMA) to take care of technical and licensing issues within the ministry and leave policy issues to the Ministry will need new institutional arrangements. The government is in the process of reviewing the institutional plans for the governance of the sector and has got funding from the World Bank's Mining Technical Assistance Programme (MTAP) in this respect.

7.2 FINANCIAL RESOURCES

Funding for oversight and enforcement duties in the mining sector from the mining sector is currently obtained from the GOSL's consolidated fund. This is grossly inadequate even though licence fees collected by the MMR far exceed any requirements for the sector. These funds are paid directly into the consolidated fund and any appropriations to the ministry would have to be approved in the appropriations budget. The mining sector will continue to depend on budgetary support by the GOSL and donor funds to support specific intervention measures. These are grossly inadequate for meeting the capacity needs of the sector. Consideration will be given to utilise a greater proportion of license fees and other revenues earned by the sector (this includes funds earned by the ministry for services rendered in various areas to several clients, especially those in the private sector) for capacity building within the sector to enable it fully carry out its mandate.

Local governance structures which are increasingly playing a role in the oversight of the artisanal mining sector lack capacity. A large proportion of the local government budget comes from the consolidated fund. The capacity of local government councils to raise money through fees and other means is at present severely limited. Consideration will be given by the Government to increasing the funding to these locally devolved bodies to be able to fully carry out their mandate.

7.3 COMPLIANCE WITH THE ARTISANAL MINING POLICY AND INTERNATIONAL CONVENTIONS

Legal and Regulatory Reform: New legislation will accompany this policy. When new legislation is in place, creation of implementing regulations will enable enforcement, along with user-friendly guidelines and information materials to support implementation. New legislation will also domesticate relevant aspects of international conventions that Sierra Leone has ratified, with particular emphasis on the Kimberley certification process and the EITI.

Law Enforcement: Mines engineers, mines wardens and mines monitors, and environmental officers and other relevant officers from MDAs and local governance structures will support application of this policy and subsequent legislation and regulations. At the community level, such officers will collaborate closely with local leaders and stakeholders to ensure compatibility with local rules, bylaws and enforcement procedures whenever possible. Law enforcement officers will be engaged for AMS law enforcement activities when necessary. There is however need for training of all law enforcement officers associated with the AMS in enforcement/compliance issues and consideration should certainly be given to the provision of incentives.

Environmental Management Requirements: SLEPA and the MMR will collaborate to develop special AMS-related guidelines for environmental impact assessment and environmental management in ecologically sensitive areas. These assessments may cover areas in which several artisanal mining operations exist.

7.4 COLLABORATION AND COORDINATION MECHANISMS

The MMR does not have the capacity and mandate to implement this policy alone. A wide array of MDAs, local government structures, international partners, civil society, educational, research, private sector and community institutions will need to collaborate to ensure effective coordination at national, regional and site levels.

It is essential that a body be formed to play a coordinating role covering the whole gamut of functions required of the artisanal mining sector. Such a body called the Artisanal Mining Coordinating Committee will consist of representatives from these stakeholder groups. They will report to an inter Ministerial Steering Committee comprising Ministers from the relevant Ministries. The Committee will oversee coordination of intra-governmental aspects of implementation of this policy and resolve specific issues of overlapping mandates and interagency collaboration. The committee will also assist in monitoring policy implementation, managing conflicts, and in identifying emerging issues for the sector. The committee must however provide a consistent and consensus approach to public and policy advocacy on artisanal mining issues.

Coordination and collaboration will also be required at the local level.

7.5 POLICY REVIEW AND UPDATES

The policy will be comprehensively reviewed at least every five years and adaptively amended as necessary. If circumstances change, the MMR may request government for an earlier review. As policies and strategies are amended, new elements may be added to the policy as circumstances change and opportunities arise.

The scope of this policy covers only artisanal and not small-scale mining. Internationally, however, AMS is considered a subsector. ASM is a diverse aggregate that often has different categories of activities. The

different types of ASM share some similar characteristics and challenges despite their having different types of mining licenses. Should it be contemplated to include small-scale mining in future, it should be done through adapting this policy and not creating some new one—as the issues and approaches are virtually identical in most cases.

ANNEX 14: ARTISANAL MINING POLICY LETTER OF ACCEPTANCE

CEPESL—Creating an Enabling Policy Environment in Sierra Leone

To: Hon., Minkailu Mansaray
Ministry of Mines and Mineral Resources

Date: February 25, 2011

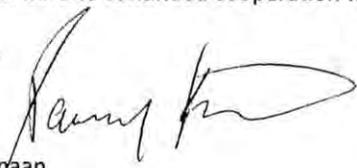
Re: Letter of Acceptance—Artisanal Mining Policy

Dear Hon. Mansaray,

This letter is to officially document “acceptance” of the Artisanal Mining Policy, a deliverable of the CEPESL Project, delivered to the Ministry to the Ministry of Mines and Mineral Resources on this date. Your signature at the bottom of this page, simply formalizes this process, and officially accepts the final Artisanal Mining Policy, that was developed with support from CEPESL.

We look forward to continued cooperation with the Ministry of Mines and Mineral Resources.

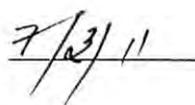
Sincerely,


Ramzy Karaan
Team Leader, CEPESL

Acceptance:


Hon, Minkailu Mansaray
Ministry of Mines and Mineral Resources

Date:



USAID/Sierra Leone
Embassy of the United States of America
South Ridge - Hill Station
Freetown, Sierra Leone
Tel: 232 -76-515000
<http://usaid.gov>