



**LA TIERRA EN WURREH SIENDO MUJER: INSTITUCIONES Y ACCESO A LA  
TIERRA EN UNA COMUNIDAD DE SIERRA LEONA.**

**Trabajo de Fin de Máster**

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**5 de junio, 2023**

## **Agradecimientos**

A las mujeres de Wurreh, por hablar y reírse conmigo, mamo

A los sierraleoneses que me explicaron su país, plenty tenki

A Luis Perea y Clara Abella por permitirme ser parte del proyecto

A mi hermana que me ve

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## RESUMEN

El presente Trabajo de Fin de Máster tiene como objetivo principal analizar el impacto de las relaciones institucionales entre instituciones formales e informales en la seguridad de la tenencia de la tierra de las mujeres de la aldea de Wurreh en Sierra Leona. Con dicha finalidad se emplea una metodología de investigación cualitativa que incluye la recopilación de información primaria a través de entrevistas y grupos focales, así como el análisis de fuentes secundarias e informales.

El estudio se centra en examinar los diferentes tipos de relaciones que existen entre las instituciones formales e informales. Además, se realiza un análisis de la dualidad institucional en cinco países: Indonesia, Liberia, Yemen, República Centroafricana y Haití, así como un análisis de la dualidad de la tenencia de la tierra en tres países de África Occidental: Gambia, Ghana y Liberia.

Se realiza un estudio de caso descriptivo adaptando un marco de análisis creado por Doss y Meinzen-Dick (2020) en el que se identifican el contexto compuesto por las categorías mujeres, tenencia de la tierra, estructura institucional y comunidad. Así mismo, se analizan las amenazas y oportunidades presentes, la arena de acción que involucra a los actores y sus recursos y finalmente, los resultados que retroalimenta la situación actual de la seguridad de la tenencia de la tierra de las mujeres e influyen en su futuro. Como resultado se identifica que las facetas competitiva, complementaria y sustitutiva de las relaciones institucionales están presentes en Wurreh y la faceta competitiva es aquella que ha limitado el cumplimiento de los derechos de las mujeres sobre la tierra, y por lo tanto la seguridad de la tenencia de las mujeres en Wurreh es débil y la necesidad de cambio es imperante a pesar de los cambios que ya han ocurrido.

**Palabras clave:** instituciones formales, instituciones informales, relaciones institucionales, seguridad tenencia de la tierra, derechos sobre la tierra.

## ABSTRACT

The main objective of this Master's Thesis is to analyze the impact of institutional relationships between formal and informal institutions on land tenure security for women in the village of Wurreh in Sierra Leone. To achieve this, a qualitative research methodology is employed, which includes collecting primary information through interviews and focus groups, as well as analyzing secondary and informal sources.

The study focuses on examining the different types of relationships that exist between formal and informal institutions. Additionally, an analysis of institutional duality is conducted in five countries: Indonesia, Liberia, Yemen, Central African Republic, and Haiti, as well as an analysis of land tenure duality in three West African countries: Gambia, Ghana, and Liberia.

A descriptive case study is conducted, adapting an analytical framework created by Doss and Meinzen-Dick (2020), which identifies the context composed of the categories of women, land tenure, institutional structure, and community. Furthermore, the present threats and opportunities are analyzed, the arena of action involving actors and their resources, and finally, the outcomes that inform the current situation of women's land tenure security and influence their future.

As a result, it is identified that the competitive, complementary, and substitutive facets of institutional relationships are present in Wurreh, with the competitive facet being the one that has limited the fulfillment of women's land rights and, therefore, the land tenure security for women in Wurreh is weak. The need for change is imperative despite the changes that have already occurred.

**Key Words:** formal institutions, informal institutions, institutional relations, land tenure security, land rights.

## **1. INTRODUCCIÓN**

### **1.1. Tema, pregunta principal y preguntas secundarias de la investigación**

Como país, Sierra Leona se caracteriza por tener una fuerte dualidad institucional (Harris, 2014). Por un lado, se encuentran las instituciones formales (IF) (organizaciones y autoridades), y por otro las instituciones informales (II) que tienen un gran poder en el escenario político, en aspectos como la resolución de conflictos y la distribución de la tierra. El gobierno y las IF tienen un gran poder en la capital Freetown, mientras que para el resto del país (las provincias) la autoridad reconocida y presente corresponde a las organizaciones (y tradiciones) tradicionales o informales. Estas autoridades están organizadas en *chiefdoms*, liderados por *chiefs* de diferentes niveles territoriales. En Sierra Leona, no se puede comprar o heredar un lote de tierra si el chief no lo autoriza, incluso el gobierno debe contar con su visto bueno para acceder a tierras o tomar decisiones sobre el territorio.

Considerando lo anterior, este trabajo se plantea como pregunta orientadora: ¿Cómo afecta la relación de las instituciones formales e informales la seguridad de la tenencia de la tierra de las mujeres de la aldea de Wurreh? La hipótesis de investigación que se plantea frente a esta pregunta es que el tipo de interacción entre instituciones formales e informales limita los derechos de acceso a la tierra de los sierraleoneses, en especial cuando se es mujer. El abordaje a la pregunta principal estará guiado por preguntas secundarias: ¿Cuáles son los tipos de interacción institucional en Wurreh?, y ¿Cuál es la situación específica del acceso y tenencia de la tierra de las mujeres de Wurreh?

### **1.2. Relevancia del tema de estudio**

Este trabajo abarca dos temas: relaciones institucionales y tenencia de la tierra de las mujeres. En primer lugar, las instituciones pueden entenderse como las reglas de juego de la sociedad, condicionan la conducta de los agentes en un contexto y pueden volverla predecible (North, 1990). Muchas instituciones se forman a partir de tradiciones y prácticas que persisten en el tiempo (Appendini & Nuijten, 2002), y se retroalimentan por el comportamiento de sus actores, creando un ciclo en el que es difícil diferenciar la causa de la consecuencia (Scott, R., 2001).

Una de las clasificaciones más usadas en la teoría institucional es la distinción entre instituciones formales e instituciones informales (Perez & Valencia, 2004). Estudios comparativos demuestran que las variables institucionales afectan los valores establecidos y



explican en parte el desarrollo y las diferencias en la organización de clases. En el ámbito local, las instituciones se convierten en mediadoras que conectan las políticas económicas y sociales y las reformas estructurales con las comunidades que deben enfrentarse a estas de manera individual o colectiva (Appendini & Nuijten, 2002).

Entender las instituciones es importante porque más allá de configurar el comportamiento humano, otorgan legitimidad a reglas de conducta que afectan las relaciones de poder y al establecimiento de normas sociales y culturales más que al pensamiento de maximización de la utilidad (March & Olsen, 2010). Por ello es importante identificar la influencia que tienen no solo las instituciones sino las relaciones institucionales en el comportamiento de actores relacionados con el acceso a un recurso fundamental como la tierra (Harris, 2014). Las instituciones no son sólo una variable más al configurar las estrategias de los actores (como en la elección racional) y sus objetivos. Al mediar en las relaciones de cooperación y conflicto, estructuran las situaciones políticas y determinan los resultados políticos (Steinmo et al., 1992).

Respecto a la tenencia de la tierra de las mujeres, los datos hablan por sí mismos: menos del 15% de los propietarios de tierras agrícolas en todo el mundo son mujeres (FAO, 2019) a pesar de que constituyen aproximadamente el 43% de la fuerza laboral agrícola en el mundo (Facio, 2017) y el 70% en Sierra Leona (Turay, 2023). A nivel mundial las mujeres son responsables de entre el 60 y el 80% de la producción de alimentos (Swedish International Development Agency, 2009) y en más de 30 países no tienen los mismos derechos de propiedad o herencia de tierras que los hombres (World Bank, 2018).

### **1.3. Delimitación del objeto de estudio**

La elección de Sierra Leona como caso de estudio responde a su rol representativo de los países africanos que cuentan con una dualidad institucional, y responde al gran poder que tienen las instituciones informales en la cotidianidad de los habitantes, además del grado de incertidumbre en el que ocurren transacciones importantes como la adquisición de la tierra o la expansión de zonas rurales y urbanas, en un entorno con insuficiente planificación. El caso de estudio se centrará en Wurreh una aldea de más de 300 habitantes ubicada a 10 kilómetros de Makeni, capital del Distrito Bombali, al norte de Sierra Leona.

Este trabajo analiza las IF e II en ámbitos que afectan el acceso a la tierra de las sierraleonesas en el caso de Wurreh. El objeto de estudio es la relación entre instituciones en el marco de seguridad de la tenencia de la tierra en Wurreh, al norte de Sierra Leona. Se analizará la relación

existente entre ambos tipos de instituciones y si esta facilita o limita la seguridad de la tenencia de la tierra (incluido el acceso) en Sierra Leona cuando se es mujer.

#### **1.4. Aproximaciones teóricas adoptadas**

La aproximación teórico conceptual del presente trabajo será realizada desde la disciplina de la Ciencia Política, en concreto desde el neoinstitucionalismo histórico que permitirá analizar las instituciones en Sierra Leona como el resultado de decisiones y acuerdos institucionales del pasado. Éste aporta valor explicativo a la influencia de las relaciones institucionales en el ámbito del acceso a la tierra en Sierra Leona. El neoinstitucionalismo ve las instituciones como legados de luchas históricas, surge como enfoque para analizar sucesos políticos y recupera el interés de las ciencias políticas por entender las instituciones (Losada & Casas, 2008). La elección del neoinstitucionalismo histórico como enfoque teórico permitirá entender la razón de ser de las instituciones sierraleonesas (Koelble, 1995) y sus interacciones. Considerando sus orígenes desde la época colonial con especial atención en los factores que han contribuido a que la tenencia de la tierra siga estando a cargo de instituciones informales.

Este enfoque se basa en la dependencia del camino, *Path Dependence*, que busca explicar la persistencia de ciertos patrones o resultados institucionales a lo largo del tiempo y continúa alineado a algunos supuestos de la teoría de elección racional (Romero, 1999).

#### **1.5. Objetivos**

El objetivo general es evaluar la influencia de las relaciones institucionales en las dinámicas de acceso a la tierra de los sierraleoneses, en concreto de las mujeres.

Los objetivos específicos son:

OE1 Describir y analizar instituciones formales e informales en Sierra Leona.

OE2 Determinar el tipo de interacción entre instituciones formales e informales en Sierra Leona.

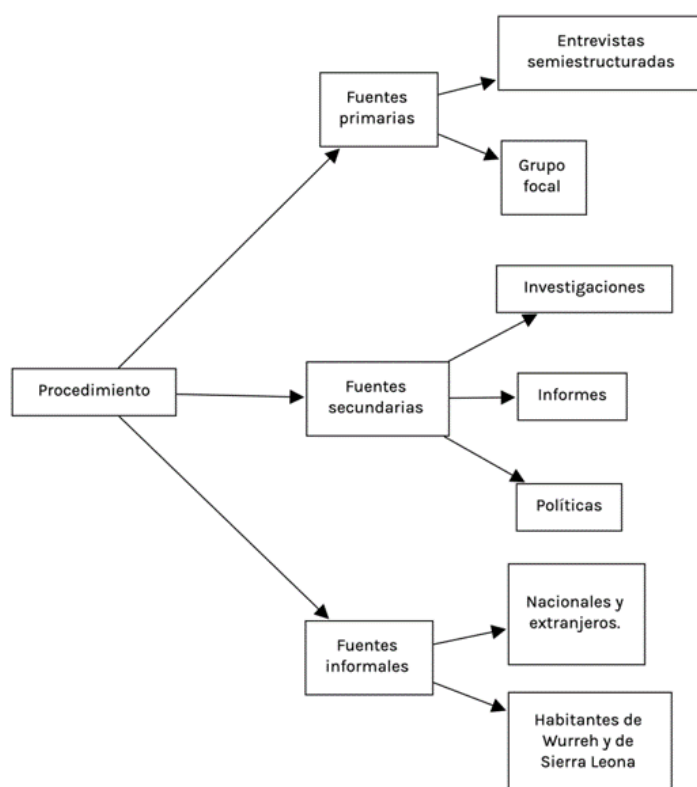
OE3 Analizar los efectos de la interacción institucional en Sierra Leona en el acceso a la tierra y la seguridad de la tenencia de la tierra de las mujeres sierraleonesas.

OE4 Proponer estrategias para mejorar el acceso y la seguridad de la tenencia de la tierra de las mujeres de Wurreh desde una perspectiva institucional.

## **1.6. Metodología**

Se realizó un estudio de caso de tipo interpretativo que pretende obtener explicaciones para un caso particular tomando como base marcos teóricos existentes (Pérez et al., 2002). Se desarrolló a partir del análisis de la caracterización de los distintos tipos de instituciones, sus interacciones y cómo se relacionan con los incentivos y estrategias que se implementan para los actores involucrados en la seguridad de la tenencia de la tierra de las mujeres. Dada la complejidad de los componentes de esta investigación, realizar un estudio cualitativo se presenta como opción idónea para abordar las preguntas de investigación planteadas. Para dar cumplimiento a los objetivos planteados se llevó a cabo un estudio de caso en Wurreh (Sierra Leona). Este recurso metodológico permite identificar estructuras organizativas, dinámicas de interacción y de relación con el entorno y ofrecer un panorama de la compleja vida social en el cual se generan patrones y categorías de análisis (Collazos, 2009). Se entiende por caso a un evento compuesto por una amplia variedad de fenómenos conceptualizados y analizados de forma empírica (Vennesson, 2008). Para realizar un estudio de caso, se parte del supuesto de que el mundo es complejo y cómo tal, las interacciones sociales no pueden reducirse a relaciones lineales entre variables. Por ello se busca proveer un reflejo adecuado de dicha complejidad.

**Figura 1. Recolección de información**



Fuente: Elaboración propia

Para la construcción del presente estudio de caso fueron utilizadas 3 tipos de fuentes de información: secundarias, primarias e informales. Fueron revisadas investigaciones, políticas e informes relacionados con el acceso a la tierra, datos estadísticos de diversas fuentes que permitan entender las dinámicas de las instituciones en Sierra Leona. El estudio documental permitió escoger el enfoque desde el que se realiza la aproximación al trabajo, describir los tipos de instituciones y los tipos de relaciones institucionales, categorizar la tenencia de la tierra y escoger el marco conceptual a utilizar en el estudio de caso y que fue la base para el diseño de las entrevistas.

Se implementaron entrevistas semiestructuradas a representantes de instituciones sierraleonesas formales (dos funcionarios del Ministerio de Tierras) e informales (dos chiefs) y a jóvenes habitantes de Wurreh, un estudiante/activista político y una profesora de la universidad que interactúan de cerca con ambas instituciones. Estas herramientas permitieron conocer el contexto institucional del país y su relación con la tenencia de la tierra. Además, permitieron conocer la influencia e interacción de las instituciones más allá de la teoría e identificar posiciones respecto a los ámbitos de poder y la situación de acceso a la tierra de las

mujeres. Por su parte, el grupo focal compuesto por 10 mujeres, con rangos de edad entre 20 y 60 años, de la aldea Wurreh hizo posible conocer la perspectiva de las mujeres respecto a las instituciones y su situación de acceso a la tierra, sin la mirada o influencia masculina. Este TFM también se nutre de conversaciones informales presenciales y vía remota con habitantes de Wurreh y de Sierra Leona, nacionales y extranjeros.

Para sistematizar la información recogida de las fuentes primarias se procedió a transcribir las entrevistas y el grupo focal, para facilitar un análisis más exhaustivo (Anexo 3 y 4). La sistematización consistió en la organización de la información en categorías de análisis que fueron la base de los apartados del estudio de caso y se agregó el apartado de discusión. El trabajo finaliza con la extracción de conclusiones, como última fase de la metodología.

### ***1.6.1. Definición de variables***

Teniendo en cuenta la dependencia del camino que hace parte del enfoque histórico del neoinstitucionalismo, se delimitan las variables a ser analizadas: relaciones institucionales (variable 1) y seguridad de la tenencia de la tierra (variable 2).

Variable 1: Las relaciones institucionales se definen como toda interacción que puede presentarse entre instituciones formales e informales en el contexto del estudio de caso. Pueden ser de tipo complementaria, complaciente, sustitutiva, competitiva, auxiliar o supresora (Ver tablas 1 y 2).

Variable 2: La seguridad de la tenencia de la tierra se define como el cumplimiento de un conjunto de derechos (ver tabla 3) relacionados con el uso y acceso de la tierra. Este cumplimiento se ve reflejado en cuatro componentes: integridad, duración, solidez y derechos individuales o compartidos (Ver tabla 4).

- Al aceptar la dependencia del camino, se asume que los patrones institucionales persisten en el tiempo (debido a decisiones tomadas en el pasado). Estos patrones son: Dualidad institucional (formal e informal). La dualidad institucional resultado de la colonización de Sierra Leona aún funciona como forma de gobierno indirecto (indirect rule) del imperio británico. Por tanto, el acceso a la tierra ha estado mediado por la dualidad institucional desde la colonia.
- Distribución de la tierra limitada para mujeres: La propiedad comunal de la tierra sigue presente y relevante y las mujeres no podían acceder a la tierra porque eran consideradas

propiedades. A pesar de algunos cambios en leyes formales, las mujeres siguen sin poder acceder a la tierra y los chiefs siguen siendo custodios de las tierras y la mayoría de estas sigue estando bajo tenencia consuetudinaria.

- Relaciones institucionales complementaria, sustitutiva y competitiva: Las instituciones informales fueron legitimadas para que tuvieran una relación complementaria con las instituciones formales y llenaran los vacíos dejados por estas. Debido a la presencia inexistente de las formales en las provincias, surgió la faceta sustitutiva de esta relación. Sin embargo, la faceta competitiva surgió luego, con los cambios en las leyes formales sobre los derechos de las mujeres a la tierra. Estas facetas se han mantenido.
- Influencia de relaciones institucionales en relación en el acceso y tenencia de la tierra para las mujeres: en el pasado las relaciones institucionales no tenían una gran influencia en la tenencia de la tierra de las mujeres, pues ninguna ley o costumbre protegía este derecho. Con el cambio de las leyes formales, la interacción institucional pasó a tener un rol importante en la seguridad de la tenencia de la tierra de las mujeres.

### **1.7. Estructura del trabajo**

Para responder a la pregunta de investigación planteada, este TFM está organizado en 4 capítulos: el primero aborda la contextualización de la investigación, relevancia del tema y los referentes teóricos que serán utilizados. En el segundo, se recoge la aproximación teórica y conceptual del trabajo, partiendo del neoinstitucionalismo histórico. El capítulo III presenta los antecedentes y estado de la cuestión de las relaciones institucionales y la tenencia de la tierra. El cuarto, presenta el estudio de caso de Wurreh, Sierra Leona y el análisis a los marcos de referencia revisados. Este capítulo recoge la discusión de los resultados que se extraen en cada uno de los apartados para que, finalmente, el capítulo V recoja las conclusiones de la investigación, acompañándolo de la bibliografía utilizada en el VI.

## **2. APROXIMACIÓN TEÓRICA Y CONCEPTUAL**

En este apartado, se establecen los conceptos clave para comprender el neoinstitucionalismo histórico como marco de análisis de las instituciones formales e informales. Se analiza la relación entre instituciones mediante su categorización en dos modelos. A continuación, se ofrece una definición del concepto de tenencia de la tierra y se presentan dos marcos de análisis para abordar este tema. Posteriormente, se aborda el tema de los derechos de las mujeres en relación con la tierra, su importancia y cómo se relacionan con la tenencia de ésta. Por último, se propone un marco conceptual para analizar la seguridad de la tenencia de las mujeres.

### **2.1. Neoinstitucionalismo histórico e instituciones**

El neoinstitucionalismo busca estudiar las instituciones para explicar el acontecer político asumiendo que las decisiones individuales no pueden ser explicadas sin considerar el marco institucional amplio en el que están insertas (Losada & Casas, 2008). Como enfoque, sostiene su análisis a partir de la interpretación de hechos observados y tiene en cuenta que el tratamiento contextual de los problemas estructurales tiene prioridad en los procesos políticos analizados (Steinmo & Watts, 1995). En la literatura, las instituciones pueden definirse como las restricciones que le dan forma a la interacción humana (Thelen & Steinmo, 1992) y que además, puede incluir reglas de conducta en una organización, rutinas, normas y convenciones (March & Olsen, 2010)(Hall & Taylor, 1996). Las instituciones también pueden ser conceptualizadas como constructos sociales que superan nuestra falta de conocimiento sobre lo que el futuro traerá, y los límites de nuestras habilidades cognitivas (Furubotn & Richter, 2010) El neoinstitucionalismo histórico identificaba las instituciones como intermediarias en el contexto de la definición de incentivos y restricciones que enfrentan actores políticos (Thelen & Steinmo, 1992). Las instituciones tienen un doble efecto estructural: influyen en la distribución del poder entre actores y afectan sus prioridades. Además, configuran posibilidades de acción y distribuyen recursos de forma favorable para algunos y desfavorable para otros (Illescas Correa, 2016).

Es importante establecer una distinción entre organizaciones e instituciones. Las organizaciones están compuestas por “estructuras de funciones reconocidas y aceptadas” mientras que las instituciones son “creencias, normas y reglas que permiten el desarrollo de estas normas y estructuras” (Appendini & Nuijten, 2002).

## **2.2. Instituciones formales e informales**

Gran parte de la teoría institucional clasifica a las instituciones en formales (IF) e informales (II) (Thelen & Steinmo, 1992). Las IF son las reglas escritas en documentos oficiales, como las constituciones, y son creadas con la intención de enfrentar problemas específicos de índole política, social y económica. Seguir estas reglas es obligatorio, su cumplimiento se asegura mediante mecanismos coercitivos (Cavadias, 2001) y se implementan a través de canales oficiales. Las II son reglas no escritas que se acumulan con el tiempo y quedan registradas en los usos y costumbres de los grupos y están relacionadas con el derecho consuetudinario. Son resultado del proceso evolutivo de ideas, valores y tradiciones de las sociedades, y no se requiere ninguna influencia externa para asegurar su cumplimiento. Las sanciones por su incumplimiento ocurren fuera del ámbito legal, en lo moral y privado (Appendini & Nuijten, 2002).

A pesar de las diferencias es complejo establecer un límite claro entre ambas instituciones pues a menudo se sobreponen. Así mismo, las IF no pueden abarcar, por completo, las exigencias de la vida cotidiana, por lo que las II pueden dar respuesta a algunas lagunas que no cubre el sistema formal (Ostrom & Ahn, 2003)

## **2.3. Relación entre instituciones formales e informales**

El contexto social y cultural de un país exige que se aborden las instituciones formales e instituciones informales cuando se busca entender un fenómeno social (Fernández Blanco, 2021). Las causas y soluciones de una mala gobernanza residen principalmente en los modelos de relaciones entre el Estado (IF) y sociedad (II), por lo que una autoridad “eficaz y responsable” es producto de la negociación entre grupos sociales, y entre éstos y el Estado (Unsworth, 2010). Este tipo de interacciones pueden promover la desigualdad al generar beneficios exclusivos y bajos niveles de bienes públicos, pero también generan oportunidades de maximizar bienes públicos y su inclusión (Unsworth, 2010).

Las caracterizaciones de las relaciones entre instituciones tienden a realizarse partiendo de la utilidad de las II para las IF. Algunos definen a las II como funcionales, pues proporcionan soluciones de interacción social y coordinación que mejoran la efectividad y funcionamiento de las IF (Axelrod, 1986). Las II también puede ser vistas como elementos disfuncionales y generadores de problemas como clientelismo, corrupción y patrimonialismo, los cuales pueden socavar el desempeño de instituciones democráticas y estatales (Collins, 2002). Otra



perspectiva de las II sugiere que refuerzan o sustituyen a las IF. Esta tipología, creada por Helmke y Levitsky (2004) – profundizando en el trabajo de Lauth (2000) – está basada en dos dimensiones. En la primera se encuentra el grado en que los resultados de las IF e II convergen, o tienen objetivos compatibles, es decir, si seguir las reglas informales produce un resultado similar al que resultaría de seguir las reglas formales. La segunda dimensión está relacionada con la efectividad de las instituciones formales, refiriéndose a la medida en que sus reglas son implementadas. Basándose en estas afirmaciones podría afirmarse que el tipo de institución informal determina también el tipo de relación institucional. Pues cuando una institución informal es complementaria, la relación que existe será de naturaleza complementaria o cooperativa.

Los primeros dos tipos de relaciones en la propuesta de Lauth (Tabla 1) ocurren cuando las instituciones formales son efectivas. La relación es *complementaria* cuando las II coexisten con las IF, lo que implica que los actores siguen las reglas escritas y las II cierran brechas y se encargan de asuntos que las IF descuidan, mejorando su eficacia (Lauth, 2000). La combinación de mecanismos formales e informales puede resultar más eficaz que cualquiera de los dos tipos de instituciones por separado. En Botsuana, la cultura política tradicional tswana otorgaba el poder a las asambleas Kgotla, donde los adultos tenían influencia sobre los jefes que gobernaban el país. La democracia se construyó sobre estas bases, reforzando la participación social y limitando el poder ejecutivo (Alonso, José Antonio & Garcimartín, 2008).

**Tabla 1. Tipología relaciones institucionales**

Resultados	Instituciones formales efectivas	Instituciones formales no efectivas
<b>Convergente</b>	Complementaria	Sustitutiva
<b>Divergente</b>	Complaciente	Competitiva

Fuente: Helmke y Levitsky (2004) (Lauth, 2000).

La relación institucional es *complaciente* cuando las IF son efectivas pero los resultados que buscan ambas instituciones son diferentes. Las II coexisten con las IF y persiguen un resultado que no está totalmente previsto por las normas formales. Las II crean incentivos para comportamientos que modifican el efecto de las reglas formales, pero no las incumple directamente, en este caso la influencia informal será demasiado débil o pequeña para cambiar el sistema. Por ejemplo, con la llegada del catolicismo a las comunidades indígenas en el

período colonial en América Latina: se adoptaron los símbolos y la liturgia de la nueva religión, pero se redefinieron en relación con creencias locales (Alonso, José Antonio & Garcimartín, 2008).

Cuando las IF son ineficaces se generan otros tipos de relación con las II. En estos casos las reglas formales no se hacen cumplir lo que permite que los actores las ignoren o incumplan. En la relación *sustitutiva* las II se orientan hacia el logro de resultados que son compatibles con las reglas y procedimientos formales. Este tipo de relación tiene cabida en un contexto en el que las reglas formales no se aplican sistemáticamente (ni hay instrumentos que obliguen a cumplirlas), por lo que las II están a cargo de lograr lo que las formales no pueden. Las IF poco desarrolladas son características de países pobres e inestables políticamente. Este ambiente crea brechas y necesidades insatisfechas que usualmente son cubiertas por II que no desaparecen cuando las IF están más consolidadas.

En la relación *competitiva* se juntan instituciones formales ineficaces y resultados divergentes. En esta relación la manera en que las II estructuran sus incentivos es incompatible con las reglas formales, al obedecer una regla se debe violar otra. En este escenario cada institución responde a lógicas diferentes y este conflicto debilita la funcionalidad de ambas. En Bolivia, los *ayullu* (autoridades indígenas tradicionales) han obtenido un reconocimiento formal en la sociedad, pero la migración de jóvenes a las ciudades está socavando la autoridad tradicional, porque están cada vez más expuestos a la vida urbana (y a los valores culturales globales) (Alonso, Jose Antonio, 2008)

La propuesta de Helmke y Levitsky (2004) no tiene en cuenta dos dimensiones que reflejan la realidad de países en vía de desarrollo. Primero, las IF son constructos que cambian de naturaleza e influencia a lo largo del tiempo, este dinamismo proviene de la interacción e influencia mutua entre IF e II (Posner, 1998). Segundo, sólo distingue entre IF eficaces e ineficaces, a este respecto algunos autores han observado una fase institucional transicional (Peng & Zhou, 2005). Raramente las IF son completamente eficaces o ineficaces, especialmente en países en proceso de transición. Las IF recientemente establecidas necesitan tiempo y cambios para ser efectivas, a este respecto, Horak y Restel (2016) (Horak & Restel, 2016) proponen agregar una categoría a la tipología de Helmke y Levitsky que considera la situación de estos países (Tabla 2), para cerrar la brecha entre estados institucionales definitivos.

**Tabla 2. Tipología relaciones institucionales incluyendo países en transición**

Resultados	Instituciones formales efectivas	Instituciones formales en transición	Instituciones formales no efectivas
<b>Convergente</b>	Complementaria	Auxiliar	Sustitutiva
<b>Divergente</b>	Complaciente	Supresora	Competitiva

Fuente: Horak y Restel (2016)

En estos dos tipos de relación las II pueden ser lo suficientemente fuertes o demasiado débiles para iniciar o no un cambio en las IF. Una faceta de las II puede ser como *auxiliar* del desarrollo de las IF, contribuyendo a la estabilidad y eficacia de estas conduciendo a resultados convergentes (Horak & Restel, 2016). Al interactuar con las IF, las II pueden actuar como vehículo que genere mayor grado de efectividad de las IF contribuyendo a su desarrollo (Dasgupta & Serageldin, 2000).

Durante la fase transitoria del desarrollo institucional formal, las II pueden tener un doble rol. Al competir con las IF y obtener resultados divergentes (obstaculizar el desarrollo formal) la relación puede tornarse de naturaleza *supresora*, lo que deriva en el reemplazo o modificación de las IF existentes. La propagación de la corrupción (Zhan, 2012) puede considerarse como una fuerza que compite con las IF recién introducidas. En las fases transitorias del desarrollo institucional, ambos tipos de relaciones pueden suceder, como es el caso de Guanxi (concepto referente a relaciones, conexiones o redes sociales en contextos empresariales) que puede apoyar u obstaculizar a las IF en China (Gold et al., 2002). La categoría “instituciones formales en transición” podría ajustarse mejor a la situación de desarrollo institucional en economías en desarrollo o en transición institucional y podría ayudar a entender el desarrollo institucional en economías establecidas. Aunque hace falta un mayor análisis, la adición de estas categorías tiene en cuenta los desarrollos dinámicos del mundo real y el desarrollo diverso de las instituciones en todas las economías.

Estas teorías permiten entender los diferentes tipos de relación institucional a partir del carácter de las II. Aún no existen otros intentos de categorizar las relaciones entre IF e II de forma sistemática por lo que el valor de esta clasificación reside, por una parte, en la capacidad de sugerir un modelo que puede aplicarse a cualquier sistema institucional y no está ligado a un contexto específico. Por otra parte, es un modelo que permite entender la naturaleza de las instituciones, así como de las relaciones institucionales desde una perspectiva macro.

## **2.4. Evolución de las relaciones institucionales a nivel internacional**

La teoría del cambio institucional afirma que las II son resistentes al cambio, y cuando ocurre sucede de manera lenta e incremental (Marchal, 2010) (Lauth, 2000). Entre los factores que generan el cambio informal se incluye el cambio en las IF, que puede ocurrir por modificación en el diseño, efectividad, valores sociales y cambios en el poder y recursos.

Las modificaciones a las reglas formales pueden generar cambio o abandono de las reglas informales (North, 1990). El cambio institucional informal puede ser resultado de cambios en la fuerza, efectividad o credibilidad de IF, esto modifica los costos y beneficios de adherirse a las II (Eisenstadt, 2002) (Langston, 2003), como sucedió en China cuando los controles del estado posrevolucionario debilitaron las normas tradicionales de entrega de regalos (Yang, 1994), y en Perú la eficacia de los sistemas judiciales y de seguridad pública llevó a la finalización de muchas asambleas de rondas campesinas, lo que tuvo aspectos positivos y negativos, aunque la mejora en la eficacia de sistemas judiciales permitió una mayor coordinación entre autoridades estatales y comunidades rurales, también pudo haber dejado a algunas comunidades más vulnerables a la delincuencia (Starn, 1999). Estos cambios a las II suelen ocurrir de forma gradual e incremental (Marchal, 2010).

## **2.5. Titularidad de tierras y tenencias**

La tierra se ha considerado históricamente como fuente de riqueza, estatus y poder. Es clave para la garantía de vivienda, alimentación y actividad económica, es fuente importante de empleo en zonas rurales y cada vez más escasa en zonas urbanas. Según la FAO el desarrollo sostenible está basado en el acceso a los derechos de propiedad de la tierra y en la seguridad de esos derechos (FAO, 2003). El acceso a la tierra provee estabilidad y simboliza estatus y familia, su ausencia genera dependencia del dueño de la tierra. Este derecho debe ser regulado por el Estado (Habitat, I., 1976) ya que la vivienda no puede ser adecuada sin seguridad de tenencia que garantice protección jurídica contra desalojos, hostigamientos y otras amenazas (Habitat, III, 2016).

La distribución de la tierra es fundamental en el desarrollo inclusivo y la planificación territorial de cualquier país. El fenómeno de urbanización mundial sin planificar sigue en aumento, actualmente el 48% de la población vive en ciudades y se espera que llegue al 55%, principalmente en África (OECD & European Commission, 2020). El acceso a la tierra y la seguridad de la tenencia de la tierra son temas centrales en las conferencias de ONU Hábitat.

En Hábitat II (1996), se estableció el compromiso de vivienda adecuada para todos, que incluye garantizar el acceso y seguridad jurídica de la tenencia de la tierra como condición para alcanzar el desarrollo sostenible de los asentamientos humanos y detener la pobreza (Hábitat, 1996).

El resultado de Hábitat III (2016), fue la Nueva Agenda Urbana (NAU), hoja de ruta para acelerar la aplicación de los ODS en las ciudades, especialmente el objetivo 11: Ciudades y comunidades sostenibles. En la NAU Los países se comprometieron a *“promover el aumento de la seguridad de la tenencia, reconociendo la pluralidad de los tipos de tenencia, prestando especial atención a la seguridad de tenencia de la tierra en mujeres como elemento fundamental para su empoderamiento”* (NAU 35) (Habitat, III, 2016). ONU Hábitat considera que una vivienda adecuada debe cumplir otras condiciones además de la estructura física, tales como seguridad de la tenencia, servicios, materiales, instalaciones e infraestructura, asequibilidad, habitabilidad, accesibilidad, localización y adecuación cultural (ONU - HABITAT, 2016).

Las organizaciones internacionales destacan la importancia de proteger y garantizar el acceso a la tierra y seguridad de la tenencia, e incentivan a los países a cumplir sus compromisos. Vale aclarar que estos dos aspectos son definidos por el tipo de instituciones que definen quien posee la tierra ya que, en función de éstas, las personas se enfrentan a diferentes escenarios para acceder (Ostrom, 2008).

## **2.6. Tenencia de la tierra**

La tenencia de la tierra es el sistema de derechos e instituciones que gobiernan el acceso, y uso de la tierra y otros recursos (Maxwell & Wiebe, 1998). Usualmente se define en términos de “conjunto de derechos” – esto es, derechos específicos para actuar con la tierra o la propiedad de esta. Estos derechos pueden pertenecer a un individuo o a un grupo, o ser distribuidos entre diferentes agentes. Es interesante examinar qué individuos tienen ciertos derechos y cómo se conectan entre si los titulares. Este conjunto de derechos se ha definido de distintas maneras: Schlager y Ostrom (1992) presentan un marco de cinco elementos mientras que el sistema de derecho romano contiene tres (Tabla 3).

**Tabla 3. Marcos de tenencia de la tierra**

Schlager y Ostrom		Sistema de Derecho Romano	
Derecho de acceso	Estar en la tierra, caminar en ella.		
Derecho de retiro	Tomar algo de la tierra como leña, agua o plantas.	<b>Usus</b>	Derecho a usar la tierra
Derecho de gestión	Regular uso y realizar mejoras como plantar árboles, limpiar cultivos o mejorar el suelo.	<b>Abusus</b>	Derecho a cambiar y transformar la tierra
Derecho de exclusión	Evitar que otros usen la tierra o sus recursos.		
Derecho de transferencia	Vender, alquilar, donar o heredar.		
		<b>Fructus</b>	Derecho a obtener pérdidas y ganancias

Fuente: Schlager y Ostrom (1992), Doss y Meinzen-Dick (2020).

Tal como se observa en la Tabla 3 el primer elemento del sistema romano (*usus*) incluye el derecho de acceso y retiro presente en el modelo de Schlager y Ostrom. *Abusus* incluye el derecho de gestión que no especifica el derecho de transformar la tierra. Por su parte, el marco de Schlager y Ostrom no identifica explícitamente el *fructus*, aunque algunas formas del derecho de transferencia pueden considerarse formas de usufructuar la tierra. A la inversa, el derecho romano no incluye explícitamente los derechos de transferencia.

Estos derechos son definidos y apoyados por diferentes sistemas institucionales (derivados del derecho estatuario y del consuetudinario) que coexisten para asegurar su cumplimiento. Los derechos formales están relacionados con procedimientos legales y los informales se manifiestan en prácticas locales de asignación de derechos frecuentemente ignorados por la legislación (Cousins & Hornby, 2000). Ambos sistemas de tenencia cambian con el tiempo, de acuerdo a los cambios en mandatos e intereses del Estado, y a la fuerza de las comunidades para imponer sus reglas por encima de regulaciones formales (Scott, 2020). Esta evolución no ocurre de forma lineal de lo informal a lo formal, sino que ambas pueden coexistir (Manji, 2006).

Entre los mecanismos formales para garantizar los derechos de propiedad se encuentra la titulación, que, aunque debería garantizar seguridad no siempre lo logra. Los títulos de propiedad pueden excluir a los más pobres si los costos deben ser asumidos por quienes buscan

el título (Bromley, 2005) y no tienen validez sin el respaldo pleno del Estado. Es posible también que intereses poderosos busquen garantizar que cualquier titulación y registro de tierras los beneficie y despoje a otros reclamantes (Toulmin, 2009).

La tenencia de la tierra depende de la validación de diferentes sistemas de autoridad, como sistemas comunitarios, jerarquía patrilineal, gobierno local, liderazgo tradicional, ayuntamientos y agencias de la tierra. Cada uno ejerce diferentes formas de poder y pueden basarse en combinaciones de fuerza física, fallos judiciales, valores espirituales y autoridad moral (Arnot et al., 2011). Esta multiplicidad de estructuras genera contradicciones e inseguridad: los derechos de quién cuentan, a quién se apoyará en caso de disputa y qué estructuras de tomas de decisiones priman sobre las demás son algunas de las características que puede incluir una situación de conflicto por la tenencia de la tierra.

Un concepto también importante es la seguridad de la tenencia de la tierra que se conoce como el grado de confianza en que los usuarios no serán privados arbitrariamente del conjunto de derechos que tienen sobre el territorio, y los derechos propios serán reconocidos y protegidos por recursos legales y sociales cuando sean cuestionados.

### ***2.6.1. Derechos de las mujeres a la tierra***

Los derechos de las mujeres sobre la tierra y la seguridad de la tenencia son considerados cada vez más importantes, por razones de equidad de género y como medio para el crecimiento económico. Esto debido a que la tierra puede servir como base para la producción de alimentos y generación de ingresos, como garantía para obtener crédito y como medio para ahorrar (Swedish International Development Agency, 2009). La tierra es también un activo social crucial para la identidad cultural, el poder político y la participación en la toma de decisiones. El acceso igualitario de las mujeres a la tierra es una cuestión de derechos humanos, además, la producción agrícola y la seguridad alimentaria aumentan cuando se les garantiza a las mujeres la seguridad en la tenencia de la tierra (Action Aid, 2008). Los derechos de las mujeres sobre la tierra tienen relevancia en la agenda internacional debido a que dos de los indicadores de los Objetivos de Desarrollo Sostenible (ODS 5.A.1 y 1.4.2) se centran en estos (Naciones Unidas, 2015).

La literatura sobre derechos de propiedad de las mujeres no se ubica de forma específica en ninguno de los marcos revisados en la Tabla 3. Varios conceptos entran en juego, los derechos de uso generalmente implican que una mujer puede cultivar la tierra. El control implica un

mayor poder sobre la tierra, incluido gestión y *fructus*, el derecho a obtener ganancias o pérdidas. Finalmente, el término propiedad generalmente se usa para describir a alguien que de forma independiente tiene todos estos derechos, incluido el derecho a enajenar (Johnson et al., 2016). Es necesario distinguir entre una situación en la que una mujer tiene acceso a la tierra gracias al permiso de alguien más y otra en la que tiene el derecho a acceder a la tierra.

La seguridad de la tenencia tiene múltiples dimensiones y tanto hombres como mujeres pueden tener diferentes experiencias al respecto. Entender la seguridad de la tenencia de la tierra implica saber no sólo los derechos que tienen las mujeres, sino la medida en que estos están garantizados (Doss & Meinzen-Dick, 2020). Por lo que no es suficiente afirmar o negar la garantía de la tenencia de la tierra, es necesario considerar hasta qué punto las mujeres tienen seguridad en la tenencia y qué significa eso. La mayoría de indicadores sobre tenencia de la tierra desarrollan una medida binaria acerca de la tenencia segura (Arnot et al., 2011). Las comparaciones no solo enfrentan el desafío de que los contextos difieren, sino que los indicadores son muy diferentes. Por lo que definir e identificar los componentes de seguridad de la tenencia en todos los contextos puede proporcionar mejores comparaciones y fortalecer el proceso de creación de políticas.

**Tabla 4. Componentes de la seguridad de la tenencia**

Integridad del conjunto de derechos	Duración
<b>¿Cuántos derechos del conjunto de derechos a la tierra tiene una persona?</b> <b>¿En qué medida son los diferentes derechos atribuidos a una o más personas?</b>	¿Los derechos son a corto o largo plazo? ¿se conoce la duración que tendrán estos derechos? ¿este periodo de tiempo es cierto o conocido?
Solidez	Derechos individuales o compartidos
<b>¿Son los derechos conocidos por los titulares, aceptados por la comunidad y exigibles?</b> <b>¿En qué medida pueden exigirse los derechos cuando están bajo amenaza?</b> <b>Medida en que las mujeres son conscientes de sus derechos y como utilizarlos.</b>	¿En qué medida los derechos se poseen individual o conjuntamente y cuáles son las relaciones entre los titulares de los derechos? Cuando los derechos se poseen colectivamente, la seguridad de tenencia de una persona se verá afectada tanto por la seguridad de los derechos del grupo como por su posición dentro del grupo.

Fuente: Elaboración propia a partir de (Place et al., 1994) (Doss & Meinzen-Dick, 2020)

Teniendo en cuenta los componentes que se indagan en el modelo de la tabla 4, vale la pena mencionar algunos aspectos. Respecto a la integridad del conjunto de derechos esta puede afectarse por la titulación y registro de tierras. Desde una perspectiva de género la garantía de un derecho a menudo deja perder algunos matices y generalmente combina todos los derechos y los otorga a una sola persona (o personas). En estos escenarios, las mujeres pueden perder



los derechos que tenían antes de que comenzara la formalización (Widman, 2014) lo que puede crear más inseguridad en la tenencia. La solidez de la tenencia de la tierra de las mujeres se ve afectada por el pluralismo jurídico, lo que añade complejidad a esta cuestión. Aunque las mujeres tienen derecho estatutario a heredar la tierra, las normas locales y las presiones familiares pueden no reconocer este derecho e incluso a actuar en contra. Esto debilita su capacidad para reclamar derechos y puede provocar la pérdida de otros recursos, como sus vínculos y redes de apoyo. La duración indica el periodo en el que alguien tiene derechos y la medida en que ese horizonte de tiempo es conocido. Para las mujeres generalmente, la duración del derecho no se especifica en términos de tiempo, sino que depende de la presencia de una relación. Los derechos de las mujeres a la tierra generalmente suelen derivarse de su relación con un hombre (padre, esposo o hijo) (Doss & Meinzen-Dick, 2020).

Por ello no basta con considerar a los titulares de derechos, es esencial tener en cuenta a los titulares de deberes encargados de proteger un derecho concreto. Aquí es importante recordar que los derechos de propiedad no se refieren a una relación entre personas y cosas (la propiedad), sino una relación social entre los titulares de derecho y el resto de la sociedad que debe respetar ese derecho (Meinzen-Dick et al., 2019) (Food and Agriculture Organization of the United Nations, (FAO), 2013). En la práctica, los derechos de las mujeres a la tierra serán moldeados por las propias normas y creencias de los titulares de deberes (jefes y ancianos en el sistema consuetudinario), el conocimiento del marco legal y la voluntad de defender/apoyar la tenencia de la mujer, aun cuando hacerlo pueda ser contrario a las normas de los sistemas consuetudinarios.

En general, un derecho es tan sólido como las instituciones que lo respaldan. Esto incluye tanto la fuerza normativa de las reglas (qué tan ampliamente son aceptadas), como la fuerza de los titulares de deberes, influida por los recursos normativos, físicos y económicos a su disposición. Por eso se enfatiza la importancia de la exigibilidad: que las mujeres puedan presentar un reclamo, tengan la garantía de que los casos serán escuchados y que la decisión resultante se implementará (Giovarelli & Scalise, 2016).

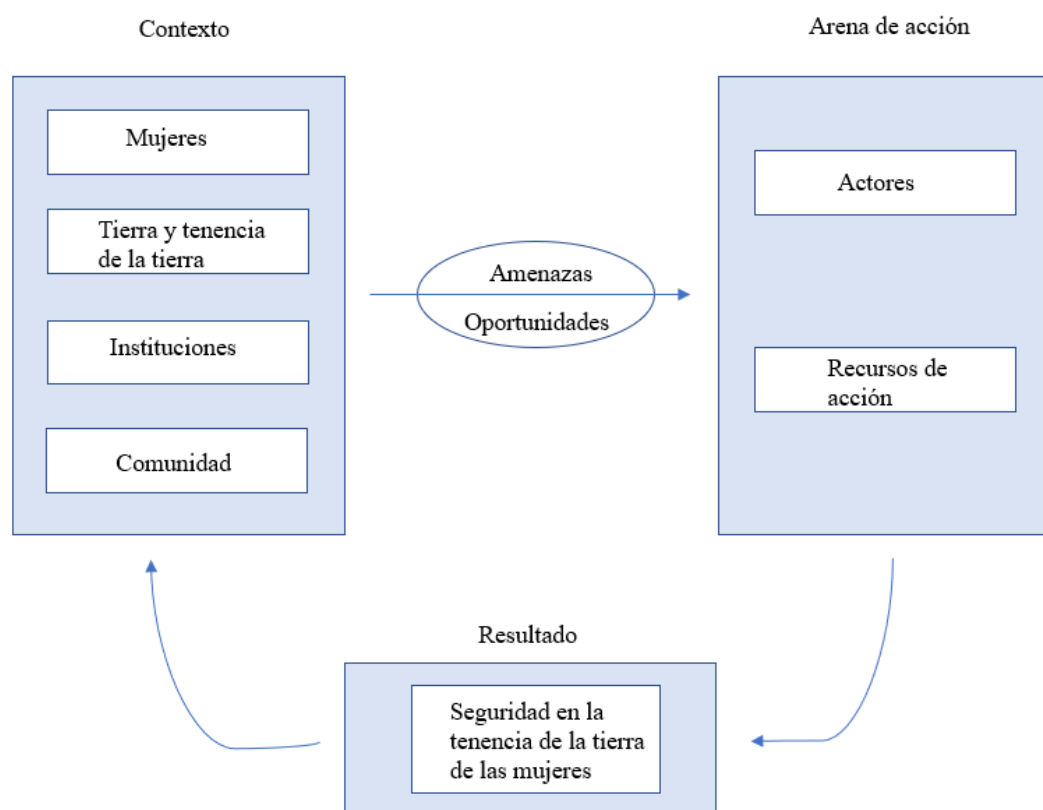
### ***2.6.2. Marco conceptual para analizar seguridad de la tenencia de las mujeres***

El marco conceptual para analizar la seguridad de la tenencia de la tierra de las mujeres está basado en varios enfoques incluidos el Marco de Análisis y Desarrollo Institucional (Ostrom, 2011) adaptado por Doss y Meinzen-Dick (2020) para abordar cuestiones específicas

relacionadas con la seguridad en la tenencia de la tierra de las mujeres. El marco está compuesto por cuatro elementos (Figura 1): el contexto, los catalizadores del cambio, tanto los que fortalecen como los que debilitan la tenencia de la tierra de las mujeres, la arena de acción que contiene los recursos que los actores pueden usar para conseguir los resultados que esperan y finalmente el resultado de la tenencia de la tierra que retroalimenta el contexto en el que ocurre el proceso de tenencia de la tierra para las mujeres.

**Figura 2. Marco conceptual: factores que afectan la seguridad de la tenencia de las mujeres**

Marco conceptual factores que afectan la seguridad de la tenencia de las mujeres



Fuente: Doss & Meinzen-Dick (2020)

Este marco no solo permite considerar cómo los factores contextuales afectan la seguridad de la tierra de las mujeres, sino también analizar los procesos de cambio. Su valor radica en que reúne las principales categorías de análisis de este trabajo: las relaciones institucionales y el acceso a la tierra. En este TFM se utilizarán tanto los modelos de relaciones institucionales como el de análisis de tenencia de la tierra de las mujeres.

### 3. ANTECEDENTES Y ESTADO DE LA CUESTIÓN

En este capítulo se explora la influencia de las relaciones institucionales en la seguridad de la tenencia de la tierra en el ámbito internacional. Se expone el contexto institucional de cinco países y se señalan similitudes de estos contextos con el de Sierra Leona. Posteriormente, se examina la relevancia de la tenencia de tierras bajo la lupa de organizaciones internacionales, y se ahonda en la tenencia de la tierra en África Occidental, analizando la situación de 3 países de la región.

Las relaciones institucionales en el ámbito internacional han sido objeto de estudio en diferentes áreas como los programas sociales y las cuotas de género, la independencia judicial y la gestión de tierras (Pacheco et al., 2009). La dualidad institucional debido a la presencia de instituciones formales e informales es un fenómeno extendido en países en desarrollo en transición, ubicados en África, Asia y América Latina, que tienen leyes estatutarias, consuetudinarias y/o religiosas vigentes. La relación entre estas leyes es determinada por su estatus en el sistema legal, en países con diferentes grupos étnicos o religiosos, los sistemas legales consuetudinarios pueden estipular algunas leyes personales que cambian el estatus legal de los derechos de las mujeres dependiendo de su origen (United Nations. Office of the High Commissioner for Human Rights & Women, 2020). Un estudio de 43 jurisdicciones africanas encontró que 18 constituciones reconocen abiertamente la ley consuetudinaria, pero solo si no contraviene las protecciones contra la discriminación mediante una prueba legal clara (Hallward-Driemeier & Hasan, 2012). A nivel mundial, 12 constituciones<sup>1</sup> reconocen la ley consuetudinaria y la eximen explícitamente de ser impugnada por motivos de discriminación (World Bank, 2013), y en algunos países<sup>2</sup> a la ley consuetudinaria se le otorga un reconocimiento estatutario como fuente de ley (*source of law*) sin mencionar que hacer en caso de conflicto entre la constitución y la ley consuetudinaria.

Incluso en países donde se supone que la ley estatutaria prevalece sobre la ley consuetudinaria y/o religiosa, estas continúan desempeñando un papel fundamental en la vida de mujeres y hombres. Los derechos igualitarios de las mujeres sobre la tierra han sido motivo de especial

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<sup>1</sup> Botswana, Gambia, Ghana, Lesotho, Sierra Leona, Zambia y Zimbabue, Fiji, India, Mauricio, Singapur y Sri Lanka

<sup>2</sup> Botswana, Camerún, Chad, Guinea Ecuatorial, Etiopía, Gambia, Ghana, Kenia, Lesoto, Liberia, Malawi, Malí, Mozambique, Namibia, Níger, Nigeria, Ruanda, Senegal, Sierra Leona, Sudáfrica, Sudán, Esuatini, Togo, Uganda, República Unida de Tanzania, Zambia y Zimbabue

preocupación porque la ley consuetudinaria se ha utilizado con frecuencia para negar a las mujeres estos derechos.

### **3.1. Relación entre instituciones formales e informales en el ámbito internacional**

En esta sección se describen las interacciones institucionales de cinco países y se proporcionan ejemplos para ofrecer una visión de su realidad institucional, descripción de las instituciones formales e informales, sus orígenes e interacciones, así como el efecto que tienen en la sociedad (Tabla 5). Además, se describen las situaciones institucionales que tienen en común los países de la tabla 5 con Sierra Leona, el país del estudio de caso de este TFM.

La dualidad institucional es una de las características que comparten los países de la tabla 5 con Sierra Leona. Esta dualidad genera fenómenos como el *forum shopping* en Liberia, Yemen y Sierra Leona donde se aprovecha el conflicto en beneficio propio, al acudir a la autoridad que pueda generar el veredicto más favorable. Esto genera confusión sobre el papel de las instituciones informales en el ámbito legal formal del país.

Esta dualidad continua en el ámbito de la tenencia de la tierra en Liberia y Sierra Leona, donde la tenencia legítima en el sistema informal fue establecida por las primeras familias en ocupar esos terrenos y se asume la tenencia sin una dimensión temporal, por lo que, en la teoría, no puede ser subdividida o transferida de forma privada a externos (Unruh, 2009).

Otra característica de la dualidad es la existencia de diferentes líderes. Tanto en Indonesia como en Sierra Leona los líderes tradicionales tienen control informal sobre su territorio y también un rol fundamental en la resolución de conflictos de la comunidad, aunque los temas criminales deben, en teoría, ser manejados por el sistema formal. Estos líderes han sido cooptados por el Estado en Yemen y Sierra Leona, recibiendo dinero y beneficios, lo que ha cambiado sus prioridades hacia sus comunidades y dejan de ser una fuerza que hace frente a las injusticias del poder formal.

El acceso a patrocinadores y recursos de ONG genera competencia entre los ciudadanos, situación que se repite en Haití y Sierra Leona. La inserción de proyectos de desarrollo en ambos contextos es problemática, pues los líderes se apropian rápidamente de los recursos para su distribución provocando a menudo el colapso del proyecto y la erosión de la confianza entre los colaboradores.

**Tabla 5. Casos de relaciones institucionales**

	<b>Indonesia</b>	<b>Liberia</b>	<b>Yemen</b>	<b>RCA</b>	<b>Haití</b>
<b>Relación</b>	Complementaria	Competitiva	Auxiliar o supresora	Auxiliar	Auxiliar
<b>Origen</b>	Instituciones informales fueron reactivadas y reconocidas por el Estado.	2 sistemas de leyes: una estatutaria (americano-liberianos) y otra tradicional (nativos). En provincias sigue presente la división (International Crisis Group, 2006)	En 1960 las tribus se incorporaron formalmente en la estructura del Estado. El término Sheikh pasó de tener una connotación solamente religiosa a tener una política.	Después de la independencia, el Estado continuó con un enfoque depredador del desarrollo, siguiendo prácticas coloniales.	El Estado se estructuró sobre bases sociales rígidas y segregacionistas de la colonia (Víctor, 2008)
<b>Instituciones formales</b>	Gobierno nacional y alcaldes. Regulan el control y acceso de la tierra. Regulan y avalan riqueza de líderes informales. Regulan conflictos de naturaleza criminal teniendo en cuenta el concepto del líder informal.	Constitución, Ley de las provincias y Ley Pública no se comunican entre sí. Solo reconocen la propiedad en el sentido formal de la propiedad privada.	Trata de imponer su autoridad cooptando a sheikhs con quienes realizan acuerdos privados (Elie, 2009) Son de difícil acceso e implican procesos más complicados (Marc, 2012)	Débiles: La presencia del Estado ha sido hombres armados como representantes de autoridad central a nivel local. A pesar de esfuerzos por formalizar sistemas locales tradicionales, tanto el Estado como las instituciones informales son sistemas débiles, especialmente en las zonas rurales, para interactuar de forma eficiente, dejando muchos problemas locales sin resolver.	Débiles, pero tienen más legitimidad que las informales. Rol histórico del Estado como agente externo y extractivo. Contacto con la ciudadanía: presencia de militares como instrumento de control y vigilancia, y de recaudadores de impuestos.

<b>Instituciones informales</b>	<p>Jefes tradicionales (Mumkin)</p> <p>Elección por acuerdo popular.</p> <p>Coordinación de la vida social comunidades.</p> <p>Control de tierra y recursos en los territorios.</p> <p>Imponen sanciones y castigos con diferentes niveles de severidad.</p> <p>Acceden a recursos oficiales.</p> <p>Gestión de recursos y de acceso a la tierra.</p> <p>Resolución de conflictos en los territorios antes de llevarlo a instituciones oficiales de acuerdo con su nivel de importancia.</p>	<p>Instituciones basadas en clanes (Sawyer, 2005).</p> <p>Jefes tradicionales (chiefs) con jerarquías internas y ancianos</p> <p>Solucionan conflictos y disputas</p> <p>Están a cargo de todos los asuntos que surjan en su zona (Chiefdom) (International Crisis Group, 2006)</p>	<p>Líderes tribales (Sheikh)</p> <p>Sharia como importante fuente legislativa.</p> <p>Tribu como unidad básica de la sociedad que determina oportunidades personales y profesionales (Fattah, 2011)</p> <p>Leyes tribales regulan “responsabilidad pública” protección de personas, honor y crímenes. Código de conducta y normas legales.</p> <p>Mediación de conflictos</p> <p>Sheikhs forjaron lealtades políticas con el Estado (Elie, 2009)</p> <p>Los miembros de las zonas tribales o rurales están obligados por tradición a seguir las leyes informales sobre las formales (Phillips, 2008)</p>	<p>Débiles y erosionadas.</p> <p>Población se queja que ahora los líderes tradicionales han desaparecido y fueron reemplazados por personas con menos legitimidad y capacidad para resolver problemas de la comunidad.</p> <p>Combinación de restos de estructuras ancestrales, mantenimiento del sistema colonial de jefatura establecido a principios del siglo XX y una serie de mecanismos de supervivencia elaborados por la población local a lo largo de los años (Marchal, 2010)</p>	<p>Casi inexistente</p> <p>El concepto de comunidad no se desarrolló, ni organizaciones indígenas basadas en la solidaridad y comunalidad.</p> <p>Relaciones de patrocinio son las más comunes</p>
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<b>Efectos</b>	Es negativa porque se pierde conocimiento y contexto tradicional al intentar codificar las características de los conflictos.	<p>Genera confusión, desventaja de comunidades vulnerables al interactuar con la regulación formal.</p> <p>Ambigüedad legal y hostilidad.</p> <p>Forum Shopping (Isser et al., 2009)</p>	<p>Genera confusión e incertidumbre, brechas jurídicas son aprovechadas por la élite para apropiarse de tierras (Manea, 2010)</p> <p>Práctica conocida como Forum Shopping.</p> <p>Sheikhs perdieron sentido de responsabilidad al tener apoyo de inst. formales, lo que facilita su corrupción (Fattah, 2011)</p>	<p>El aumento de brujería surgió como resultado de vacío institucional, que ha minado la capacidad de instituciones formales e informales para lidiar con sus efectos negativos dejando a la deriva a grupos vulnerables como mujeres y niños (Marc, 2012)</p>	<p>La ciudadanía siente desconfianza y escepticismo hacia el Estado (INURED, 2011)</p> <p>Relaciones de patrocinio enfatizan la competencia y el individualismo.</p>
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**Fuente:** Elaboración propia a partir de (Helmke & Levitsky, 2004; International Crisis Group, 2006; Victor, 2008; Marc, 2012; Fattah, 2011; Elie, 2009; Phillips, 2008; Isser et al, 2009; Manea, 2010).

### **3.2. Tenencia de la tierra en África Occidental**

Los sistemas legales coloniales que persisten en países subsaharianos coexisten con los sistemas legales consuetudinarios. La suplantación de sistemas de tenencia indígena con variantes europeas contribuyó a la mercantilización de la tierra y dio poder a la planificación colonial (Njoh, 2009). Las consecuencias para la planificación han sido enormes, incluyen desconexión entre políticas de reforma postcolonial y las decisiones locales sobre el uso del suelo (Obeng-Odoom, 2014), cambios en el uso de la tierra, competencia entre agentes locales y estatales (Wily, 2011), y el debilitamiento de la capacidad del Estado para dictar medidas en los mercados desregulados del suelo (Peters, 2004). En muchas comunidades el acceso a la tierra es determinado por leyes escritas y consuetudinarias que en ocasiones pueden entrar en conflicto, aunque suelen prevalecer las normas locales, particularmente en la ruralidad (FAO, 2003).

A continuación, se presenta el estado de la tenencia de la tierra en Gambia, Ghana y Liberia, y las soluciones implementadas frente a la dualidad sistemática en el manejo de sus tierras (Tabla 6). Estos países fueron escogidos porque comparten zona geográfica al estar ubicados en África occidental, además Liberia comparte similitudes históricas con Sierra Leona. Es interesante ver las estrategias que cada país ha usado para abordar la compleja realidad que existe, a raíz de la dualidad común en el manejo de tierras.

#### **3.2.1. *Gambia***

En Gambia existen sistemas complejos de acceso a la tierra que son influidos por prácticas consuetudinarias y formales. Las mujeres tienen acceso limitado a la tierra dependiendo de su estatus social y matrimonial, y los derechos a los recursos a menudo se negocian entre múltiples titulares. La implementación de reformas legislativas ha sido lenta y hay brechas en el reconocimiento de derechos. A pesar de esto, se han realizado intervenciones como títulos de propiedad y certificación, pero aún queda mucho por hacer para mejorar la formalización de la tierra y reducir los conflictos y disputas.

#### **3.2.2. *Ghana***

La tenencia de la tierra en Ghana está dada por leyes estatutarias y consuetudinarias y el 80% de la tierra es poseída informalmente. Tanto el Estado como las autoridades tradicionales aplican selectivamente las leyes en función de sus propios intereses, lo que puede resultar en



la explotación de grupos vulnerables. Para abordar esta problemática, se ha propuesto el *Ghana Land Administration Project*. Falta mucho por hacer en la validación y discusión sobre la inseguridad de tenencia de las mujeres, pero las discusiones sobre el tema han creado conciencia y suscitados debates.

### **3.2.3. Liberia**

El sistema dual de tenencia de la tierra en Liberia ha creado conflictos en la propiedad de la tierra en el país. En 2018 se aprobó la Ley de Derechos sobre la Tierra, que protege la tenencia consuetudinaria y garantiza la igualdad de acceso y protección de la propiedad de la tierra para los liberianos, incluyendo mujeres. La implementación de esta ley enfrenta desafíos, como la necesidad de capacitar al personal y desarrollar regulaciones más específicas.

**Tabla 6. Tenencia de la tierra en África**

Tenencia de la tierra en África			
Criterio	Gambia	Ghana	Liberia
Sistema de tenencia	Legal y consuetudinario con un rol importante de la religión y etnia (Freudenberger, 2000).	Leyes estatutarias y consuetudinarias que frecuentemente se superponen (Amanor & Ubink, 2008).	El sistema dual de tenencia de la tierra de Liberia tiene su origen en la fundación del país.
	Herencia patrilineal: En mujeres acceso condicionado a estatus social y matrimonial.	El 80% de la tierra en Ghana es poseída de manera informal, bajo sistemas de tenencia consuetudinarios (Antwi & Adams, 2003)	Combina el derecho estatutario con el derecho consuetudinario.
Negociación de derechos	Se superponen regímenes de tenencia y sistemas de recursos.	El Estado aplica selectivamente las leyes estatutarias y consuetudinarias para promover sus propios intereses, incluyendo el uso de la tierra “formal” o “legal”; y las autoridades tradicionales hacen lo mismo (Boamah & Amoako, 2020)	Al implementar la tenencia estatutaria la Sociedad adquirió tierras de los chiefs sin consultar los dueños reales para que los esclavos estadounidenses liberados se establecieran en la década de 1820 con derechos permanentes y totalmente transferibles (USAID, 2012).
Regulaciones implementadas	En 1995 se implementa la vía de reconocimiento de tenencia tradicional.  Los derechos se ceden al estado y las tierras son consideradas en alquiler. (Freudenberger, 2000)	Ley de Tierras 2020 - Criminaliza el uso de guardianes de la tierra para prohibir el acceso a la tierra de propietarios. - Especifica el funcionamiento de la propiedad conyugal. - Se prohíben prácticas territoriales consuetudinarias discriminatorias (Government of Ghana, 2020).	Al menos tres leyes tratan la tenencia y propiedad de la tierra: La Constitución, la Ley de las provincias y la Ley Pública. Sin embargo, estas leyes no se comunican entre sí.
Efecto en tierras consuetudinarias	La formalización y la falta de procedimientos claros aumentan los conflictos especialmente en las gestionadas como bienes comunes.	La capacidad de agentes estatales y no estatales de aplicar selectivamente leyes y reglamentos permite consolidar la autoridad de los que ya son poderosos y contribuye a la explotación de grupos vulnerables (Vahapoğlu, 2019).	La tenencia consuetudinaria está basada en conceptos fundamentales que el derecho estatutario no reconoce. Los conflictos inherentes a los dos sistemas han creado hostilidad entre las personas que se remiten a sistemas jurídicos diferentes.

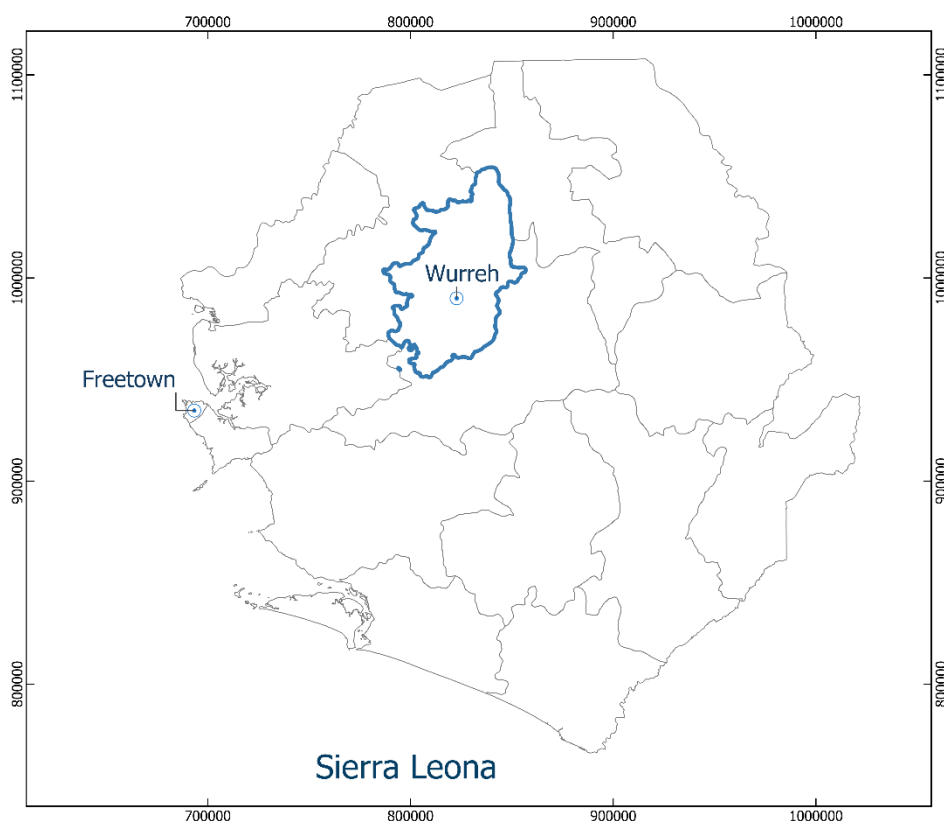
Intervenciones	<p>Certificación: Títulos de propiedad se reconocen para sistemas de propiedad y arrendamiento. Aplica para propiedades individuales, familiares y colectivas.</p>	<p>Ghana Land Administration Project Encuestas comunitarias: Proceso documental para registrar títulos de propiedad. Donde la participación de la comunidad redujo el costo en 76%.</p>	
	<p>Registro de la tierra: Derechos de ocupación se reconocen hasta por tres años y ocurren mediante una cédula de habitabilidad para tierras consuetudinarias o mediante certificados otorgados bajo la Ley de Tierras de las Regiones. (Bensouda, 2013).</p> <p>Estos esfuerzos suceden sin una atención a los derechos de las mujeres a la tierra su seguridad en la tenencia puede verse vulnerada.(Doss &amp; Meinzen-Dick, 2020).</p>	<p>Modelos de contratos de tenencia: Acuerdos de tenencia basados en costumbres locales y el uso de acuerdos escritos mejora la claridad y seguridad de sus derechos sobre la tierra. Acuerdos de cesión conyugal: Busca clarificar los términos de las cesiones de tierra, reducir conflictos y asegurar que un cónyuge tenga derecho a parte de la tierra que ha sido establecida por la pareja. Esta herramienta aún no se utiliza en Ghana; queda mucho por hacer en la validación y discusión sobre la inseguridad de tenencia de las mujeres a nivel local. (Kakraba-Ampeh et al., 2014).</p>	<p>En 2018, se aprobó la Ley de Derechos sobre la Tierra (Land Rights Act) que promulgó la ley de reforma agraria procomunitaria más progresista del continente. La ley reconoce y protege formalmente la tenencia consuetudinaria de la tierra, y prescribe la forma en que puede ser adquirida, utilizada y gestionada. (FAOLEX, 2022).</p>
	<p>Panorama actual</p> <p>Implementación lenta y las barreras y brechas continúan influyendo en el reconocimiento de los derechos de las mujeres a la tierra y su capacidad para beneficiarse.</p>	<p>A pesar de los avances, el nivel social y conexiones de los agricultores sigue siendo el factor más relevante de la tenencia de la tierra.Hace falta incluir a pequeños agricultores en decisiones sobre la tierra.</p>	<p>La Autoridad de Tierras de Liberia gestiona disputas y busca simplificar los roles institucionales. Enfrenta desafíos como la capacitación, la elaboración de regulaciones y la identificación de fondos para implementar la ley. (Roush, 2018).</p>

Fuente: Elaboración propia a partir de Freudenberger (2000), Amanor & Ubink (2008), Antwi & Adams (2003), Boamah & Amoako (2020), USAID (2012), Government of Ghana (2020), Vahapoğlu (2019), Bensouda (2013), Doss & Meinzen-Dick (2020), FAOLEX (2022), Kakraba-Ampeh et al (2014) y Roush (2018).

#### 4. ESTUDIO DE CASO WURREH, SIERRA LEONA

Para aproximarse al caso de Sierra Leona se utilizan como referencia los tipos de relaciones institucionales expuestas en el apartado 2.3, y se toma como guía el marco conceptual para analizar la seguridad de la tenencia de la tierra de mujeres, desde una perspectiva institucional, descrita en el apartado 2.6.2. En este análisis se tienen en cuenta la situación, iniciativas y avances institucionales y de tierras de los países revisados en el capítulo 3.

**Figura 3. Ubicación de Wurreh en Sierra Leona**



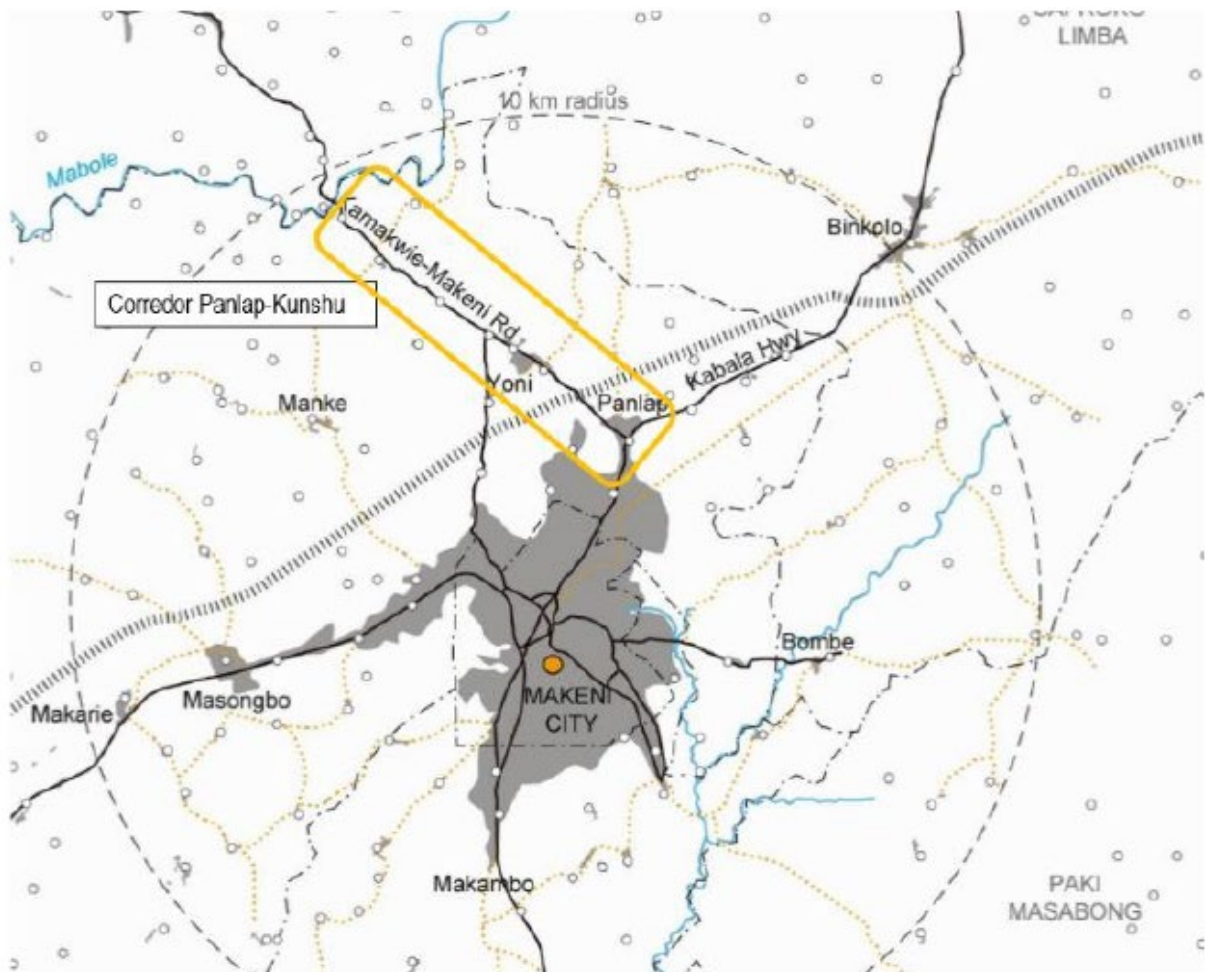
Fuente: Elaboración propia

##### 4.1. Contexto

Este TFM se realiza alineado al proyecto “*Diseño de una comunidad experimental en Makeni, Sierra Leona*” en cabeza de Luis Perea de la Universidad CEU San Pablo, miembro del Instituto de Cooperación y Habitabilidad Básica (ICHab) de la Universidad Politécnica de Madrid. Este proyecto de investigación aplicado busca saber si es posible realizar una expansión periurbana planificada en el contexto sierraleonés. Lo hace a través de la expansión de la aldea de Wurreh con un asentamiento de 10 familias (Perea, 2021b). Wurreh es una de las siete aldeas que

pertenecen al corredor Panlap-Kunshu, una zona periurbana con un proceso de expansión acelerada y que está ubicado al norte de Makeni. Wurreh fue escogido entre todas las aldeas por la disponibilidad de terreno existente para el proyecto.

**Figura 4. Localización del Corredor Panlap-Kunshu**



Fuente: (Perea, 2021a)

Este TFM aporta a una de las líneas claves del proyecto: “Fortalecimiento técnico e institucional para la localización de la Agenda 2030” al ahondar en el panorama institucional de Wurreh y relacionarlo con el acceso a la tierra de las mujeres.

Con la ayuda del programa “Ayudas de Viaje de Cooperación para la realización de TFT” y en colaboración con el ICHAB, se realizó una estancia de poco más de dos meses en Makeni y Wurreh desde julio de 2022. Donde se participó en actividades de recolección de datos y procesos participativos que parte del proyecto marco (Perea et al., 2022), y se realizó la presente investigación.

#### **4.1.1. Aproximación político-social en Sierra Leona**

Sierra Leona es un país de más de 8 millones de habitantes (World Bank, 2021), ubicado en la costa atlántica de África Occidental que limita con Liberia y Guinea. En 2019, el 64,8% de la población sufría pobreza multidimensional (Sierra Leone Statistics, 2019), que engloba: salud, educación, vivienda, estándar de vida (agua, saneamiento, acceso a cuenta bancaria) y energía. Su estado deriva en parte de una guerra civil (1991-2002) que dejó entre 50.000 y 200.000 muertos (5% de la población) (Banco Mundial, 2021). Sierra Leona ha tenido dos periodos de estabilidad en su historia en los que parecía avanzar hacia la estabilidad política: después de la independencia (1961-1967) que acabó con el primer golpe militar, y luego de la guerra civil (2002) hasta la crisis del ébola en 2014 que dejó al menos 4000 muertos (Center for Disease Control and Prevention, 2019). El país ha tenido un orden político híbrido con fuentes de poder como jefaturas tradicionales (*chieftaincies*), sociedades secretas en las áreas rurales y alianzas de élites en la capital. Las comunidades religiosas también tienen cierta influencia, aunque en menor medida (Ferme, 2001).

Históricamente el gobierno nacional ha estado apartado de la población, lo que hace más fácil comprender esta sociedad como muchos estado-nación identificados principalmente por su afiliación étnica (Ndumbe, 2001). En consecuencia, la identidad y lealtad de las personas van en primer lugar hacia su tribu, lo que genera que el contrato social ocurra dentro de estas estructuras y no entre el Estado y los ciudadanos. Además, existe competencia entre instituciones políticas, sociales y culturales por poder y recursos (Richards, 2003). Estas dinámicas han generado conflicto en el ámbito gubernamental, donde las políticas y roles públicos son apetecidos para tener control de las finanzas públicas. Sin embargo, el poder judicial, el aparato de seguridad del Estado y la administración pública siguen siendo instrumentos de control disputados por las élites, quienes están inmunes a la presión pública y a los mecanismos de rendición de cuentas (Bellows & Miguel, 2006).

La economía formal es también escenario de conflictos, se volvió extractiva debido a la manipulación de las estructuras gubernamentales para redirigir el flujo de rentas a lo privado. El crecimiento económico y la creación de empleo en lugar de tener un rol estabilizador aumentaron el resentimiento por los altos niveles de corrupción, la desigualdad para el sector privado y la distribución injusta de beneficios (Acemoglu et al., 2014).

Las instituciones sociales tradicionales eran (y hasta cierto punto siguen siendo) aceptablemente sólidas en su función de gestión y protección social dentro de sus esferas, pero están tan fragmentadas y dispersas que son incapaces de lograr arreglos duraderos. No ha surgido en Sierra Leona, ninguna institución nacional con el poder o la legitimidad para negociar de manera confiable, y dado que el gobierno nacional suele favorecer a la región del país que lo puso en el poder, es poco probable que pueda desempeñar un papel de mediador en los conflictos (Jackson, 2005).

#### 4.1.2. Estructura Institucional

En Sierra Leona el Estado fue fundado con un sistema de gobierno indirecto en 1896, basado en la relación entre políticos nacionales y líderes tradicionales. Esta relación se modificó con la independencia del país, pero se fortaleció después de la guerra civil (Acemoglu et al., 2014). Actualmente, estructuras formales e informales están entrelazadas e influyen en la división territorial del país. Los distritos, ciudades y pueblos corresponden a la división formal y las jefaturas a la informal, estas últimas se encuentran dentro de los distritos. En la tabla 7 se presenta un esquema organizativo de las estructuras formales e informales presentes en el país.

Tabla 7. División territorial de Sierra Leona

Criterio	División formal	División informal
Distribución	22 consejos locales (16 distritos y 6 ciudades)	190 jefaturas
Autoridad	Consejo de Distrito (District Council) y Ayuntamiento (City Council)	Consejo de Jefatura (Chiefdom Council)
Líder	Presidente de distrito Concejales  Cargos elegidos por votación	Jefe Supremo (Paramount Chief) Portavoz del JS (Chiefdom Speaker) Jefe de la sección (Section Chief) Jefe del pueblo (Town Chief) Elders (Ancianos) Consejeros de la Jefatura (Chiefdom Councillors) Cargos de elección vitalicia y sólo pueden ser elegidos los miembros de las familias gobernantes
Estamentos	Concejos de ciudad - Ayuntamientos	Tesorería – Presupuesto Corte – Resolución disputas
Función	Planes de desarrollo de distritos Proporcionar oportunidades para la participación política. Canal entre el gobierno central y el territorio.	Recaudo de impuestos Creación estatutos Resolución de Conflictos

Nota: Elaboración propia a partir de Conteh (2019).

Sierra Leona no tuvo un gobierno local formal hasta 2004 debido a la abolición de los *District Council* en 1972, lo que suprimió la participación de líderes comunitarios en asuntos locales, quedando bajo el control directo del gobierno central. Este, entre otros factores, ha sido considerado como una de las causas de la guerra civil, por lo que las recomendaciones del

Acuerdo de Paz de Lomé se centraron en la devolución del poder político a comunidades locales a través del gobierno local electo (Omotola, 2007).

Las IF incluyen los ministerios y agencias del gobierno, así como entidades que proveen salud y educación a nivel central. Las IF suelen estar a cargo de situaciones criminales y conflictos complejos que las II no pudieron resolver. Actualmente, los ayuntamientos tienen poder legislativo y ejecutivo para implementar lo que legislan. Por su parte, las II se encargan de la gobernanza a nivel local y descentralizada, a nivel estructural están subordinadas a los ayuntamientos y consejos distritales (city council y district council). Además, solucionan diferentes tipos de conflictos entre individuos y familias, incluyendo temas de distribución de tierra.

La autoridad principal de las II son los *paramount chief* (PC) que tienen un rol importante en la tenencia de la tierra y la promoción de la paz en las comunidades. Los PC asumen otras tareas de gobernanza local, apoyando al consejo local o ayuntamiento. En cada distrito el Consejo de la Jefatura (chiefdom council) elige un PC (paramount chief member of parliament) que va al parlamento a contribuir desde las II al debate político y legislativo. Sin embargo, los PCs no toman una posición independiente en el parlamento, tienden a favorecer y seguir al gobierno actual. Como son autoridades locales, quieren estar del lado del gobierno para evitar las represalias que han sufrido PCs al tomar posiciones contrarias al gobierno (W. Alpha, entrevista transcrita, 2022). En el norte de Sierra Leona solo los hombres pueden ser chief, en el sur y algunas partes del oriente las mujeres pueden serlo, esto ocurre porque en el norte las jefaturas están ligadas a las sociedades secretas de los hombres.

Contrario a los chiefs, se espera que las autoridades formales tengan un nivel mínimo de educación formal. Sin embargo, con el tiempo el nivel de educación de los PC ha aumentado y actualmente 7 PC miembros del parlamento, tienen un doctorado. Los chiefs son elegidos de manera vitalicia por el Consejo de la Jefatura (compuesto por PC, chiefs, consejeros y hombres notables) y sólo miembros de algunas familias pueden ser nominados (W. Alpha, entrevista transcrita, 2022).

El sistema dual de tenencia de la tierra ha generado problemas para que los ciudadanos realicen trámites relacionados con la compra de terrenos, ya que se debe contar con permisos de autoridades formales e informales. Además, los topógrafos del ministerio de tierras no tienen el conocimiento necesario para asesorar a las personas, sobre el tipo de infraestructura que



debería construirse o si la zona es apta para la construcción (M. Bangura, entrevista transcrita, 2022). Esto revela la falta de formación de los técnicos de las IF.

Uno de los problemas del sistema dual de tenencia de la tierra es que incrementa los costos de cualquier trámite. Al comprar un terreno, se debe contar con firma y autorización de diferentes autoridades formales e informales, lo que significa costos extra para los ciudadanos que deben pagar por autorizaciones tanto formales como informales. Sin embargo, las habitantes de Wurreh consideran que lo único que hace el gobierno es recoger impuestos a través del líder del pueblo (Townchief or Headman) y toda persona mayor de 18 años debe pagarlos, aunque entienden que el gobierno utiliza este dinero para limpiar espacios públicos y procesar criminales (Participante 7, grupo focal, 2022).

Previamente las autoridades informales han usado sanciones desmedidas como desterrar personas de sus comunidades como castigo ante pequeñas faltas o multas monetarias tan altas que las personas preferían huir porque no podían pagar. Ahora los PC están bajo la supervisión de los gobiernos locales y se han puestos límites a las multas que pueden imponer. En épocas anteriores los PC se aprovechaban del trabajo físico de miembros de la comunidad para su ganancia, sin pagarles nada. En ocasiones las II favorecen solamente a un área, donde están las personas que los eligieron, olvidándose de otras áreas dentro de su jefatura (I, Jallou, entrevista transcrita, 2022).

#### **4.1.3. Relaciones institucionales**

Es más probable que las instituciones informales sustitutivas y competitivas existan en contextos de inestabilidad y debilidad institucional formal en países en desarrollo. Pero las instituciones informales a menudo tienen efectos ambiguos. Teniendo en cuenta la tipología de Helmke y Levitsky (2004), en Sierra Leona las relaciones institucionales pueden ser de tipo competitivo, sustitutivo, y complementario.

La imposición de sistemas legales europeos creó múltiples sistemas de obligación legal en sociedades poscoloniales. Estos sistemas solían incorporar principios y procedimientos diferentes, lo que significaba en algunos casos que la adhesión a la ley consuetudinaria requería que los indígenas violaran la ley formal (Engle, 1988). En Wurreh la relación institucional puede ser *competitiva* respecto a los derechos de las mujeres a la tierra, pues reglas informales van en contra de las formales que establecen su derecho a heredar la tierra. Además, seguir las reglas informales no produce un resultado similar a seguir las reglas formales. Existen

situaciones donde las instituciones tienen diferentes objetivos, es el caso de la gobernanza local entre los PC y los miembros del ayuntamiento. Por ley, los ayuntamientos están a cargo de establecer el valor de los impuestos locales y los PC están a cargo de recogerlos y entregar el 40% de lo recogido al ayuntamiento. En la práctica los PC recogen el dinero de los impuestos y no le pagan al ayuntamiento. Esto puede ocurrir, porque en otros ámbitos los PC apoyan al gobierno central sabiendo que esto les permite incumplir la ley sin afrontar consecuencias (W. Alpha, entrevista transcrita, 2022).

La relación puede ser *sustitutiva* porque en muchos casos las II operan en lugar de las IF. En Wurreh y otras aldeas el único tipo de autoridad que ven sus habitantes son las instituciones informales, esas son las reglas y las autoridades que influyen en su vida, como se ha descrito anteriormente.

*“Debido a que el PC tiene autoridad e influencia sobre la comunidad, el gobierno tiene que estar en un matrimonio con ellos”* (W. Alpha, entrevista transcrita, 2022). Las instituciones también pueden tener una relación *complementaria* en temas de tierras, las IF se apoyan en las II para conseguir nuevas tierras (pidiéndole al chief que hable con las familias propietarias). O en temas de justicia, las II saben que ciertos temas les atañen, pero tienen claro cuando deben pasar un caso a la justicia formal (A. Fornah, entrevista transcrita, 2022). El gobierno se asegura que las autoridades informales estén de su lado al hacerlas parte del parlamento y pagarles, así cuentan con el apoyo de los PC para diferentes iniciativas e incluso para conseguir votos (W. Alpha, entrevista transcrita, 2022). Las IF esperan que las II estén presentes y enterados de lo que pasa en la comunidad. Esto es fácil porque los chiefs son vistos de manera más cercana por la comunidad y las personas necesitan alguien con quien poderse identificar y relacionar, y la mayoría de las personas en las provincias no comprenden el funcionamiento de los mecanismos formales (I. Jallou, entrevista transcrita, 2022). Las II actúan como un brazo de las IF que llega a la comunidad, que gracias a su cercanía tiene la capacidad de reaccionar inmediatamente.

Las instituciones formales e informales colaboran en varios ámbitos, en la implementación de proyectos el gobierno debe dirigirse a los chiefs para obtener apoyo y asegurar que la comunidad acepte el proyecto. En la gestión de tierras, el chief ofrece un dictamen para resolver conflictos de tierras, si alguna parte incumple, el chief y la parte implicada tomarán los documentos firmados y los llevarán a la policía, transfiriendo el caso a las autoridades formales (A. Conteh, entrevista transcrita, 2022). Esto demuestra que las II tienen ámbitos de acción bien definidos y saben no propasarlos para evitar conflictos.

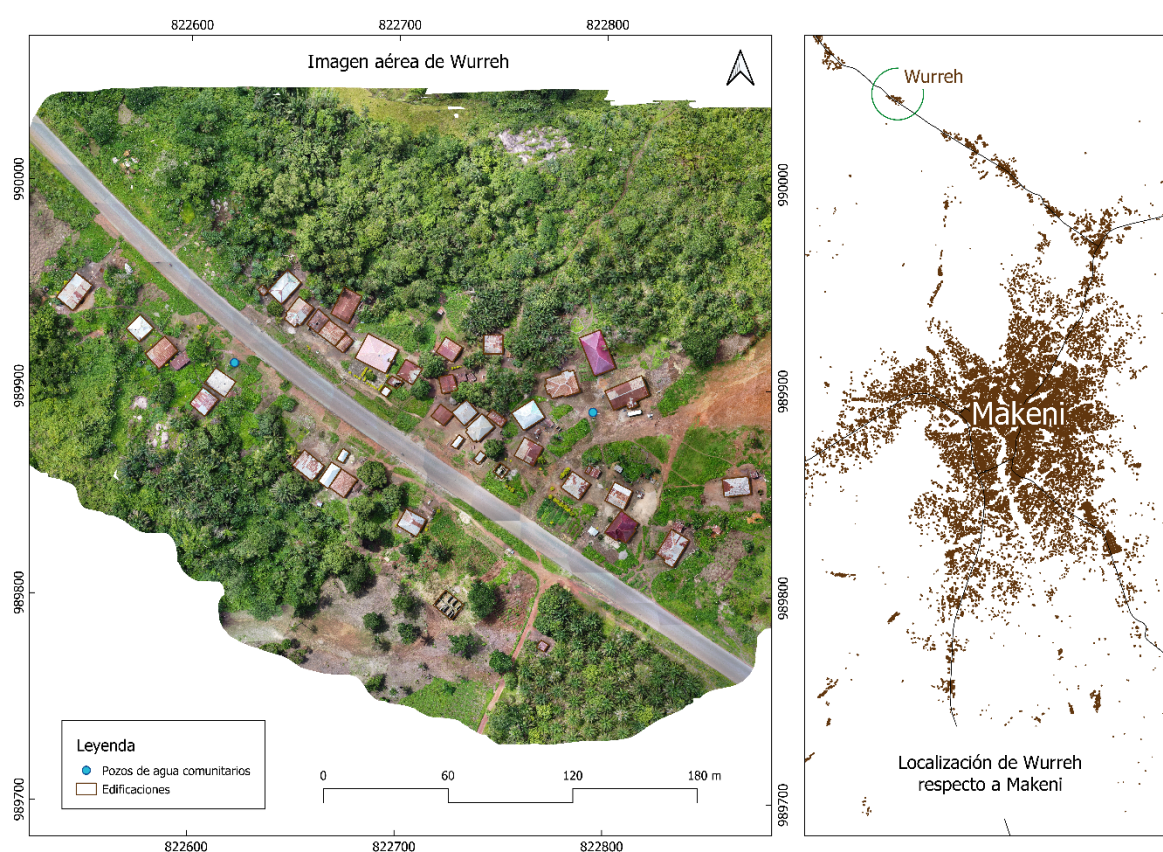
La necesidad de dialogo con las II genera fricciones en la efectividad del gobierno en iniciativas relacionadas con la tierra. Aunque se requiere generar una conversación previa con los propietarios de la tierra y autoridades, esto no garantiza que se representen los deseos de la comunidad. Desde la tipología modificada por Horak y Restel (2016), las relaciones institucionales en el país también pueden ser *auxiliares* pues las II contribuyen a la estabilidad y efectividad de las IF. Ambas instituciones deben trabajar juntas para ofrecer un marco institucional más completo.

#### **4.1.4. Wurreh**

Para el estudio de caso se eligió la comunidad de la aldea de Wurreh, ubicada en una zona rural y compuesta por 351 personas que viven en 22 casas (cada casa son 12 habitantes en promedio) de materiales similares (barro y ladrillos). En Wurreh no hay electricidad, el agua se obtiene mediante pozos de tierra y no hay saneamiento, por lo que deben usar letrinas o defecar al aire libre en el bosque. Según los datos recogidos por el equipo del proyecto Ciudad Experimental, el 85% de las familias se dedican a la agricultura, y cuentan con dinámicas de colaboración para trabajar en las parcelas de otros. Sin embargo, esta colaboración solo es posible para las familias con hombres, quienes cuentan con la fuerza física para trabajar en las parcelas de sus vecinos. El ingreso medio mensual en la comunidad es de 15€ (311 NLE).

Cuando la tierra es una fuente de estatus social, puede ser más difícil para las mujeres adquirir derechos individuales a la tierra (Doss & Meinzen-Dick, 2020) En Wurreh, la tierra es una fuente de estatus social, así lo afirman algunas mujeres en el grupo focal. Ser propietaria de una parcela significa tener libertad de cultivar y hacer lo que se quiere en ella, pudiendo heredar a sus descendientes. La tenencia se asocia con no tener que recibir malos tratos de los dueños de las casas, tener libertad y no encargarse de todas las tareas domésticas que recaen sobre quienes viven en una casa que no es suya.

**Figura 5. Imagen aérea de Wurreh y ubicación respecto a Makeni.**



Fuente: Elaboración propia, fotografía tomada con dron por Maria Sanchez-Bayo (Sánchez-Bayo, 2023)

*“En cuanto tienes tierra aquí eres muy importante, si no tienes tierra entonces eres menos importante en la comunidad”. “Si tienes tierra, tienes respeto”* (2 participantes, grupo focal, 2022). Uno de los principales desafíos que enfrenta la comunidad en relación con la tierra es la dificultad para adquirir terrenos debido al valor derivado de su posición privilegiada en la región. Esto impide competir con inversores que pueden pagar precios altos que dependen de la capacidad de negociación del comprador con la familia dueña de los terrenos, pues no hay un mercado inmobiliario ni un límite del valor del terreno (C. Abella, comunicación personal, 2023). Muchos de estos desafíos afectan a mujeres y hombres, pero pueden desarrollarse de manera diferenciada por género. La escasez de tierras puede dificultar que los hombres jóvenes adquieran tierras para establecer sus propios hogares, pero también puede presionar a las viudas para que entreguen la tierra a sus hijos.

La intervención del proyecto de Ciudad Experimental ha causado un gran impacto en Wurreh no sólo por los alcances del proyecto para las familias, sino por la formación y enfoque participativo de los talleres a los que toda la aldea está invitada. La insistencia del proyecto en

contar con la presencia y participación de mujeres en todas las etapas, sin olvidar las dinámicas locales, genera conciencia en la comunidad sobre los derechos y espacios en los que deben estar las mujeres, sobre todo las más jóvenes y en el rol que tienen en la comunidad.

#### **4.1.5. Mujeres**

Los habitantes en Wurreh pertenecen a la etnia Temne y la religión mayoritaria es el islam (95%) aunque no tiene un rol tan importante como el grupo étnico. Las mujeres y niñas de Wurreh representan el 59,1% de la aldea (182 mujeres), y viven en una zona en la que su etnia y religión es predominante. Algunas nacieron en Wurreh y otras migraron de otras aldeas y pueblos del país, se dedican a la agricultura y labores del hogar, y su forma de acceder a la tierra es a través de vínculos con hombres (esposo, hijo, padre o hermanos). Respecto a la edad el 31,52% son menores de 12 años (Perea et al., 2022).

Las mujeres en Sierra Leona pertenecen a una sociedad secreta llamada *Bondo*, que les enseña cómo deben comportarse, hacer los quehaceres de la vida diaria, y cuyo ritual de iniciación incluye la mutilación genital femenina (MGF). En palabras de Mary Hawa Turay: “la sociedad secreta les enseña a las mujeres a ser mujeres” (M. Turay, entrevista transcrita, 2022). Es una de las pocas organizaciones donde las mujeres tienen acceso a posiciones de poder y a recursos. Las mujeres que practican la MGF tienen una posición de influencia y captan recursos de la élite política (extraoficialmente) debido al papel que juegan al ordenar la vida comunitaria y funciona como repositorio cultural (Bosire, 2012a).

Respecto a la educación, las mujeres adultas no superan el nivel primario de educación (18%). El 55% no tiene ningún nivel de educación formal y el nivel educativo más alto alcanzado por las mujeres jóvenes es la secundaria que alternan con trabajo (18%). El acceso a la universidad es dificultoso y suele suponer un obstáculo en su formación académica dado que deben presentar un examen para ingresar a la universidad y ni las mujeres ni sus familias pueden pagar este examen o la educación universitaria.

Una figura importante en la comunidad es la representante de las mujeres (*chairlady*), responsable de defender sus intereses y ejercer presión para favorecerlas en reuniones de la comunidad donde asiste como representante. También es responsable de resolver disputas entre mujeres e informarlas sobre temas de interés.

#### 4.1.6. Tenencia de la tierra en Wurreh

La tierra en Wurreh es fundamentalmente llana y el uso principal es vivienda y cultivo. La tierra es fértil, excepto por la zona de cantera y sus principales cultivos son maní, yuca, papa, maíz y arroz, los cuales se encuentran a un par de kilómetros de las casas. La aldea está separada por una carretera secundaria pavimentada que conecta a Sierra Leona con Guinea y esto aumenta el valor de la tierra de la zona.

Wurreh queda a 10 kilómetros de Makeni, la ciudad más grande del norte del país. Las mujeres solo van a Makeni para visitar a sus familias o a vender alimentos, pues el trayecto caminando implica aproximadamente 4 horas y el transporte en motocicleta es cada vez más costoso. Además, Wurreh se encuentra a medio kilómetro de una sede de la Universidad de Makeni en Yoni, lo que podría con el tiempo aumentar el interés en la aldea. Aunque el 90% de los habitantes de Wurreh se han definido como propietarios de la tierra, el terreno de la aldea pertenece a las familias *Fornah* y *Koroma* quienes ceden una parcela de 17,3 x 20,7 metros (aunque el tamaño varía) a cada familia para su ocupación y uso, a cambio de pequeños pagos anuales o estacionales, que son una parte de lo que cosechan las familias (Perea et al., 2022). Si las familias no tienen cosecha no tienen la obligación de dar nada, por lo que este pago es considerado un regalo. Cuando los padres a los que se les cedió la parcela mueren, los hijos deben pagar una cantidad a los dueños, para certificar que ellos seguirán viviendo ahí. Una especie de compra de transferencia de derechos. Algunos mencionaron que se trata de un pago simbólico. La cantidad que pagan es menor a lo que tendría que pagar un foráneo (C. Abella, comunicación personal, 2023) aunque no se puede asegurar cuanto se reduce el costo, porque el valor es diferente en cada transacción, aunque puede haber alguna influencia por parte de los chiefs si estos deciden involucrarse.

Los habitantes de Wurreh gozan de casi todos los derechos de tenencia de la tierra sobre sus parcelas asignadas (Ver Tabla 3) y pueden usar la tierra como quieran. No gozan por completo del derecho de transferencia, no pueden vender ni alquilar la tierra (pueden alquilar parte de la vivienda), y lo que heredan a sus descendientes es el derecho al uso. Las 22 familias que tienen los derechos de usufructo los tendrán de manera permanente y pasará a sus descendientes, a pesar de que no exista documentación que lo refleje (C. Abella, comunicación personal, 2023). Por esta razón, es comprensible que los habitantes de Wurreh se sientan dueños de la tierra. Las familias, incluidas las mujeres, pueden invertir en construcciones, mejoras y nuevos

cultivos<sup>3</sup>. Las familias propietarias son dueñas de la tierra y de los árboles y todo lo que estaba en la parcela previo a la cesión del terreno, pero los árboles plantados por las familias ocupantes y todas las construcciones nuevas les pertenecen a los habitantes.

El manejo de la tierra presenta un problema en cuanto a la reserva de terrenos para uso público, pues está ligado a la educación y el matrimonio en las provincias (las familias venden terrenos para pagar por educación o matrimonio de sus hijos). Las autoridades informales solicitan que el gobierno actúe para impedir que las familias propietarias cambien de opinión después de haber reservado una tierra para la comunidad (A. Turay, entrevista transcrita, 2022). A pesar de sus complejidades, la tierra resuelve muchos problemas relacionados con el bienestar y el crecimiento de las familias. En Wurreh, como en Sierra Leona los derechos de tenencia son diferentes en hombres y mujeres. La herencia es la principal fuente de tenencia de la tierra en el país, los hombres heredan la tierra de la familia y se espera que la mujer vaya a la familia y aldea de su esposo (M. Bangura, entrevista transcrita, 2022). A pesar de nuevas leyes que reconocen el derecho de las viudas a su propiedad, las normas sociales pueden obstaculizar el cumplimiento de este derecho. Está bien visto que las familias se queden con el terreno que le corresponde a una viuda y si trata de reclamar puede enfrentarse a sanciones sociales como aislamiento social o pérdida de vínculos de apoyo. Tras la muerte del esposo, la familia de este solía reclamar el terreno y la vivienda. En el caso de herencias, aunque legalmente las mujeres pueden heredar tierras, los hermanos suelen tomar control de la herencia, muchas veces engañando a sus hermanas. Si el esposo muere y solo tiene hijas, los hermanos del esposo buscarán quedarse con la propiedad familiar. Según los locales, esta costumbre tenía sentido cuando había familias extendidas, donde el hermano mayor asumía el liderazgo tras la muerte de su familiar (M. Turay, entrevista transcrita, 2022). Sin embargo, esta tradición deja de tener sentido porque en la familia nuclear, esposo y esposa fueron los únicos que trabajaron la tierra por tanto, que las mujeres pierdan la propiedad trabajada si su esposo muere, constituiría una situación de inequidad. La excepción sucede cuando la mujer tiene un hijo mayor de 19 años, quien queda a cargo de la tierra.

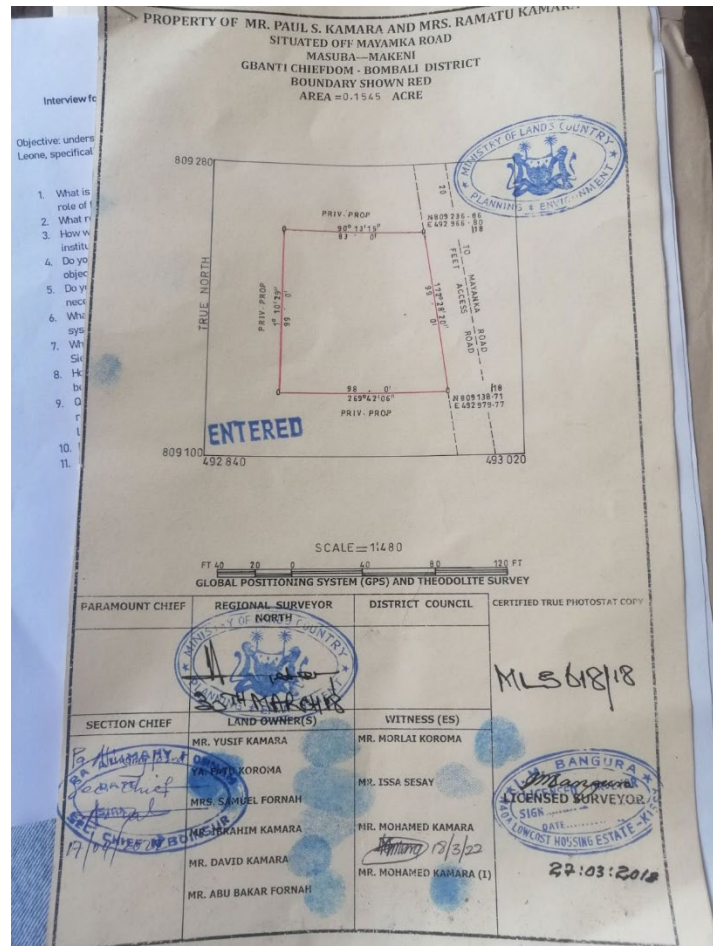
En Wurreh y en el resto del país quienes tienen derecho de administrar y vender la tierra son las familias propietarias. Generalmente cuando se vende una parcela, todos los miembros de la

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<sup>3</sup> Las familias pueden construir o modificar su vivienda, plantar árboles y cultivar lo que puedan.

familia deben estar de acuerdo y su firma o huella debe aparecer en el documento de venta, tal como se observa en la Figura 4. Para que el documento sea válido debe tener la firma de dos autoridades informales (paramount chief y section chief) y de una autoridad formal (district council) que es el equivalente a un ayuntamiento (A. Fornah, entrevistas transcritas, 2022).

**Figura 6. Fotografía de documento de propiedad en el Distrito Bombali**



Fuente: fotografía propia

En caso de intentar vender sin consentimiento de todos los miembros de la familia, si los miembros excluidos deciden apelar la decisión, pueden poner una bandera blanca en la propiedad que simboliza que nadie puede tener acceso a la tierra hasta que la disputa se resuelva.



*“Antes las mujeres no eran consideradas, pero ahora hay leyes que han dejado claro que los hombres y mujeres deben tener los mismos derechos sobre la tierra”. Alimamy Conthe section chief del área Gbobana.*

Según los chiefs entrevistados, anteriormente las mujeres no tenían derecho a heredar la tierra. Estos cuentan que ahora con nuevas leyes y la aplicación de los derechos humanos, las mujeres deben ser tenidas en cuenta por sus hermanos al momento de decidir sobre la herencia. Los chiefs consideran que antes los hombres tenían el control sobre la tierra, pero que ya no es así y creen que el cambio ha sido positivo (A. Conteh & A. Fornah, entrevistas transcritas, 2022). Tanto las mujeres entrevistadas como un profesor aseguran que la realidad es otra, son los hijos quienes heredan la tierra, por lo que las mujeres dependen de la buena voluntad de sus hermanos para hacer uso de su herencia (W. Alpha, entrevista transcrita, 2022). Respecto a la compra de terreno las mujeres deben hacerlo acompañadas por un hombre quien debe hacer la negociación, de lo contrario no son tomadas en serio y pueden perder su dinero. Esto las deja en estado de vulnerabilidad, pues si el hombre que ellas confiaron para negociar en su nombre es corrupto, puede quedarse con su dinero.

*“La ley existe, pero no es suficiente, las reglas existen, pero la mentalidad es otra” Mary Hawa Turay, jefa de la Oficina de Género de la Universidad de Makeni.*

A nivel cultural lo más común es que los hombres lideren todos los procesos relacionados con la tierra, las mujeres están acostumbradas a estar en las sombras, a ser leales a sus hermanos y conformarse con cualquier beneficio que les corresponda.

*“Cuando se trata de la tierra incluso las mujeres educadas, le damos a los hombres la prioridad para decidir, hay un fuerte componente psicológico”. Mary Hawa Turay, jefa de la Oficina de Género de la Universidad de Makeni.*

Las leyes informales tienen más poder en temas de tierra incluso para mujeres con educación formal porque desde su perspectiva, es más fácil pedirle ayuda a un hombre para que negocie por ellas. Incluso si hay una disputa por tierras, el consejo que suelen recibir las mujeres es ceder o rendirse por su bienestar, pues de continuar con la disputa las amenazan con

maldiciones o *Juju*<sup>4</sup>. Muchas veces las mujeres son vistas como extrañas en sus propias familias (M. Turay, entrevista transcrita, 2022), los hombres que solo tienen hermanas, asumen que ellos estarán a cargo de la propiedad de sus padres cuando mueran, porque su hermana será la esposa de otro hombre y será parte de su familia (W. Alpha, entrevista transcrita, 2022). Incluso las mujeres con educación formal tienen que pelear, hacer uso de sus redes y recursos para poder acceder a sus derechos. Es mucho más difícil para las mujeres en Wurreh tener la idea de luchar por sus derechos si no tienen acceso a educación superior, ni recursos o redes.

En Wurreh las decisiones individuales no pueden explicarse sin tener en cuenta el marco institucional en el que están insertas, algunas de las costumbres sobre el manejo de la tierra surgieron en un contexto en el que las unidades familiares y los roles de género eran diferentes (las mujeres no trabajaban) (C. Abella, comunicación personal, 2023). Estas formas dejan de tener sentido con los cambios de época, las mujeres empiezan a trabajar y generan sus propios ingresos por lo que no es necesario que se vaya a vivir con su padre si su esposo muere. Ahora, las familias tienden a ser nucleares, por lo que cuando el esposo muere el terreno solo ha sido trabajado por él y su esposa, por lo que sus hermanos ya no tienen derecho ni responsabilidad de ser los nuevos jefes de la familia. Parte de los sierraleoneses han tomado formas que ellos consideran occidentales, como la familia nuclear, y al tiempo han mantenido costumbres que surgieron con otros modelos de familia. Sin embargo, el hecho de que no le alquilen una habitación a una mujer por estar sola se debe, en parte, a que históricamente las mujeres no han podido ni han tenido la necesidad de vivir solas.

#### **4.1.6.1. Planeación periurbana**

La planificación de la ciudad depende en gran medida del ministerio de tierras, quien cuenta con los topógrafos que contribuyen a esta tarea. Los topógrafos determinan la cantidad de terreno que se está vendiendo, establecen las rutas de acceso a las parcelas y determinan si una zona es adecuada para construir. Sin embargo, estos profesionales no cumplen con su trabajo de manera adecuada y se limitan a seguir instrucciones de los propietarios de la tierra, sin asegurarse de que las rutas de acceso sean las adecuadas.

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<sup>4</sup> Juju se refiere a prácticas espirituales o mágicas tradicionales de África Occidental. Se utilizan rituales, encantamientos y talismanes para influir o controlar eventos y personas. Estas prácticas son realizadas por curanderos o practicantes con poderes especiales. También puede referirse a un fetiche o amuleto con poderes mágicos (Ikeora, 2016).

El gobierno y diferentes organizaciones recomiendan tener un plan maestro para el territorio, que incluya futuros desarrollos. Sin embargo, esto suele ser visto como pérdida por los propietarios de la tierra, ya que deben asumir los costos del topógrafo y no ven ganancias a corto plazo. Además, si no tienen suficiente dinero para pagar los servicios del topógrafo, tendrán que ceder parte de su tierra como forma de pago (M. Bangura, entrevista transcrita, 2022). La planificación es un tema que involucra a los dueños de la tierra, y esto es algo que los chiefs deben tener en cuenta. Las instituciones formales no hacen mucho respecto a la planificación por lo que esta tarea suele recaer en los propietarios de la tierra. El PC puede influir en el uso de los terrenos, aunque no tiene poder de decisión en este aspecto (A. Conteh, entrevista transcrita, 2023). Todos los actores involucrados en la planificación de la ciudad tienen un enfoque reactivo para solucionar problemas urbanos, lo que resulta insuficiente para abordar las complejidades de este tema.

## 4.2. Amenazas y oportunidades

Los catalizadores del cambio son las amenazas y oportunidades de los derechos de las mujeres a la tierra. Al identificar amenazas potenciales es posible considerar la mejor manera de mitigarlas y al identificar oportunidades potenciales, se pueden encontrar nuevas posibilidades de proyectos e intervenciones (Doss & Meinzen-Dick, 2020).

### 4.2.1. Reforma legal y de políticas

La Tabla 8 incluye las declaraciones y leyes en el contexto africano y sierra leonés, que afectan la seguridad de la tenencia de la tierra de las mujeres en Wurreh.

Tabla 8. Reformas legales relacionadas con la tenencia de la tierra

Ley o declaración		Principales puntos
<b>Protocolo de Maputo (2003)</b>	En África:	
	-	Derecho de la mujer a ser dueña y heredar propiedades, incluyendo la tierra
	-	Estados se comprometen a garantizar igualdad de derechos de hombres y mujeres en el acceso y control de propiedades
	-	No se traduce en leyes, pero genera presión para reformas nacionales (African Union, 2003).
<b>Ley de devolución de bienes (2007)</b>	En Sierra Leona:	
	-	Protege los derechos de herencia de las mujeres
	-	Cónyuges sobrevivientes de cualquier género tienen derecho a poseer y permanecer en su parcela privada (excepto si es una tierra familiar o comunitaria). Es un delito expulsarlos de su casa.
	-	Hijos e hijas heredan por igual cuando sus padres mueren sin testamento.
<b>Ley de derechos consuetudinarios</b>	-	Protege derechos consuetudinarios sobre la tierra, busca eliminar la discriminación presente en el derecho consuetudinario.
	-	Garantiza la igualdad de derechos de las mujeres a la tierra.
	-	Prohíbe el desarrollo industrial en áreas protegidas, conservadas o ecológicamente sensibles.

<b>sobre la tierra (2022)<sup>5</sup></b>	-	Determina que el desplazamiento y reasentamiento inducido por inversionistas requiere que tengan consentimiento libre, previo e informado de hombres y mujeres de comunidad afectada (Government of Sierra Leone, 2022a).
<b>Ley de la comisión nacional de tierras (2022)<sup>6</sup></b>	-	Centraliza la gestión de tierras
	-	Establece dos organismos: Comisión Nacional de Tierras y Comisión de Tierras de Distritos.
	-	Define la tierra comunal, estatal, familiar y privada, y derechos relacionados.
	-	A nivel local crea los Comités de Tierras de las Jefaturas
	-	Crea el Registro Nacional de Tierras.
		(Government of Sierra Leone, 2022b)

Fuente: Elaboración propia a partir de African Union (2003), Government of Sierra Leone (2007), (2022).

La Ley de Derechos Consuetudinarios sobre la Tierra tiene la intención de promover la igualdad de género y asegurar que las parejas casadas puedan registrar conjuntamente la propiedad de la tierra. Los títulos de propiedad se registrarán ahora a nombre de la familia para garantizar que se requiera el consentimiento tanto del esposo como de la esposa antes de disponer de las tierras de propiedad familiar. Además, esta ley cambia la relación entre el derecho consuetudinario y el estatutario al codificar el derecho consuetudinario (Doss & Meinzen-Dick, 2020), lo que transforma el panorama jurídico de la seguridad de tenencia de las mujeres. El proceso de creación de esta ley demostró que las autoridades tradicionales se sienten desafiadas cuando las autoridades formales crean nuevas leyes, incluso si es para enfrentar violaciones de derechos humanos. En este caso los chiefs se negaron a asistir a reuniones convocadas por autoridades formales, hasta asegurarse que su posición de poder no iba a ser modificada. Bajo esta ley los chiefs mantienen sus roles de asegurarse de que los dueños de la tierra obedezcan las reglas consuetudinarias sobre la tierra. Además, cada vez que el chief firma un documento de venta de tierra recibe dinero (W. Alpha, entrevista transcrita, 2022).

La Ley de Comisión Nacional de Tierras busca alejar los intereses políticos de la gestión de tierras, quitándole a cargos políticos del ministerio de tierras la función de ordenación del territorio. Estos poderes y responsabilidades ahora estarán a cargo de las comisiones de tierras y su implementación será un desafío, que generará conflicto sobre la división de roles y responsabilidades (W. Alpha, entrevista transcrita, 2022). Un posible efecto positivo de esta ley es que debido a que en el proceso de registro de tierras usarán tasadores del suelo para

<sup>5</sup> The Customary Land Rights Act

<sup>6</sup> The National Land Commission Act

establecer el valor de las tierras, esto guiará el precio de la tierra, que actualmente se negocia entre comprador y vendedor.

A pesar de las recientes leyes que otorgan a las mujeres más derechos sobre la tierra, todavía existe desigualdad en la tenencia. Las mujeres desempeñan un papel activo en la producción de alimentos comerciales y para el consumo doméstico. Sin embargo, aún tienen menos probabilidades de ser propietarias o controlar la tierra. Aunque actualmente hay datos rigurosos limitados sobre la propiedad de tierras en función del género, los mejores datos disponibles muestran grandes diferencias entre la participación de las mujeres en la producción agrícola y su propiedad de tierras en la mayoría de las zonas rurales de Sierra Leona. La agricultura emplea a más del 60 por ciento de la población de Sierra Leona y representa casi la mitad de su producto interno bruto, y las mujeres representan aproximadamente el 70 por ciento de la fuerza laboral agrícola de Sierra Leona. Respecto a la tierra en Sierra Leona, la mayoría de las parcelas cultivadas por mujeres a menudo tienen una productividad agrícola más baja que aquellas cultivadas por hombres debido al tamaño, la calidad y la ubicación de la tierra (Turay, 2023).

#### ***4.2.2. Programas y políticas agrícolas***

El Plan Nacional de Desarrollo Agrícola Sostenible 2010-2030 (NSADP) es un instrumento multisectorial que busca ofrecer programas de inversión a corto, medio y largo plazo en el sector agrícola (Republic of Sierra Leone, 2009). El objetivo es garantizar el crecimiento económico y el aumento de los ingresos de los hogares, las empresas y el Estado, para prestar servicios básicos a la población (sanidad, educación, etc.). Este plan está alineado al Programa General para el Desarrollo de la Agricultura en África y está compuesto por cuatro programas de inversión:

- Programa de comercialización de productos básicos dirigido al arroz, mandioca, la ganadería y cultivos de exportación (aceite de palma, cacao, café y anacardo), la pesca y productos forestales.
- Programa de desarrollo de infraestructuras agrícolas.
- Programa de promoción del sector privado.
- Programa de coordinación y gestión del sector.

Es importante añadir que, si en los programas agrícolas no se presta atención a las cuestiones de género, estas intervenciones pueden afectar negativamente a las mujeres. A menos que las mujeres participen activamente en los proyectos y obtengan recursos, es probable que crezcan las brechas de género en la productividad agrícola (Doss & Meinzen-Dick, 2020). Además, la seguridad de la tenencia de tierras puede debilitarse a medida que aumenta la demanda.

#### **4.2.3. *Proyectos de educación y apoyo jurídico***

Los proyectos y programas de educación jurídica pueden diseñarse para fortalecer la seguridad de tenencia de las mujeres brindando información sobre derechos de propiedad. Además, los proyectos pueden brindar apoyo a mujeres que se involucran con los sistemas estatutarios o consuetudinarios en temas de derechos de propiedad. En la tabla 6 se mencionan las principales iniciativas que han ofrecido asistencia y educación jurídica a mujeres sierraleonesas.

**Tabla 9. Iniciativas de apoyo jurídico a mujeres**

Iniciativa	Funciones
<b>Legal Aid Board</b>	Clínicas de asistencia jurídica para proporcionar asesoramiento jurídico, representación y servicios de mediación a quienes no pueden permitirse una representación legal.
<b>AdvocAid</b>	Asistencia jurídica gratuita, integral y específica a niñas y mujeres en conflicto con la justicia. Educación sobre derechos legales y programas de apoyo a mujeres detenidas.
<b>Mejorar el acceso de las mujeres a la asistencia jurídica por ONU Mujeres y Cuenta del Desarrollo de Naciones Unidas</b>	Marco normativo de asistencia jurídica con perspectiva de género, Capacitación de mujeres para que conozcan y exijan sus derechos a través de la asistencia jurídica. Aumento de la capacidad de los proveedores de asistencia jurídica

Fuente: Elaboración propia a partir de (Legal Aid Board Sierra Leone, 2015) (Advocaid, 2021)(United Nations Office on Drugs and Crime, 2021)

#### **4.2.4. *Poder del Estado y conflicto***

La guerra civil de Sierra Leona fue alimentada en parte por acceso desigual a la tierra y las relaciones de poder (Richards et al., 2004), así como por el conflicto por los minerales. Cuando terminó la guerra, miles de sierraleoneses empezaron a volver a casa y encontraron que sus tierras habían sido destruidas u ocupadas. Se cree que de los conflictos y disputas por la tierra durante la posguerra se derivan problemas de adquisición, límites de tierras en disputa, ventas múltiples, documentos fraudulentos, conflictos de autoridades, conversión de uso y la debilidad del sistema de adjudicación de tierras (Moyo & Foray, 2009).

En el postconflicto sierraleonés (2002-2011) las mujeres tenían un fuerte deseo de poder heredar la tierra, pero en muchos casos una continua incapacidad para hacerlo. Esto era importante en el contexto en el que muchos hombres cabeza de familia murieron en la guerra, no podían o no querían regresar a sus lugares de origen (Turray & Unruh, 2006). Gran parte de la situación de la tenencia de la tierra de las mujeres que surgió en la postguerra continúa hasta el momento sobre todo en el norte del país. Aunque han surgido leyes para proteger los derechos de tenencia de las mujeres en la práctica no siempre se cumple.

Una oportunidad que surgió para la tenencia de la tierra fue la posibilidad de que grupos de mujeres agricultoras y cooperativas con apoyo de donantes tuvieran la posibilidad de obtener tierras para actividades agrícolas. Los grupos se dirigían al PC con la solicitud de tierras, quien luego contactaba a varios propietarios con la solicitud de préstamo o alquiler.

#### **4.3. Arena de acción: actores y recursos**

La arena de acción<sup>7</sup> es el contexto donde actores involucrados en el fenómeno movilizan sus recursos para influir en el cambio. Entre los actores se encuentran las mujeres a las que su seguridad en la tenencia de la tierra está siendo analizada y cualquier actor cuyas acciones afecten la seguridad de la tenencia. Es importante identificar los roles que tienen los actores y sus intereses, así como riesgos y oportunidades que representan para la seguridad de la tenencia y los incentivos que tienen para comprometerse (o no) a mejorarla.

Puede ser útil clasificar a los actores en internos (afectados directamente) y externos (tienen influencia, pero no son directamente afectados). En la tabla 7 se observa que la identificación de los actores clave y los recursos que movilizan proporciona información importante sobre los procesos y los incentivos para el cambio.

El actor principal son las mujeres de Wurreh, el rol que pueden tener en la tenencia es importante. A pesar de las limitaciones del contexto, algunas mujeres tienen cierta posición de poder (y recursos) como la chairlady o las mujeres involucradas en la MGF. Sin embargo, las mujeres siguen siendo consideradas propiedad de los esposos (McFerson, 2012). También están las mujeres miembros de las familias dueñas de la tierra que tienen mayor seguridad en la

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<sup>7</sup> El término Arena de acción es tomado del modelo de análisis en el que se basa el estudio de caso (Doss & Meinzen-Dick, 2020)

tenencia debido a las familias a las que pertenecen, aunque no viven en Wurreh. Estas mujeres pueden tener una mayor influencia debido a su cercanía con chiefs y dueños de la tierra.



Tabla 10. Arena de acción

Persona o institución	Rol que tienen o pueden tener	Intereses	Riesgos y oportunidades	Incentivos/falta de ellos	Recursos
Actores internos					
Mujeres de Wurreh	Consideradas propiedades de los esposos (McFerson, 2012). Su rol depende de su relación con hombres: hija, hermana, esposa, madre.	Proveer comida para su familia.	O: Posibilidad de utilizar sociedad secreta para luchar unidas por sus derechos a la tierra.	I: Posibilidad de gozar de los mismos derechos a la tierra que los hombres.	Mujeres que realizan MGF tienen recursos y posición de poder. Mujeres más jóvenes tienen educación formal.
Actores externos					
Hombres de Wurreh	Pueden aplicar las leyes que favorecen la tenencia de las mujeres en su entorno inmediato.	Tener mayores ingresos.	R: No respetar los derechos a la tierra de las mujeres en su familia y comunidad.	I: Seguridad de familia nuclear. FI: Posibilidad de perder dominio sobre la tierra.	Mayor apoyo social que las mujeres.
Familias Dueñas de la tierra	Son los dueños de la tierra.	Proteger el legado para su familia y su influencia.	O: Ceder o vender su tierra de igual forma a hombres y mujeres.	FI: No pueden perder la tierra porque le pertenece a su futura descendencia y antepasados.	La tierra, la influencia de su apellido, rol importante en la toma de decisiones.
II: Paramount Chief y otros chiefs	Custodios de la tierra. Resolución de conflictos.	Velar por la comunidad. Mantener sus privilegios.	R: Perpetuación de normas y prácticas patriarcales que priorizan que los hombres tengan los derechos de acceso a la tierra. R: Potencial abuso de poder. O: Defensa de los derechos de las mujeres.	I: Reconocimiento y respeto, acceso a recursos y financiamiento, apoyo político y social, mejora de la economía. FI: Pérdida de apoyo político y social, cambio en normas tradicionales que sustentan su posición de poder.	Poder político. Posición social. Habilidades para hablar en público. Comprensión profunda de la cultura.
II: Sociedad secreta Bondo	Enseñar a las mujeres a comportarse y definir sus roles y valores. Las líderes Bondo generan ingresos para los PC y se	Continuar con sus tradiciones, incluyendo rituales de iniciación. A las líderes Bondo les interesa seguir teniendo	R: Perpetua sistemas tradicionales de tenencia al reforzar roles tradicionales de género. (Bosire, 2012b)	FI: Cambio de lo que significa ser mujer en la sociedad sierraleonesa.	Apoyo del poder formal e informal. Respeto de la comunidad.

	apoyan en ellos para hacer cumplir reglas de la sociedad. (M'Cormack-Hale, 2017)	influencia, acceso y recursos.			Representan la tradición.
IF: Ministerio de tierras, ordenación del territorio y medio ambiente	Registra compras de tierra en su base de datos. No puede prohibir compras de tierras.	Administrar y planificar el uso de la tierra y gestionar el medio ambiente (Government of Sierra Leone, 2010)	O: El ministerio está encargado de hacer cumplir las leyes que protegen la tenencia de la tierra de las mujeres. R: No tienen poder real en las zonas rurales del país.	I: Reconocimiento internacional FI: No se encuentra entre las funciones que realmente tiene.	Educación formal.
ONGs y actores de desarrollo	Ofrecer asesoría legal a las mujeres sobre sus derechos de tenencia. Realizar proyectos que incluyen tenencia de la tierra y expansión rural.	Mejorar la seguridad de la tenencia de la tierra de las mujeres en Sierra Leona.	O: Colaboración de actores locales con actores externos. O: interés en los derechos de tenencia de las mujeres. R: Poco conocimiento de IF e II y su funcionamiento real. R: Limitaciones de tiempo y dinero en los proyectos.	I: Mejorar la distribución de la tierra en Sierra Leona. I: Compensar los vacíos de conocimientos de arquitectura y planeamiento urbana (Perea, 2021a). FI: La dificultad que conlleva generar un cambio siendo un agente externo.	Fondos económicos. Educación formal.
Abreviaturas: II: Instituciones Informales IF: Instituciones Formales R: Riesgos O: Oportunidades I: Incentivos FI: Falta de Incentivos					
Fuente: Elaboración propia basada en (McFerson, 2012; M'Cormack-Hale, 2017; Bosire, 2012b & Government of Sierra Leone, 2010.					

El apoyo de los hombres de Wurreh es fundamental para que las mujeres puedan gozar de una tenencia de la tierra más segura, pues debido a su posición social, gran parte del cumplimiento de los derechos de las mujeres recae sobre sus hombros. Esto debido a que como se ha mencionado antes muchos de los derechos de las mujeres dependen de sus vínculos con hombres, incluso con la existencia de leyes que reconocen estos derechos. Un incentivo que pueden tener los hombres es que aquellos a quienes les interese que su familia nuclear tenga de forma cabal los derechos sobre la tierra, probablemente apoyarán y defenderán los derechos de sus esposas. Sin embargo, el riesgo para los hombres es que, si las mujeres adquieren derechos sobre la tierra, ellos pueden perder dominio. Las familias dueñas de la tierra tienen también la posibilidad de asegurarse de que los derechos de las mujeres se cumplan en las parcelas que les pertenecen, aunque lo harán solo hasta el punto en que no ponga en riesgo la tenencia de sus propios terrenos.

Los chiefs como custodios de la tierra son titulares de deberes de los derechos de las mujeres a la tierra, sin su apoyo, es casi imposible que la situación mejore. Aunque su misión es cuidar de la comunidad lo hacen desde una perspectiva patriarcal basada en que los hombres tienen mayor estatus que las mujeres y por tanto merecen más derechos. En principio a los chiefs no les interesa el cambio del estatus quo pues están en el punto más alto de la pirámide, pero si lo hacen sería por los beneficios externos que les traería en forma de reconocimiento, apoyo político y recursos económicos. Al igual que todos los actores que se benefician de la situación actual de la tierra en el país, van a oponerse a cambios que puedan percibir como perjudiciales para ellos.

Debido a que la sociedad Bondo es secreta, es difícil dimensionar con exactitud su influencia en la seguridad de la tenencia de la tierra de las mujeres. Es posible dilucidar algo al observar con quienes se relacionan las líderes de esta sociedad y cómo se mueven los recursos que reciben por cada mutilación, que generalmente le entregan a los Paramount chiefs para que estos las apoyen en hacer cumplir las reglas de la sociedad (M'Cormack-Hale, 2017). Podría afirmarse que la sociedad Bondo está vinculada al control de la tierra, pues la sociedad se utiliza como medio para perpetuar sistemas tradicionales de tenencia al reforzar roles tradicionales de género (Bosire, 2012a), por lo que un cambio en los derechos de tenencia influiría en la identidad de las mujeres.

El ministerio de tierras tiene la responsabilidad de hacer cumplir las leyes que protegen la tenencia de la tierra de las mujeres como representante del gobierno en este ámbito, sin embargo, esto sólo lo pueden hacer con la ayuda de los chiefs pues no tienen poder real en las provincias del país. El rol de las ONGs y actores de desarrollo es importante en cuanto a la formación de la conciencia de la sociedad en general, y de las mujeres, en particular, sobre sus derechos y en la realización de proyectos que tengan este fin o estén alineados al mismo, para lo cual deben contar con el apoyo de los actores anteriormente mencionados.

Este análisis puede ayudar a identificar qué intervenciones podrían ser necesarias y determinar qué esfuerzos invertir en las mujeres, en cambiar el sistema, o en actuaciones que puedan implementarse para lograr cambios a largo o medio plazo.

#### 4.4. Resultados: seguridad de la tenencia de las mujeres

De acuerdo con la evidencia analizada en el presente análisis de caso, es posible considerar en Wurreh las dimensiones de seguridad de tenencia de la tierra mencionadas en la sección teórica y conceptual del presente trabajo. Los resultados clave, reflejados en la tabla 11, influyen en el contexto afectando los derechos de tenencia de las mujeres en el futuro.

Tabla 11. Componentes de la seguridad de la tenencia de la tierra en Wurreh

Integridad del conjunto de derechos	Duración
Las mujeres en Wurreh no gozan de todo el conjunto de derechos a la tierra.	Las mujeres en Wurreh tienen derecho a la tierra mientras pertenezcan a la familia a la cual le fue cedida el terreno. Si se divorcian o su esposo muere estos derechos pueden verse afectados. El periodo de tiempo en el que tendrán estos derechos no es conocido. Si las relaciones que otorgan el acceso de la tierra de la mujer no cambian, no existe otra fuente de incertidumbre sobre ese derecho.
Solidez	Derechos individuales o compartidos
Las mujeres en Wurreh tienen conocimiento de sus derechos tradicionales y en menor medida conocen las leyes formales que defienden los derechos de la mujer a la tierra. Los derechos que no tienen o están bajo amenaza no son exigibles. En la medida en que las mujeres tengan autonomía económica y conocimiento de los marcos legales formales e informales serán conscientes de sus derechos.	Los derechos de la tierra en Wurreh son asignados a familias y a apellidos. Lo que dificulta la distinción de los derechos individuales, especialmente los de las mujeres.

Elaboración propia basado en: (Place et al., 1994) y Doss & Meinzen-Dick (2020).

Tal como se puede observar en la tabla 11, la duración de los derechos de las mujeres a la tierra depende de sus relaciones con padres o esposos, el nivel de solidez es bajo y depende de la

consciencia que tengan las mujeres de sus derechos y de los recursos y apoyo con los que cuenten para exigirlos. La mayoría de los derechos sobre la tierra que tienen las mujeres en Wurreh se debe a que son derechos compartidos, no derechos a los que tengan acceso por ser individuos.

Para ahondar en el componente de la integridad del conjunto de derechos de las mujeres en Wurreh y saber con cuántos derechos a la tierra cuentan se realizó la tabla 12, partiendo de las entrevistas realizadas y del grupo focal, y tomando como base los marcos de tenencia de la tierra de Schlager y Ostrom (Ostrom & Schlager, 1992) y el Sistema de Derecho Romano, descrito en la tabla 12.

Tabla 12. Acceso y tenencia de la tierra de las mujeres en Wurreh

Situación	Derecho	Realidad
Acceder	Derecho de acceso	Las mujeres en Wurreh tienen derecho a estar en las parcelas de sus familias.
	Derecho de retiro	Pueden tomar agua del terreno, pero los frutos de los árboles dependen de si su familia los plantó o estaban ahí antes.
Excluir	Derecho de exclusión	Pueden evitar que otras familias usen su parcela, excepto las familias dueñas de la tierra.
Comprar	Derecho de igualdad de género	Según las mujeres en Wurreh, una mujer puede comprar. Mary Turay profesora y activista, menciona que las mujeres no son tomadas en serio y pueden ser robadas si compran una propiedad solas, siempre debe ir un hombre que negocie en su lugar.
Alquilar	Derecho de igualdad de género	En Wurreh no le alquilan una propiedad a una mujer que no tenga esposo. Esto lo hacen porque creen que, si una mujer renta un lugar sola, llevará muchos hombres, lo cual es mal visto en Sierra Leona.
Heredar	Derecho de Transferencia	La comunidad acepta el derecho de las viudas a heredar el usufructo de la parcela en la que vivía su esposo. En Wurreh hay viudas que viven en las parcelas en las que vivían sus esposos. Ellas saben que pueden quedarse allí y nunca han dejado de pertenecer a la familia de su esposo. En otros casos, se justifica que una viuda se vaya de la parcela de su esposo a vivir con sus padres, porque no genera ingresos y por lo tanto debe estar con algún hombre que se haga cargo de sus gastos.

Fuente: Elaboración propia a partir de Grupo Focal.

Las mujeres se acercan al conocimiento de sus derechos respecto a la tierra cuando empiezan a trabajar y tener ingresos, lo que las distancia del rol tradicional femenino. Hoy las mujeres trabajan más, lo cual es apoyado por la ley<sup>8</sup> firmada en enero 2023 que ordena que al menos el 30% de la fuerza laboral debe estar compuesta por mujeres (Government of Sierra Leone, 2023). El trabajo conlleva la expansión de sus horizontes y el acceso a nueva información que incluye el conocimiento de sus derechos. Este escenario se ve influido por la ubicación geográfica de Wurreh, al encontrarse cerca de Makeni, una ciudad intermedia, y del campus

<sup>8</sup> The Gender Equality and Women's empowerment Act, 2022 (GEWE)

universitario de Yoni, donde se imparte la carrera de derecho, las mujeres tienen mayores probabilidades de informarse (Beaning, 1998).

Las mujeres entienden cómo funcionan los derechos tradicionales de tenencia, y saben del cambio en sus derechos, en el grupo focal afirmaban que ahora pueden comprar propiedades, algo que antes estaba prohibido; que los hijos eran quienes heredaban todo y ahora si pueden heredar. En el grupo focal se menciona que cuando los hermanos no quieren entregar la parte que le corresponde a su hermana, el conflicto llevar a enfrentamientos violentos y la muerte. Sin embargo, hay cierta confusión identificando al dueño de la tierra y algunas dicen que el chief es el dueño (A. Koroma, comunicación personal, 2022).

#### **4.5. Discusión del estudio de caso**

El presente estudio de caso permite entender cómo la interacción entre instituciones ha derivado en la situación actual de las mujeres respecto a la tierra en el caso de Wurreh. Al distribuir los recursos de forma desfavorable para ellas las instituciones son responsables de la escasa seguridad de tenencia de la tierra que tienen las mujeres de esta comunidad.

La multiplicidad de estructuras genera inseguridad y contradicciones para acceder a la tierra. En Wurreh, los ciudadanos enfrentan múltiples complejidades debido a la existencia de múltiples estructuras y disputas entre IF e II teniendo que cumplir en ocasiones el doble de requisitos burocráticos y económicos (Kaufmann et al., 2018), lo que aumenta la dificultad del proceso y el acceso de la población más vulnerable. Las mujeres, enfrentan además el desafío de no ser tomadas en serio o que roben su dinero a menos que un hombre las represente durante todo el proceso puesto que éstos han de estar presentes en el proceso de negociación.

Los marcos utilizados en la categorización de las relaciones institucionales en el estudio de caso fueron útiles para entender que estas relaciones pueden tener distintas facetas, además de efectos positivos y negativos que pueden variar en el tiempo. Con la introducción de leyes formales que buscan fortalecer los derechos de las mujeres y que incluyen la creación de comisiones de tierra a nivel nacional, regional y de jefaturas (ver 4.2.1), las relaciones institucionales adquirirán un papel crucial en la seguridad de la tenencia. Gran parte del cumplimiento de estas leyes formales dependerá de las autoridades tradicionales, y de la fluidez de la relación institucional entre instituciones formales e informales, y del conocimiento que las mujeres tengan de sus derechos. Para que las comisiones de tierra de las jefaturas implementen la ley formal y sigan las instrucciones de la comisión nacional, que incluye

mantenerla al tanto de lo que sucede en cada distrito, se requiere de una relación transparente y de cooperación. Para lo cual es necesario destinar medios y recursos a ello.

Para garantizar esta relación, es necesario que la faceta complementaria de la interacción institucional se intensifique. Teniendo en cuenta que las instituciones informales llegan a donde las instituciones formales no lo hacen, es necesario que haya una relación colaborativa. Las II son importantes porque conocen a las comunidades y a la población que forma parte de ellas a fondo y reflejan tradiciones que constituyen la identidad de los sierraleoneses, mientras que las IF lo son porque tienen recursos y el reconocimiento de la comunidad internacional.

La tenencia de la tierra en el caso de las mujeres se ha visto afectada por las relaciones institucionales en su faceta competitiva, pues las reglas tradicionales han ido en contra de las formales en el ámbito de los derechos a la tierra.

Los datos recogidos y expuestos en los apartados previos llevan a la afirmación de que la creación de las leyes formales en Sierra Leona, debe ir acompañado de un componente educativo especialmente en provincias. Las personas deben entender el motivo, las aplicaciones y la forma en que la ley los afectará (que incide en aspectos de su vida cotidiana). La realidad es que debido al bajo nivel de educación y alfabetización, llega desinformación, con sesgos marcados por intereses varios, que predispone fácilmente a la comunidad antes de que la ley se haya implementado (W.Alpha, entrevista transcrita, 2022). Es fundamental que las leyes, políticas y programas fomenten la capacitación adecuada de los empleados de las instituciones formales, de manera que comprendan la realidad del país y puedan aplicar la teoría en la práctica. En línea con esto, es necesario promover la comunicación efectiva de los cambios legislativos por parte de los líderes formales e informales, además de generar conciencia dentro de las comunidades acerca de los derechos de las mujeres en relación con la tierra. Esto contribuirá a corregir las contradicciones existentes y garantizar la aplicación justa y equitativa de las leyes para todos los ciudadanos.

En este contexto, la ley de la tenencia consuetudinaria de la tierra (The Customary Land Rights Act) busca codificar y formalizar las instituciones informales, otorgándoles un estatus formal a las leyes de tierra en las provincias. Aunque estas leyes y otras tienen aspectos positivos y son un buen comienzo, y un paso en la dirección correcta, no son suficientes para cambiar. Desde su formulación se supo que no cambiarían el estatus quo de los paramount chiefs y chiefs. Los hombres siguen teniendo ventajas en términos de derechos a la tierra ya que, la

tendencia a no respetar los derechos de las mujeres tiene raíces culturales profundas. Aunque existan leyes que protegen la seguridad de la tenencia, será importante monitorizar su implementación, sobre todo después de las elecciones presidenciales, parlamentarias y de consejos locales, que tendrán lugar en junio 2023.

Incluso en contextos donde las leyes formales son progresistas, se necesitan intervenciones específicas para fomentar la adaptación del sistema legal consuetudinario y garantizar el cumplimiento de los derechos de las mujeres. Por ello es importante que haya un trabajo colaborativo a largo plazo enfocado a transformar leyes tradicionales (a través de la interpretación, revisión, enmienda y/o derogación) que discriminen a las mujeres y limiten o atenten contra el acceso, uso y control de la tierra. Se debe también garantizar que todos los mecanismos de justicia respeten, protejan y cumplan los derechos de las mujeres a la tierra, además de apoyarlas para que reivindiquen sus derechos y puedan cuestionar los aspectos discriminatorios que las afectan (United Nations. Office of the High Commissioner for Human Rights & Women, 2020).

Respecto a la titulación, estrategia ampliamente usada en países con problemas similares, y presente en las nuevas leyes del país, esta no es efectiva por sí sola en el contexto de Wurreh. En las nuevas leyes se establece que las parejas pueden registrar conjuntamente su tierra para que sea necesaria la autorización de ambos esposos cuando se vaya a disponer de la misma. Un paso positivo hacia la inclusión de las mujeres en la toma de decisiones, pues también puede beneficiar a las mujeres en caso de muerte de su pareja. Sería útil que la ley también incluya a las hijas para que puedan heredar lo que les corresponde. Sin embargo, esta titulación no va enfocada a reconocer la tenencia de las mujeres como individuos sino como parte de un vínculo familiar. Vale recordar que para que las titulaciones funcionen deben ser legitimadas por instituciones formales e informales y para ello es necesario un cambio en el contrato social que considera a las mujeres un bien accesorio y no individuos de derechos.

En este sentido, es importante que el ministerio de tierras asuma un rol más activo en la planificación a nivel nacional y local, y busque la manera de reservar terrenos para uso público. Los propietarios de la tierra no siempre cuentan con los conocimientos o habilidades necesarias para llevar a cabo esta tarea de manera efectiva, por lo que se requiere de una mayor intervención por parte de las autoridades competentes. Por otro lado, se necesita una hoja de ruta para la implementación de las nuevas leyes de la tierra (presentadas en 2022) con fechas



límites de la transferencia de responsabilidades entre el ministerio de tierras y las nuevas comisiones.

Para garantizar la transparencia y responsabilidad en el gobierno es fundamental el establecimiento de estructuras independientes. Por ejemplo, una cámara del parlamento puede discutir y proponer sus propias iniciativas sin la influencia de los chiefs u otros miembros del gobierno (W. Alpha, entrevista transcrita). La mezcla de chiefs y los miembros electos del parlamento puede llevar a favoritismos y decisiones poco transparentes que generan desventajas para los ciudadanos.

Como limitaciones del presente estudio de caso se encuentran algunas limitaciones relacionadas especialmente con las instituciones informales. La influencia de sociedades secretas en la cultura, por ejemplo, resulta difícil captar desde una perspectiva externa; la falta de registro escrito de las autoridades y leyes informales y por lo tanto ausencia de datos (Sesay, 2019) restringe la capacidad de realizar comparaciones con referentes internacionales o de la región, lo que deja un vacío de información e impide comprender plenamente las dinámicas y el impacto de las II en la sociedad en general. Además, cambios políticos y económicos, barreras del idioma y diferencias culturales también requieren de una caracterización adicional que escapa al alcance de este trabajo. Respecto al idioma se identificó que el uso de traductores y el bajo nivel de inglés de algunos entrevistados representaron obstáculos para la comunicación. Por más fiel que sea la interpretación del discurso, se pierden matices y significados en el paso de una lengua a otra, más cuando las culturas del entrevistador y entrevistado son tan diferentes. Este tipo de análisis requiere una mayor profundidad y años de inmersión en la comunidad.

Finalmente, hay una noción generalizada del cambio de derechos de las mujeres respecto a la tierra, todas las personas entrevistadas hicieron énfasis en el cambio de la situación: antes estaba prohibido que las mujeres fueran dueñas de la tierra, ahora no. Esta noción de llegada o techo de la evolución de los derechos de las mujeres puede ser contraproducente. Muchas personas consideran que el cambio ocurrido en los últimos años en Sierra Leona es suficiente porque *“ahora los hombres y las mujeres tienen los mismos derechos a la tierra”*. Esto generalmente viene acompañado de situaciones en las que las experiencias de discriminación se minimizan y no se perciben como una desigualdad de género estructural, lo que va en línea con el deseo de presentar el contexto propio como libre de discriminación de género. Esta situación puede relacionarse con el concepto conocido como *Gender Fatigue*, la idea de que se

reconoce la posibilidad de discriminación de género, pero se ve como algo que se ha abordado y que ya no es relevante para la vida diaria, se cree que se ha logrado la neutralidad de género (Kelan, 2009).

Esta creencia, presente en hombres y mujeres, limita la posibilidad de mejorar la situación actual, empuja al conformismo y excluye del escenario político y social la posibilidad de avanzar en otras dimensiones de derechos de los y las ciudadanas de Sierra Leona.

Esto generalmente viene acompañado de situaciones en las que las experiencias de discriminación se minimizan y no se perciben como una desigualdad de género estructural, lo que va en línea con el deseo de presentar el contexto propio como igualitario en cuanto al género y libre de discriminación de género. Esta situación está relacionada con el concepto conocido como Gender Fatigue que encapsula la idea de que se reconoce la posibilidad de discriminación de género, pero se ve como algo que se ha abordado y que ya no es relevante para la vida diaria, donde se cree que se ha logrado la neutralidad de género (Kelan, 2009).

El avance ocurrido no garantiza la integridad del conjunto de derechos para las mujeres de Wurreh y de Sierra Leona, más bien abre la discusión sobre las necesidades que se tienen como sociedad de crear espacios de formación y transformación del rumbo de sus propias comunidades.

## **5. CONCLUSIONES**

Como país, Sierra Leona se caracteriza por tener una fuerte dualidad institucional que data de tiempos coloniales y está relacionada con el debilitamiento de las capacidades del Estado y la distribución arbitraria de la tierra, ambas desconectadas de la forma de vida y el uso local del suelo. Una dualidad dinámica donde las relaciones de las instituciones formales e informales se encuentran en un momento de transformación que puede tener profundas implicaciones en la seguridad de la tenencia de la tierra de las mujeres de Wurreh.

Debe tenerse en cuenta que el cambio de las instituciones informales es lento e incremental y puede ser influido por el cambio en las instituciones formales. En el caso de Wurreh, el cambio de las leyes formales que estipulan los derechos de las mujeres sobre la tierra, podría en el largo plazo, generar algún cambio en las instituciones informales a favor de una tenencia de la tierra más equitativa.

Recordando la influencia de doble vía existente entre las instituciones y los actores. Puede observarse que, las condiciones de acceso de las mujeres a la tierra han pasado por un cambio, influido por el contexto institucional del país, aunque todavía está lejos de garantizarse su seguridad. Esto debido a la naturaleza de las instituciones informales, que pueden determinar el tipo de relación institucional, además de otros factores como falta de formación de las autoridades y personal de ambas instituciones, y falta de interés de los titulares de deberes (chiefs y personas de influencia) en un cambio más profundo. En Wurreh, es fundamental que la comunidad apruebe que las mujeres tengan acceso a sus derechos sobre la tierra, es la mejor manera de asegurarse que estos derechos serán defendidos y garantizados. Además de ser una condición necesaria para el desarrollo sostenible de la aldea.

Las políticas y leyes de la seguridad de la tierra deberían tener en cuenta cada uno de los componentes de seguridad de la tenencia. Las leyes deben realizarse pensando en la realidad de las provincias, lo que puede ser difícil de lograr si se hacen desde la capital, un lugar radicalmente diferente al resto del país, incluso por las leyes que lo rigen. Establecer reglas formales sobre la tierra (como reglas para comerciarla) en Sierra Leona es especialmente complejo debido al inmenso valor cultural que tiene para los sierraleoneses y la responsabilidad que sienten de cuidarla por sus antepasados y futuras generaciones. Por lo que los cambios no pueden provenir solamente de modificaciones en las leyes formales.

Sin embargo, el cambio no se conseguirá solamente desde la legislación. Es esencial que las mujeres de Wurreh reciban educación jurídica y estén actualizadas sobre sus derechos respecto a la tierra, esto también aplica para los miembros de ambas instituciones. La disposición de los líderes formales e informales y de todos los hombres es fundamental para que las mujeres puedan acceder y mantener sus derechos sobre la tierra. Además, deben invertirse recursos en la formación de personal técnico para que los órganos del gobierno cumplan con sus responsabilidades de estudio y manejo de tierras. Por otro lado, es importante que sigan existiendo foros de debate que cuestionen la posición de la mujer, tal como lo hizo el proyecto de Ciudad Experimental.

El presente trabajo buscó evaluar la influencia de las relaciones institucionales en las dinámicas de acceso a la tierra y resaltar la situación de las mujeres en la aldea de Wurreh en Sierra Leona. Partiendo del neoinstitucionalismo histórico para analizar las relaciones entre instituciones formales e informales y su evolución, y como respuesta a la pregunta ¿Cómo afecta la relación de las instituciones formales e informales la seguridad de la tenencia de la tierra de las mujeres

de la aldea de Wurreh? Se encontró que las relaciones institucionales en su faceta competitiva limitan la tenencia de la tierra de las mujeres, esto se debe a que las leyes formales e informales difieren en este ámbito. Las leyes formales establecen (aunque sólo recientemente) los derechos de las mujeres a la tierra. Sin embargo, las leyes tradicionales no contemplan estos derechos. Esto se debe a que existe una relación competitiva entre las instituciones formales e informales por lo que las primeras no pueden superponerse o desautorizar las últimas. Por lo que en el caso de Wurreh se hace necesario implementar un cambio en las instituciones informales para atender esta situación. En este sentido, si la relación institucional fuera complementaria las leyes formales que protegen derechos de las mujeres a la tierra lograrían superponerse a las informales. Conviene entonces que la relación institucional deje de ser competitiva y se dirija hacia la faceta complementaria donde las II tienen los mismos objetivos que las IF, en este caso asegurar la tenencia de la tierra de las mujeres. De esta manera las II pueden seguir llenando los vacíos dejados que las IF no alcanza a cubrir. Es menester que los sistemas institucionales evolucionen al punto de que su coexistencia asegure el cumplimiento de estos derechos y que las instituciones trabajen en conjunto para dicho fin.

En Wurreh los tipos de interacción institucional son competitiva, sustitutiva y complementaria. El acceso y tenencia de la tierra de las mujeres en Wurreh depende de vínculos con familiares, vecinos y dentro de la comunidad secreta, además de su rol dentro de la familia por lo que la seguridad de la tenencia es débil. Por su parte los patrones de dualidad institucional, la distribución inequitativa de la tierra con base en género, los tipos de interacción institucional mencionados y la influencia de relaciones institucionales en relación con el acceso y tenencia de la tierra para las mujeres (con cambios menores) han estado presentes desde tiempos coloniales hasta el presente.

De manera que se confirma la hipótesis respecto al tipo de interacción entre instituciones formales e informales que limita los derechos de acceso a la tierra de los sierraleoneses, en especial cuando se es mujer.

### **5.1. Líneas futuras de trabajo**

Este trabajo presenta un análisis importante de la interacción entre las instituciones formales e informales y su impacto en la seguridad de la tenencia de la tierra de las mujeres en la aldea de Wurreh en Sierra Leona. Permite establecer una aproximación para entender el fenómeno desde el neoinstitucionalismo histórico y la aplicación de un modelo de análisis de seguridad de la

tenencia que permite generar una perspectiva del estado de la cuestión en el contexto sierraleonés pero que posiblemente puede ser implementado en contextos de otros países africanos o similares.

Futuros trabajos podrían enfocarse en profundizar en las fuentes de cambio y estabilidad institucional que surgen de la interacción institucional. Además, sería interesante explorar la evolución institucional de los países donde la dualidad institucional es fuerte. Otro elemento de interés que resulta importante luego de realizar el presente estudio de caso es el análisis del rol de las instituciones en estudios comparativos con otras regiones del país y otros países que comparten diferentes sistemas de tenencia. A este respecto el presente trabajo realiza una importante primera aproximación.

Finalmente, sería relevante revisar cómo la etnia y la sociedad secreta (tanto la de mujeres como de hombres) influyen en las instituciones e impactan la tenencia de la tierra de las mujeres. Estos temas podrían contribuir a una mejor comprensión de la interacción institucional y la seguridad de la tenencia de la tierra en contextos similares al de Wurrah y abonar el camino para la transformación de sociedades en una dirección más equitativa y de justicia social.

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## 7. ANEXOS

### 7.1. Anexo 1. Entrevista semiestructurada sobre instituciones y acceso a la tierra en Wurreh, Sierra Leona.

#### **Interview for chiefs, members of ruling families, formal and informal authorities.**

Objective: understand the relationship between formal and informal institutions in Sierra Leone, specifically in Makeni and Wureh.

1. What is a customary institution for you? What is a formal institution? (What is the main role of formal institutions? What is the main role of informal institutions?)
2. What relationship do you have with them?
3. How would you define the relation between the customary institutions and the formal institutions?
4. Do you think the formal institutions and the customary institutions have the same objectives? Why?
5. Do you think the customary institutions and the formal institutions are both necessary? Why?
6. What are the main advantages and disadvantages of having a dual institutional system? (What works well and what doesn't)
7. What do you think is the main problem that formal and informal authorities face in Sierra Leone?
8. How do you think the institutions in Sierra Leone should evolve? Which situation would be ideal?
9. Question related to Land tenure. How are the institutions and the access to land related? What influence have the formal and informal institutions on the access to land?
10. Do you think a change is needed in the management of access to land in Sierra Leone?
11. Which rights do women have in regards to land tenure? What is your perspective about it?

## 7.2. Anexo 2. Transcripciones de entrevistas

- a. Section Chief Alimamy Fornah (Informal Inst.)
- b. Section Chief Alimamy Conteh (Informal Inst.)
- c. Professor Mary Hawa Ture (Formal Inst.)
- d. Professor and former politician William Alpha (Formal Inst.)
- e. Mohamed Bangura (Both)
- f. Ibrahim Jallou (Formal Inst.)

- a. Alimamy Fornah of Masuba section. Gbanti chiefdom- Bombali District

### 1. What is a customary institution for you? What is a formal institution? (What is the main role of formal institutions? What is the main role of informal institutions?)

Customary law is everything in our community and our villages. When you go against them, the law will take action. The customary law small difference with the traditional law. The traditional law is set within community.

### 2. What relationship do you have with them? 3. How would you define the relation between the customary institutions and the formal institutions?

With the city council we interact when they have a project for implement. They inform the local authorities. The council will want to have a meeting with us. They teach us how is the project before the implementation. We have good relationship with the local Authority and the city council and the District Council.

### 4. Do you think the formal institutions and the customary institutions have the same objectives? Why?

Similarly similarly. Yes, sometimes sometimes similary of course sometimes sometimes. They all agreed, as a chief they make a document. they decide section chief even the leaders (oporo) community.

### Is there an example in which formal and informal institutions disagree about any topic?

The city council came to the Paramount Chief and the paramount chief contacted the section chief, because that is a building along kabalahi, inside the swamp. And the government they are against that. whenever that issue. The district council They want to take action against the Paramount Chief, why the paramount chief sit down, see this thing, they go on in the chieftom they dont make a move.

Sits down with the very people that are building the house, come to the conclusion that there's no way, no business to take place at that point. So we move there from the chief barrier, came to the sites, we put our flag there, that local flag to stop in the work. and they obey.

How do you think the institutions in Sierra Leone should evolve? Which situation would be ideal?

Whenever we sit down. no understanding of each other. there's need of improvement. whenever one understand oneself. Problem takes place. Lacking understand and misunderstand within ourselves. that take place.

How do you communicate with the city council?

We use a a chairman. So whenever we see a problem that concerns with the community with the council and communicate with him, and they come immediately. When I communicate, they will come and see the problem, and call the community and sit down and discuss on that issue. yeah, there's good communication.

## LAND

Sierra leonean as you in 49, came inside salon to buy a land. I, im a land owning family. whenever you want to buy land you came to the family, negotiate, come to the conclusion, the buyer make a document, the first person to sign on that document is **the regional surveyor for the land**. Puts down the signature, after that come to the Land Owning Family that sells the land to you. A lot of family people. The heads of the family must their signature. after that the section chief has to sign. after that I take you to the paramount chief. After that I take you back to the district council (chairman or deputy chairman) to pen down their signature.

They bought the land from the Kamara family. The Ministry of Lands doesn't have the power to forbid or stop purchases of land ( they can only put their stamp of approval). There are some areas (like swamps, government owned land) in which the ministry can stop land from being bought.

The government has land. whenever they want to make a development in the community, they just come ask the authority. There are some areas that are guarded by the government from a long time ago.

Someone else intervenes: one of my sister bought a land around the year 2000. But she has not been able to construct anything in that land why and now because she's living in the US and all and she wasn't able to come and do all of stops most still thinking the land is intact not knowing that that land belongs to the government. But who do the sales of that land was, is the Paramount Chief in Makeni. She went to the land and the **Senior District officer** the SDO so that clearly that this land is government land. They told her, this place is not residential this is a government owned place.

In this case, the government decides the ownership of that land. The SDO presides over matters that have to do with chieftancy elections, land. He's a liaison officer between the government and the local authorities. If the government and the paramount chief dont agree over Land, the government superseizes the paramount chief. so the paramount chief always goes in line with what the government says.



(shows property document)

Why the people in the document, being from the same family have different surnames?

Whenever you (male) and I(female) belong to the family that owns that property, you marry. Whenever I want to sell that land I have the right because that land belongs to our fathers.

(Is the land still mine even if I am a woman?)

yes, it belongs to the family. What about to sell that plan You don't know you have the right. If I sell without calling you, you can sue me.

Who decides the price of the land?

The families.

Is there a guide or a reference or is it just arbitrary?

The families negotiate the prices. There's no fixed price, depends on the negotiation. (the price is not on the paper)

## **WOMEN**

if I (woman) marry you and we live together. That's okay. But then when you die, I do not have access to that land because it belongs to your family.

That is if it's a family property.

How do you differentiate between a family house and a personal house?

Where we are sitting now is a family house, in the sense that this house was built by the family great-grandfather. This is the father and this man has four five children or six children and they build this house when he died or passed away all the six children are owners of that house. that becomes the family house. Yeah, and when they grow older and they will always consider that house to be the family house. depend on them now to go and start their own family. Yeah, so that is the kind of situation.

Here, this house belongs to the great grandfathers. So when they die they past off they are children, they all here some of them had they find it. They find it out to move they still stay here. They now have a responsibility as a family to renovate the house, see whatever thing to decide but no one individual would claim this house and no wife would claim this house. No man would claim the house as well. he belongs to the family and extended family. So if I don't want to live in the family house forever if I'm strong enough to build my own house. I build my own house

and that's only yours.

Yes, it's only mine. If I die who takes control my wife and children takes control, the house belongs to them. Except if my mother is alive or my dad. They will come they will stay now. Yes, but the principle owners of the house are my children and my wife.

Most of the time families don't buy land. the ownership of these properties were decided long ago. You know, you know how people acquired land in the origins historically ...and the greatest warriors. and wherever you found that land belongs you and this is how they acquire lands long ago without documents not in absolutely. So they just come and see this is this place is owned by the Kamara family. These lands were acquired long before.

So normally family lands are not bought so they don't buy family land then. He inherits them.

[Do you think women and men have the same rights when it comes to land?](#)

Of course now now it's happens now, but Before no. change is very positive. whenever you want to check any decision regarding that land you must involve your sister to that particular land.

They see women as they got married. They will describe you belong in the family now, so it's a way of locking you out of your own family they decide to associate with your husband's family and all through. that is why most times women are caught in the middle before now, you know, but I mean right to land only and all of that but because of the new laws that are coming in and what no, new laws are now coming to supersede old/ traditional laws.

So now human rights there are so many human rights activists, you know, the Civil Society activists, they're all over the place trying to educate people they tell them , and so many workshops and training were organized by the local authorities to tell them exactly the rights of women.

Women too have the right to own land. If you and this woman were born in the same family and the family has a land there. it is also the right of the woman to own the land. So if you making a decision on that land now, the woman was not left behind she too must belong to must be part of the decision. before now. Definitely The Men Were the superiors, they take control over everything.

[So you think it is fair right now for women and men?](#)

of course

[Do you think there should be a fixed or standard price for houses and land?](#)

No, there's a negotiation and everyone in the family should agree.

[how is the situation here with the land in Sierra Leone? Is it fair to everyone like everyone can access land or only people that belong to a land owning family?](#)

The majority of people that access the land are men. 30% of men will access the land through their family line.

### [Additional Comments](#)

In my community I have a small challenge. whenever you want to build a house. Money is the problem. this family land whenever I wanna sell that land, i have to discuss it with the people from the family. So whenever they give you that, let me say four million five million. you know construction house for you unless some agriculture. products. To build a house it takes you five years or more, because of the lack of money.

### [Opinions about land management in Sierra Leone.](#)

There is no proper planning no proper planning. That is responsibility of the government.

Okay, and do you think if the government starts planning? That the Paramount Chief will agree. Of course, even if that means that he will lose land. Yes, yes.

The government has more power than the paramount chief. No one fill fight the government.

b. Alimamy Conteh -Chief of Gbobana section

*Interview done with an interpreter*

1. What is a customary institution for you? What is a formal institution?

For him customary law or traditional law seem the same. He says that is what we were just doing here, trying to adjudicate between and among people when there is a conflict or misunderstanding he's saying that's what we made them doing here. He was presiding over a land case. So basically, this is what he understand. This is what he knows to be a customary law and tradition.

What is a formal institution?

For him the formal institution like magistracy, courts and high courts, in terms of dealing with the law, for them They have detailed investigation on any matter.

They have to go in depth of an issue perhaps an issue will take two three months up to a year trying to investigate to know who is right or wrong, but it's different for them for them most times have a peaceful way of resolving things is for resolution, peaceful resolution. they adjudicate matters more unlike like family issues, you know, they try to settle to ensure peace re-ins. They are not going into too many details of the land cases because for them the land cases I know lead to something good for the cost the moment you get there. We show the investigating really detail and at the end of the day you'll pass a verdict and give right to one individual and one who is strong maybe, you know, receiving fine or whatever stuff, you know, so they are not going in depth into that kind of situation the chiefs.

But the formal institutions are going in depth and at the end of the day they give verdicts who is right or wrong with the fine and all of that.

How do you decide what is solved by the Chiefs? And what is solved by the government?

So as far as a matter is not Criminal. They tend to preside over it. but high profile criminal matters, you know cases like murder. once it involves, you know spilling of blood and all of that involves some kind of they have to refer short matters into the police from the police to the courts or they most times solve issues that can be easily solved be land issues that have not high profile interest. issues that of misunderstanding. They can go and set to. So of this matters this issues of loan small loan, like I I loaned a small amounts of money to you and it's time to pay I resist to pay that kind of stuff. So I have to come to the chief and the chief will ensure said to them peacefully.

When once it's a high profile case of high interest They have been advised in several occasion that issues of short matter that had tendency to bring chaos into society. Let them refer them to the police from the police to their court.

So we could say that they both kind of Institutions work together or collaborate?

So they are working together police and the Chiefs and the courts. They have an understanding. So he cites in an example that when we came ( to interview them) we met them on a matter but then both parties have gone understanding and one who sold the land. Has agreed he has signed that indeed the land still is still there intact that he will give the land to the woman whom he sold the land to before, and if the time comes when the Chiefs and others will be going there and later they find out the land is not there.

They will take this documents signed and all to the police that's this man has signed has agreed that the land is there and he will hand over the land on the path on a certain date and he has failed to do so, so that's why I am handing over this matter down to the police for further institution. So the police always have that understanding between them and the chiefs and all.

[What happens when there's a disagreement or confrontation between the two institutions?](#)

So he's saying that is not common. It's not happening. So see I said disagreement between any government institution and for example the police or any other stuff that is why they know their limitation.

He's saying they know their limitation. They know where to cross and not to cross. So whenever there is an issue they think it has It has gone beyond our limits. It will straight off refer to the authorities.

[So there are no disagreements. He's saying there are no disagreements.](#)

Yes.

[I want to know if there are disadvantages of having this dual institution system](#)

So what if he's trying to see most times disadvantages could occur, you know, especially maybe from the stage of the police. If for example a matter is taken to the police, even though there is someone or the person maybe might have rights well because it's not influential we do have what people as Lucy order from above and all so actions could be taking for the wrong reason.

So at times that's why people say well, let's proceed again. Let the matter proceed. Let us move this matter from the police maybe to the courts, go to courts if I have the capacity to have a lawyer, my lawyer could stand for me and ensure right in apple said most of this do occur from the police stage Maybe. From the community to the police they would tend to you know, bend certain issues when they get to the police and at times.

[What do you mean bend certain issues?](#)

I mean not trying to do the right thing. You know, so that's exactly what he's trying to say certain time. It's not up on the right way it should happen in the police what he's saying in a situation wherein you have the capacity, you know, let's go to court in courts. I will explain and everybody explain. Fair trial could be given

Okay, so he trusts and he respects the the formal institution and the government and I want to know if he thinks that they are doing a good job like overall.

So he's saying over all they're doing well because they establishment of reception created peace between and Among Us. see, if it been the establishment of the police, the courts the councils and the existence of the Chiefs, situation could be in a chaos. He cited an instance of during the Civil War the the rebel War we had in Sierra Leone.

When there was no. I mean laws Authority. He said for example this fine phone you have it one could just come and take it from you and go nobody did nothing. But when there are laws anyone who mistake didn't do this right now the law will take it course. So I said think overall. They are doing well.

I want to start talking about Land. How institutions influence the access to land. How do the formal authorities have power and in a case of sharing land or selling land. What's the role of the chiefs and of the ministry of lands for example:

They have land-owning families. So if I want to buy a land. i will contact the land owning families. But for other people who have the knowledge to understanding. Haven't contacted the family,the land owning family. They will come to the Chiefs the town aid or authority, that I want to buy land in certain place. Then the chief would advice or to be but the negotiation is not done by the chief. The negotiation is done by the families, the owners of the land. They will determine the price

What happens if if for some reason the chief. Doesn't agree with selling that land. like if he says no like that will not happen.

The only time the chief will put a stop on selling a land is if the land has been given to the community. for example: The family have agreed, So we are giving this plan the community for a community center or school or hospital and belongs down to the community. If any member of that same families wants to come and sell the land again the Chief will say no. He'll put a stop on it. But besides from that the chief was doesn't have the right to stop any land owner from selling their own land.

What about the ministry of Lands, Can they just stop like do they have the power to stop the selling of the land?

The minister of land comes in because for any land that they buy they are going to register it in their office. They will provide the documents like the ones the chief showed you in Masuba. That's why it's prepared by the ministry of lands. They have the authority to do that.

So if Upon preparing the document. They realize that. Because every land is on record. They realize that this land has already been sold to party A they will definitely stop the sales of that land because they don't want to duplication.

I want to ask him about women and their access to land: first if the conditions are the same for men and women to get land

So he's saying before now Women were not considered. Because they are women and all. But now there are laws, which have made it clear. That a woman and a man should have the same right as far as they own the land. Or they inherit the land from their father or anybody or the land is a family land. They have the same rights. We have the same right to own that land.

Women can own land.

Is there something that can be improved of the institutional interaction in your opinion? for the future.

So he's trying to say. where improvement needs to be done is about influential people over people who do not have influence especially for them perhaps . I have offended the chief. Or anybody in the community and it brought me to the chief I Still You Know listen to the chief. Because I'm highly influential. (Maybe you have money. Maybe I have power. That kind of stuff).

So people that have money or influence. They don't listen to the chief

No, not everyone just in case somebody might turn to do that because you are you think you have power you have money. You don't want to listen to the chief.

And the chief is saying most times when this matters are taking to the police again because of the influence the person has with the police. They might not tend to treat them fairly.

This is where I think Improvement need to be done. But if a matter happens here the police need to listen to the chief. Because maybe he had preside over the matter before it gets to the police. hes saying he does not only limited to the police even with the courts. These are some of the irregularities they're having at Time.

Are you happy with the way in which the chief and the formal government interact?

Aside from the area of improvement mentioned earlier on, he doesn't have any problem.

What about the management of the land?

They are facing a serious challenge on the management of the land. The chief is not a principal owners of all the land. The land belongs to families. He is saying they are facing serious challenges with the families. Most families most times the chief and authorities will say who asked them to reserve land for development. In case the government want to have for example Community Center or health center, but most land owners, They are not taking that into consideration.

But do you think that the Chiefs suggest those landowners families to give some lands for their development of the community?

Yes. Oh, yeah. So this is what they do. Tell them to land owners family that they should reserve some land for development of the community. But the challenge they are facing now after they may have exhausted selling the land. they will call again. and decided to sell the area they may have reserved already for the development.

They changed their minds that you know, oh, okay and no one can like there's no law to make them shares their mind like the ministry of lands or the cheef. No one can tell them to to change their minds to oblige them.

so he's saying most of this because governments at the end of the day is powerful than any other person, he says go if Government continue to empower the Chiefs that's if this landHas been given to the community by a certain family. They should not come again and sell the land. See because it's a challenge for them to stop the people again from changing their mind after they had given the land to community.

So he thinks the government should like step in, the government should to do it. That's it. That's what he said. Exactly

you also think they got What about like a city planning like planning about the how it how the city will be? Do you think the government is doing? Okay or not that okay.

So he's saying most in the area of planning the city and on its largely depend on the ministry of lands.Because they have the surveyors.And then the surveyors are the people that are not doing well in that area. They're not. Yes.

What's the role of the surveyors?

The surveyors are the ones. if I sell two town lots, theyt want to determine how many Town Lots is. They do the measurements. They provide the access route. their determining that this area is no good Zone. This area should be the access this this. They in charge of planning. And they're not doing well. See they're not doing well most times. They do the allow the land owners to dictate for them. Oh, okay. That's I'm doing all this land. You just ensure we have the two town loads. It doesn't matter whether access road is or not.

(Chief Laughs)

Do you have something else regarding them access to land or the institutions that you would like to to tell me?

On land issue. See most times government or organizations advising them to have a master plan to plan your land. Well, we are in at the end of the day you'll be able to determine if there is any development we have to bring this developments or this is a kind of question that I have to sell for this year and all- is it they are Telling them Motel. the people are seeing it as a it's a losses on their side. They have no profit on it because it's cost involving. If you bring Ministry of land a surveyor to come and Survey your land or master plan. It involves a lot of money. So if you don't have that money



people have to pay for that?

Yes people have to pay for that. if you don't have that money. At the end of the day, you will cut a portion of your land part of your land and give to them see so for them. It's it's all a loss so you don't want to go that bad because there's cost involve it.

To plan for the city it will have a cost on the individuals

Yes, that's it. What's most times it has to do with the owners of this land. Because planning the city now should only happen where there has not been houses (but also where there are houses)

All of this involves costs Because if you are coming to plan into somebody's land and all they have to pay for it. Yeah

No, but I'm talking more about like a general level. it's a task of the government to plan like how the city will look like where there will be roads Etc. Its the city council doing a good job with the urban planning?

So most times it's not happen that is to say the city council or the district COUNCIL are coming with a plan to decide how the city will grow because the only will do it through what's the minister of land do. I mean arrange like we are talking earlier on that. They have the right to determine Where should be road and where should not be a road. Say the city council is not doing much on that.

Thank you, thank you too.

c. Mary Hawa Turay

Thank you for your time. Can you please tell me your name and what you do?

My name is Mary Hawa Turay. I am the manager for the gender and career counseling resource center for the University of Makeni.

What is a customary or traditional Institution for you?

Well customary is more what is related to more of traditional. Our traditional, meaning our culture meaning the culture and in terms of customary institutions usually in Sierra Leone different tribes have their own customs. So based on what they believe in the tribes and we have 13 tribes in the country. So based on what they believe in that tribe their values and so most of them the rules are regulations as based on customary beliefs. in thatn the tribe or the region. The beliefs are sometimes similar with a little bit of differences So when you move from the north, the Temnes, the Limbas, the Northern region where we are now, we have them predominant tribes the Temnes, the Limbas and other smaller tribes. They have almost similar Customs but a little bit of differences and when you go to the South you have the Mendes, the Konos the South and the East Shabbos, they also have similar costumes based on the beliefs and what we inherited from our fathers. Yeah. Okay. Thank you.

And what is a formal institution in Sierra Leone?

Well formal institution mostly is more I would say like MD is the Ministries like something set by the government in terms of from the government and have for example we have in each district or in each region. We have the Majors so we have the city councils and then every district has District Council. So those are the formal institutions. They are also then we have the military. We have the police, all of them idea to serve the people we have school systems. We have the hospitals like the informal customary institutions. You have traditional Health provide us traditional healers. They are those are customary institutions, but then the formal institutions we have hospitals. So those are likely differences in the school system. We have the formal school systems. We have the four informal school systems. We are in you have some of this they call them secret societies and so there's also a learning procedure.

That's also like a training process exactly that's training process. So this all those institutions, so what the formal institutions are more in charge under the government system. So it's more and it's more of the education and the elites Are in charge of those institutions, and while as the customary institutions and more people in the traditional don't you don't have to be educated. You can be a leader with no formal/Western education you have brought up there's education but through the traditional way. Yeah.

So you mentioned an interesting point you said they formal institution is ruled by the elites exactly most of the time, well you have to be educated. the formal institution. There is asked to be schooling well education everybody gets and has learning process what you have to be school through the Western.

The Western education so we are ready you have to be able to read and write.

So most of the heads of the formal institutions, you have to you acquire position there through education the Western education.

Well as the customary institutions more traditional you can be educated or non-educated based on your influence and understanding of the custom in the community. You can have somebody who's has never gone to school but is a prominent person in the customary system. We are really under all of us can be you can be a doctor but when you go to the communities and so you have to pay respect to them you recognize them that these are their positions.

You think that these formal institutions are only like are they exclusive do you think they only help a certain part of are the population or is it for...

No, the formal institutions are for example, like the police the police they're here. They're there to support whoever if you are offended or you have an issue you can go and report to the police whether you are educated or not. So the hospitals whether you're educated or not if you can afford but it comes with money. Yeah. So this is weird a difference is this well. Well as the informal/ customary sometimes most of it does not come with physics exchange of services but does not have to be like physical money. Okay. So like a traditional healer can see if I'm sick. My family can go and help them do if a traditional healer. I want to I have a relative who is sick. We don't have the money we can offer service to help them with whatever we have, you can go with rice. You can go with palm oil. You can go with chicken. You can also you so whatever resources you have you can use it to access those Services. Well as the formal system you want services from them. It's has a tag with money. Yeah, okay

And throughout your life. How have you interacted with these two different kinds of institutions?

for example I come from a ruling house. although In the differences when you well, I look at the gender aspects of that as a woman and as a gender expert also, for example. I will say The Chieftaincy is a traditional customary institution. Although Now we are having educated well educated before whether you're educated or not. The rule was its rotational. So if this family side of the family becomes one of them becomes a Paramount Chief the next time when the Paramount Chief passes away, the other family will take over and the customary like for example, I use the Paramount chief. It's permanence for life. You become a become a paramount chief you are a paramount chief for life. Well as the formal institutions you don't hold that position for life.you it's by merit and also by performance you can be removed from that position. So those are the differences.

So for example for I am in the north northern chieftancy I come from a ruling house. But the differences that's why I said even with the customary laws or tradition. In institutions, you have the regions. It's different by regions in the South a woman can become a Paramount chief. If your father or your grandfather was a chief and you are prominent enough and influential you can become a chief. So we have female Paramount Chiefs in the South. Unlike like in the

north, I if I was in the South I have I would have have the right because I'm doing a lot of because also being a Chief it's what influence you have, what's your contribution to your community? So like for me I do a lot of contribution, support in my community. So if I was in the South I would have been a Paramount Chief. My grandfather was a Paramount Chief what's instead and I'm the oldest with all my cousins and so when I was the first grandchild to all my parents so automatically I could have been a Chief. But in the North the Chieftancy is only for men.

**Why is that different between the North and the South? Do you know where it comes from?**

So it comes because of these customary institutions also. In the south Chieftancy is not side up to the secret society. Predominantly. they have culture they go through, they have ceremonies they do to be initiated to become a chief.

While as in the North the Chieftancy is tied to the male society, so the women can only go so far. Serve as supporters advisers but you cannot be a Paramount Chief because when it goes to the level of the in-depths, of going through the initiation ceremony, there are places where the women cannot reach. So that's itself so looking at the gender aspects. It's a disadvantage to women we have prominent women in the North very intelligent. Very Vibrant. They are community leaders are good leaders, but because of that limitation they cannot and we've had Paramount Chiefs in the South that are women are very prominent. So it shows that women can do it. If you give them the opportunity to do it. We have all the female Paramount Chiefs that are in the south. They are very very influential. I think they work much more, and people like them, they work much more with the people. They don't just they don't become authoritative leaders. They work more I have spent time with some of them visiting in the South.

So this is how my connection and then the second you ask my collection with the customary institution. I went through the Bondo Society in the North, which is common in all over the country. All over the country I can if I'm initiated in the north when I go to the South I can enter anywhere.

So that's the difference is, but whereas for the men the society they vary, so this is where the differences comes also. So in the north, we have the Poro which is also in the South but the Limbas they have the Bambani. So each tribe some tribe or group of tribes will have like we are in the North. We have the limba's predominantly limbas and the temnes they work closer together, but the differences comes in the secret societies the men.

Whereas as the women. We have a common society for I will say the whole of the country. This is where the FGM comes in which we have working for to try to maintain that because I went through the initiation for me. I see a lot of training. It's an informal training we are in girls are trained how to be, morals and so on. So some of us we, influential or educated women in the country. We are pushing forward to remove the circumcision from the Bondo society and then just yeah, so then still have the culture as because we still have to maintain there are so many good rich tradition in terms of our own system, our own culture in Sierra Leone, as much as

we are mingling now with the Western culture and so on. But every culture even the West, the Asians and so on they have their distinct identity. ...we cannot just, for us some of us within the bondo society should not be removed completely. It's let them remove the physical abuse, and then leave the moral training.

But then what happens because I have heard that the women that perform this circumcision like this is a place for women to have power. It's an important role. So maybe another women. will be against removing this because it's the only place where they can get money and power and understand that given that there are no many other areas where they can have a prominent position.

So that's why we have convincing because there was a time when the sensitization some women came time trying to eradicate the whole. It's an institution, Bondo Society is an institution. So it's a customary institution. It's an institution where people survive people, there is respect. I am all those have been overseas. I have dual citizenships. I have my children are all living in Canada. I have a house in Canada. I was a kid said in Canada, but when I come I go to the community's, those elders. I see myself as nothing. So that is power for those women. And this is where some of us we've gone through the society the initiation. We are initiated. We see that let's remove the cutting, the genital cutting and maintain, because it's not and what's the West is missing is the bondo Society is not just about cutting the cutting is just part of.

So for now and we have now this lady in Port Loko who women now that like us that have children like my children are they didn't go through the circumcision they are bringing their children from like a Sierra Leone and women are bringing their children from overseas. They've had their children overseas and so on they're bringing them to go through the immunization, but without the cutting they've just done one little car. So that's what we are pushing for. Now.

This is revolutionary.

Yeah. so changing the soil does we call them to always the leaders? They still have that status. They are not educated most of them, but they have that status with respect you go to the community. You give them the respect, they are recognized and whenever there is decision and this is where they can tap into opportunities within the community because whenever there is a decision about the communities to be made they are always included.

And they also have some kind of power when the men when the time they are crowning a Chief. They are the ones they include to be part of the committee and so on, there are women represent what they have to go through you have to be at that level of resource. So so it's so that's why we see you don't come and just dismantle the whole structure a whole system. There is some good elements in that for us.

Why people are not dismantling the men society? And this is where sometimes even when it's comes to politics. They have advancing who had a women because they are still connected when they want to to discriminate women from if, I like if I want to be a member of parliament in my community we are predominantly, it's Poro Society. They bring in there one day they

were and I will try to have a meeting in the community. The Poro Society will just come out. And if you're not a member you should be indoors.

You see you don't have their support you don't have so this is so even you have people support but if you have somebody an opponent who is a man and I am a woman. And they want to see that I'm overpowering them. They use the secret society of the men.

They'll just see and say the Poro men and are coming out in the community. Maybe the day when I'm going to have my Rally or meeting.

Yeah, they agreeing that's in the secret meeting for whom they're going to vote.

So they'll just come out. So then if I'm going to talk to a village like see Yelizanda yeah, let's see. It's an area where I want to become a member of Parliament and I've set my time and you know, you'll send a time and this is where the formal system have more like systematic rules. We are in the informalities. It can be print from tooth. decisions can be made. so me I will send my blessed. I'll send messages to my some my contacts there and say okay this Friday. I'm going to have a meeting with at Yelizanda. With the people to talk about my aspiration to become a member of parliament or representing. If I have another opponent, who is there also who wants to become a member of Parliament, and he has more influences a man and he's part of the Poro society and he has some key people that are supporting him. They'll just decide the day of my meeting, the Poro society will say we are coming out. We have some ceremony to do.

So no one will come to your meeting.

No, when you are not a member, you should be indoors, you lock yourself indoors until they finish their ceremony.

Aaaah that's true.

You understand. That's the yeah, they say that they're coming out. So yeah, this is where in well

, this is where the rural communities the customary tradition. These are accepted they can, because all the men most of the time in the those communities majority of the men are members of that Society. So if all of a sudden that's my opponents can go and pay. The head of the secret society and see all of a sudden they say: "We have a ceremony". To perform a ceremony in the town. And they'll just knock the horn. They announced that the Poro men are coming out.

In the less than half an hour. All women even if you are in the middle of cooking. Stop you lock yourself indoors. Because the beliefs is you should not see them if you're not a member. You should not see what is happening outside. So never all of us will don't ever know what they are doing outside. They will kind just tell you because I grew up by my grandpa. I spent a lot of time with my grandparents in rural communities. So I we've experienced that. My grandparents would be the middle of cooking and they'll say they are coming out. And when they come out

chickens goats, they can capture and go, so if you're in the middle of cooking you have to stop and say your pots inside and you lock yourself indoors and so I can be for example, I'll be in the community.

I am a woman, a prominent woman in the community. I have my children, but all of a sudden my son who would be like 18 years has gone through the society (Poro) has more power over me because during that time he has access to xxx wowouts. And all the women, and other men that are not members have to stay indoors if they decide to, say half a day, they're going to take over the town.

why are men not part of it?

Well, like the Poro, if you're a Limba you can't join the Poro so yeah. So this is where you remember when I told you at the beginning that the customary tradition or institutions they can vary in Sierra Leone and in other parts, especially looking at Sierra Leone they vary from region to region. So that is the Limbas and the Temnes they live closely together they get along so well, but the only difference is the men. The Bondo Society all the women we are we are the same, there is no disaggregation all over the country. But for the Limbas they have the Bambani Society.

In the Temnes and the Mendes and so on. So the Mendes are southern as the Temnes are northern, but they have on the men they have the same secret society.

So so if you have gone through I don't know that's their secrets. If you have gone through the Poro Society, you cannot join the woundy. If you have been one through the wundy Society you cannot join the Poro. So if you're so if you saw also, if you are in a predominantly by area if the Bambani is coming out. You are a Poro member, you have to hide. So it depends the region. So while us so for the differences for customary institutions and formal institutions. We are in the formal. The rules are all seen everywhere. While customary they vary based on maybe the tribe or the region and so on.

So the rules vary the way they do things vary well as for example all the laws for the put in place for child abuse. They are all over the it's in place for all over in the country except who don't want to take. Advantage of that. So any police station if you rape a woman it's a crime, except you don't report. Before there was beating, physical assaults of wives? But there is now the rule that domestic violence It's a crime. So now it's been at a decrease. Because they know if you're so it's all over so the formal institutions. For them the key differences is they have the uniform rules all over the country, well as the informal and the customary usually vary.

So when I moved to like, for example, I move here I go to my Amba. I have to understand the custom there. What's in what I'm supposed to do. There are different rules. They will put in place what I'm supposed to do what, I'm not supposed to. Okay? Okay, for example, I give you an example, in the south sleeping with a married woman Only do they find you. if You are the woman. I am the man you are my wife. I realize that you are having an affair with another man.



I don't harass you I harass the other, in the South, they'll charge us the I'll just take that man to court or to the chief. And as long as the wife confesses, that is true, if I accuse my wife and my wife confesses that yes, it's true. I've been having an affair with this man. because one we'll talk to will report you to the Chiefs and so on and you will ask you they'll find a man. Charge the man with money and so on and everybody moves on and they want them to stop the relationship.

Well, as in the north here is almost like a war it's going to be any so it's you don't even think about that.

So for them, they are more flexible if it happens it happens, but then you the man, you know my I'm married to this woman. To pay me [you pay me](#) for that. Because it's mine so they take if this is my property so you [waited](#) my property for that and I want you to stop.

Whereas last in the north here, It's you pay and if you're not careful, I even banish you from the town ( to the man). So the rules are, sometimes the woman you lose all even your husband because someone was going to just think that I can't accept that.

[Okay, but talking about that. I have heard here that monogamy is not seen as important as in Western countries. So for example, I have heard that let's say a woman she has a boyfriend but she also has a relationship with an old rich guy and maybe she has a rich with someone else who he has sex. So she has a boy that she really loves she has this man that provides her with money and then she has this maybe this other guy for sex and they say that this is common here and that is even though it's a secret everyone knows](#)

Everyone knows it's acceptable as long as you're not married yet.

Okay, when you become a wife then even the culture is then you become the property of that man. Okay, so that can be a big problem. So if you yes, we I think you know, I've been in the west it's happens. Also in the west like I've lived in Canada for over 20 years. I see young girls having double relationships the same. Yeah. Yeah, so that's one is not just here, but when In the west I see more Men doing the cheating and then or they buy the they can end up divorcing while as for her, The women can access well in the west you women don't accept to be like two of you together officially formally sharing a relationship with the same man. It's either you divorce one.

Well as here. the young girls are free. They can do that if they can handle the relationships when they're not yet married, but as soon as you're married. Society frowns on that greatly or you can lose your marriage.

It has to be secret and I think even in the west I've seen I've looked I went to school there and I studied, I worked there, there have been an issue wearing. There are women that have been also unfaithful to their husband's but they hide because we know yeah because I can take you to court and so, [people are unloyal everywhere.](#)



But yeah, but I thought here is more accepting. Yes. Yeah, I agree with you. It's more acceptable and for example, especially for what women only have the opportunity to play around when they are not yet married.

As soon as you're married like your side down if you going to be having another affair is going to be top secret. Because even if your husband does not know the community knows they start to talk about you. The only difference is here is like polygamy is accepted for only men.

Yeah, it has to be Muslim. So it's accepted if you're Muslim is accepted. So you married a Muslim man. You have to accept that one day one day. He might decide to get another one. So that's a damn who you play with if we come to that.

The Christian families for me. They are Christians Christians. The law is and this is where the formal institution comes in Christians are one. So Christian is we see it's more of a formal Institution.

In here, so there is the law is one man one wife. But what we know generally most of those men they have one wife at home. But they have several other Mistresses. [So for men is more common, even though they're they're married the](#) Muslims they do it open like, you know, the women accept for example myself Angelica who can decide to date so I'm like maybe I'm the older one. I got married to my husband and later in life. My husband might see Jalikatu and wants to marry can come family and explain to me because being married to Muslim and we know that I have to accept that can maybe I can resist because no there is nobody that wants a rival. But at the end of the day we can accept we try to understand each other we would end up agreeing to share this man.

while us for Muslims. for Christians, It's forbidden. You cannot have formerly two wives but still if they'd only have one wife formal wife, when there are informal wives. It's working. He's talking about informal wives.

[So, okay and another question about Romantic relationship here in Sierra Leone that I have heard that money place and important role and it's always like normally that is common and normal but if a guy goes out with a woman he's expected to pay her because it's the I don't know my interpretation is that maybe is the way of demonstrating love or is it because women don't have access to as much resources as man, so they don't so they need to do that. But yeah, what is your take on that?](#)

My take on that is that you're partially right because being yourself being here most it's a t's a more, you know, even the West is still male dominated, but there is that it's much more better.

Because there are systems in place social welfare in place if I lose I don't have a job whether I'm a woman or a man. I can talking from my experience in Canada. I can get into welfare those the government welfare system can support me at least with Basics and so on, if I am a single mother the government system, is there, so families to support me if I lose my job, there is on employment insurance that will take care of me until I find a job.

What's for us in terms of access to resources are much more dominated by men. So even within the family when you even starts are you looking at the family within the household you have daughters and sons. Can be of the same age range. By the time they are teenagers the boy at the age of 15 starts earning money. He can start earning money. Well as the girls spends more time doing domestic work for the family.

Okay, so when I'm doing Training workshops gender workshops. There's always the challenge when they say "oh this girls are too loose, Those girls are after money" and I'm always thinking I said well if the men are holding on to the money. [They need to do something to get it.](#) Exactly. So I have to find a way to get the money from. you want sex for me. Give me the pay, give me the money.

While us in the west a young woman like you can look at some man and say hey, I love you. I want you and so on. I have my money you have your money you can decide I'm working away from this relationship. I'm not interested anymore. You have that flexibility because maybe you even have more resources than the man.

So your relationship is not tied into who is going to support you. So to a point even I thought with some families can even push their daughters to get into relationships that can support the family. So this is where and and this is where we are mixed up with the Western culture and the African culture we are in. You label this women as loose. What does Little Women? Get into a relationships. So [the fact that the women receive money for sex is frowned upon in Sierra Leone.](#) But if you if you're doing it's Loosely jumping from one man to another it's frowned upon, but some get into relationships because of financial needs. this man is going to be able to support me. I need to go to school. I am in college. I see students will be a University students. And the parents cannot fund. So this man can come along say I will support you.

So some of them especially when they are not married if they can live so that's relationship with that man. For the purpose of hey, I want to I have this is my dream. And if you're going to help me to get that dream. Get to that and to succeed why not? So that's the only difference is being and I that's my argument. Always I say men are always saying: these women they like money. But you have the money. You the man you have you are holding most of the resources. If you look even the marital status most of the time in our culture here. Most of the time you have the man will be finishing University. Maybe has a first degree and will end up marrying a girl that has just finished high school, what we expect? (35:55)

So you accept that man has to support that girl. So sometimes the person we have PhD and he end up dating students as a girl who is just in University. Or somebody the man who have a big business and we'll see this young girl and say I want to marry you. So money resources also play along in the relationships and this is where sometimes when they start of [Runners](#) if you are the ones that's holding the resources the land we I see questions. Yeah family property, businesses when you go I usually when I'm doing sensitization, and I will see if you go around town. You'll see somebody will have [the soap.](#) Amadou and Sons and I've always asking so we are the girls. And where is the wife? So you already tell him the public. That's me the man so the wife and the girls are busy cooking for them cleaning for them doing laundry and doing everything. But then the sons are the ones that are because then they come home meeting a clean house, meeting food ready doing laundry for them doing all what I work maintaining the womb, while the the father and sons are busy looking after the business, but then the women are already excluded.

So those are some of the things so then that girl growing up so the boys. Growing up already, they already have assets. Because already the business if the father is a business person already. They know they are going to inherit the business.

So the woman you have to go and start scratch with another man. You are lucky if you get so that's why you will be lucky. If you have a man that has already assets then you can be part of that. So it's almost a grown up in your homes.

All things are changing now, but when you look at the the customary system and that is where now I see questions. Therefore follow the questions that how the customary and the formal [how do they interact?](#) So, okay, for example

when I look at I look at when I answer your questions, I look at them at gender gender lens.

For example the Inheritance used to be the customary laws in Sierra Leone: usually my argument is usually when a wife dies, she's married and has children with a man. When the wife passes away, nobody talks about sharing the property. that's the wife and a husband have worked together to accumulate nobody asked. Automatically the man inherits everything in fact it's seen as its the man's property. Nobody asked the key children. Nobody will ask no family members will ask, **but** as soon as the man passes away. the first thing, the challenge Well, the customary law used to be. The husband's family inherits only if you have a grown-up son who is 19 or above can take over the father's property, but if you have younger children. The man has younger children. The uncles will automatically, his brothers will automatically take over and they decide what to do with the wife and the children.

So that was the custom, and the custom was not wrong originally how it was set. How it was set was, since African culture used to be extended family system if a man dies in the family and two or three brothers have been working together, cultivating they maybe they have oil palm Plantation. So it's like part of all of them. Maybe three brothers are working together in the same household having their wives and their children. If one of them passes away to maintain the family whoever is the older brother will become the head of the family and he'll be looking after his own children and the other one children and they keep the family together.

[So at some point it made sense](#)

It's made sense. But now, you know now we are also westernized in our lifestyle. So now we are more into nuclear families. But then, this is we are borrowing bringing in the formal custom or the formal lifestyle in our system while we still holding onto the tradition. So now you have a wife and a husband it gets married with your son and early age. They work together, they build their lives they Build the house. They have property they have a business.

Every member of the family know we are not working together if I have if there are three brothers every family the brother is there the fat the brother. Is that a brother is there they all run in their homes.

But as soon as so this is where we are getting confused in our culture. We are in if we are going to go west and this Western meaning the formal.

But if you're keeping the custom and [then there's like a mixture where women are suffering](#) so this is the points. So this is the mixture about most of the time because the men are the ones that make decisions. It's them so they're still so as long as. I'm a widow I lost my husband, this

September will make seven years. I lost my husband. I'm sorry and I like I went through that automatically I have all daughters, all girls myself and my husband we don't have a son. So in the custom traditional costume,

So you lost your things?

I would have but because of my intelligence I know my right and so on, it's something I fought for I will not allow that.

How did you do it?

Oh, yeah. I know the law because now this is where when we come so now coming so the formal institutions we as time goes on because of Human Rights and so on now seriously don't have set up t The three gender act that is protecting women now.

So if it was in the older days. We have our house. We have lands. We have other properties we have. Yeah, I could have lost everything because for the fact that I don't have a son. Only men will inherit family property. So for the fact that I don't have even if I have a son, if my son was younger the uncles will take over, but for me now, I don't have some I have all daughters.

So if it was in the olden before this **3 gender acts**, the three gender Acts were, this is where the formal institution came in realizing the Injustice that women were going through. and with some educated women and so on, fought for that because of all the the exposure those women and other men have seen in other countries, Western World and so on, one of the gender acts is domestic violence. before if a husband and wife has a fight. the husband beats the wife up. You go and report to the police **during Civil** and solve it. It's a family issue. The police will not intervene. Even if the wife is bleeding. They expect you to go to your family and your family would go and settle the issue and they will talk. They go back to your husband. So if a husband can beat off the beat up the wife, and nothing happens. The husband is protected for now. The three gender act, you beat up your wife unless the wife does not talk, but you go to the policethey going to be arrested. So now it's even it so that has arrested. That is the one gender act.

The second one is. formalizing our traditional marriage, the common law marriage the common law marriage for us.

Those western church marriage or so on we are in the white ground. It's a western culture we borrowed, You know, we have our traditional wedding marriages.

And this is where the informal and formal also gets mixed up.

The traditional wedding was what our culture believed in that's what we used to do. Meaning the man pays the bride Prides price for the husband or wife and they live together as long as the law our tradition you as a man. You should not leave tip on any woman without asking the permission I think in the West they do that also, but it's open. It depends how you do it you go and introduce yourself.

The only thing the West, they don't spend money, but they go they will introduce themselves to the parents and I like your daughter. I want to I'm interested to marry the person. But here we do. The tradition we are in the man gives the dowry and marries the wife. it was formal in the custome, but when the Western culture comes, started promoting in one man one wife,

especially the Christian culture, so after our traditional we still do the traditional wedding, but then we do also the Western we are you have to bring the wedding ring, the gown, the church, They bless it.

So what was happening? People started seeing the Western culture has become more formal. So a man can marry me in the traditional way. For example, a man can marry me, we get married in the traditional way, we live together. We build our home and then all of a sudden, that man will see like that Jalikatu decide that I'm in love with that woman. And this is a new love the new relationship and so on, can decide then they will decide marrying Jalikatu and go also do the church marriage. All of a sudden I'm excluded. So I'm no longer is no longer. So this is where the confusion comes in. Why is the Western we see now the Western more formal than our own tradition?

Well is the Western weddings, is that right? It's a culture. We borrow from another culture from the West.

But you're saying that this formal marriage is the marriage that counts?

So now, what's the formal institution meaning the government has put in place they have now also formalized the traditional marriage so I don't have to go to church to be so I can I'm not going to lose my... if you say you are not going to you want to leave me, even if we have just stayed together for so many years. Because that's how men used to do. They will stay with a woman, Spend, use the woman's time and that woman will serve them for so many years and then all of a sudden, they'll maybe just do the traditional and all of the suddenly change your mind and find another woman and that woman is left. So now it's formal, the government has taken the traditional format. Whether you go to church now so now church and son is so just a celebration for yourself.

So as long as you don't go through the traditional is formal.

That's the one that counts?

this is where so now the this is where when you have a you have a question here how you know, so for example, like the marriage it's they have joined for my life, but the whole yeah, so

so for me like for me because I'm a Christian we did the traditional the meaning the tradition at home wearing a family members the Man's family members my family members come together. They sealed the marriage. That is a tradition the only traditional items and so on traditional items.

And because I'm a Christian myself and my husband we are Christians and Catholic we did the Second Step. Mmm, we did so this is what is happening. Now what you can decide not to steal your format. So this is where the custom so where they meet. Yeah, it's together so easy so it is a so, that's the **second out of the three gender acts**. That's the one that joints together tradition and formal institution. And the third one is the inheritance that I was telling you about, before the custom was like what I was explaining when the man dies the family of the man's not the wife you don't inherit or you don't say I usually don't even like the word inheriting, it's children that's inherits. The wife its her property, you work with your man, your husband. So but now they put that in place. That's a law that is in place now that if the wife passes away the husband inherits the property if it's a so, it's both sides. So this is something they bring together.

Although a lot of people, illiterate people in the rural communities, So the problem is the policy is there. But the people are not much aware our year of the stride. So you have to be able to understand your rights because still women are losing their properties unless some of us like, we have an organization. We are in the work together if we know, Since I've been with the minister of social welfare and so on. All right. Yeah,

[Do you think this informal and formal institutions have the same objectives?](#)

or they are not exactly they work. Sometimes they work together well. some of the formal institution and the customary institution. Sometimes they Clash is the there's a challenge. Sometimes we are in people and we still get it in Sierra Leone. They say well, this is our culture. This is our culture. How can you...this is our culture? This is our tradition. So this is where we are in between challenging. The society our society in Sierra Leone in a little bit challenged is some people want to still hold on to the customary tradition.

And still enjoy when it's on their favor the Western or the formal institutions what they bring. but then for me, I think it there are some areas where they can match together.

[when they can have the same objective, but sometimes they don't.](#)

Yes, but that's exactly okay. So and [do you think both institutions are necessary in Sierra Leone.](#) They are very necessary because first of all the custom, as I said mentioned, there is no society that does not have a custom, meaning custom is beliefs your beliefs. Meaning this makes you, you As an identity that I am a Sierra Leonian. This is also like when you go to the Indians, they have their culture and so on, Even though they trying to bring in the Western modernizing and I think this is what we should be looking at modernizing not one Society, the Western culture dominating and this is where I have a challenge where they come without understanding why this institutions have been, why this call certain culture ,because we are oral is a our culture is oral. The customary culture is more of oral because people were not educated before but there are reasons for doing certain things.

But because it's not written and people misinterpret as time goes on people continue to missinterprets why this was done why this was done. So my problem is romanticizing a western culture and imposing some of the western culture to had on African culture because and usually the Africans in Sierra Leone because of limited access to resources the Western, whatever benefactors and so on, the Community Resources, and we end up accepting just to please. But not wholeheartedly.

For me, I think what the worst like what you doing right now until isanda and so on. Modernizing the communities, but what is appropriate? instead of because I see a lot of projects in common just impose. Okay, for example somebody like we are just discussing that somebody was talking about bringing it Salwaco (water company). What we saw could be effective for the community in their own setting we are in people are struggling to make ends meet. And they have much many more children. Than you know for us the educator maybe I have two or three Jalikatu has two children. I have only three and so on my whole household a big compound big household. if it was a traditional person that is living that I'll be 20 or more people living there, but because of my level of education and so on so if I have of us living



there so we can afford to have running water which you just open the tap. Well as in a community, we are in a room or House of three bedrooms might end up having 10 more people. And you have a running tap there who is going to pay the bills?

the Western culture is good because we also live in the global village. We have to understand each other, we have to behave in an appropriate where we are fitting with different and people in different Society can be able to fit in and relate.

But you think that the formal institutions are like a product of the West so you see the formal institutions as a Western influence.

Yes,

you don't think there's a way of having formal institutions without the West influence.

Well for before it's more it's really Western influence, but now I think this is what is happening now. The Western Institute, the formal institutions are greatly Western influence. But now with the exposure of now even traditional people are becoming educated and so on for example, this the head of departments here Pabindi comes from a very traditional background.

So we are trying to even for us like coming from traditional background. We're trying to see how we can match both system. And then even the Western culture that is coming to impose sometimes impose some, some of them are like this.

It's Human rights issue, which is we need to handle it even although we have our beliefs if our beliefs are going to put other people's life in a threat.

For example at what I'd say it was telling about the Bondo, the initiation, the FGM now we're saying okay, it's our culture but this culture it's creating harm. What is the justification? of FGM what good will it do for the woman? So we're seeing it was after some of us that I exposed, and it's more of sexually controlling the women because the men want to have two three four women. So if I am always have sexual urges, and this man has to serve three, four women. It's going to be a problem.

So the whole thing about so now people we that are educated our parents never questioned. But some of us now are educated. Okay, this is where we say, okay. as much as the West was against because most of us we are challenges all the words have brainwashed you as much as the West is challenging FGM. So we too but the way it was presented was just demolishing the whole institution and we that are educated and some of us have gone through that. And realizing No, my daughters are not going to go through the cutting parts. And none of them did not

but the rest of it what

what we want them to go through to understand their culture. To learn about the culture you go there even some of this is where the four so it came to a point now even the Bondo Society.

They it was no longer tradition. It was becoming westernized because the Bondo Society was about or into the village room for communities learn about your culture. You learn about some different leaves herbs. How do you use it, traditional food how you prepare traditional food? How do the vitamins , the ingredients. This is what's people learn about how you behave, also in the moral way of Behaving, how you speak up, how you dialogue, negotiate. These are all skills you learn there.

But then it came into a point now, only the cutting was done. The girls will be taken and they just go through the cutting, without going through the actual learning. So this is where we agree with the West, now that we are exposed and educated we agree with the West.

Yes. the cutting of the genital is not necessary. It has no effects. It's even actually creates more problems to the woman because some girls have lost their lives in the process. So women, girls have lost their lives and so it's not given any effect. to those women. However, instead of the West we just command demolish the whole institutions, how about we uphold and this is where I want the tradition the customary and formal institution look at advantages and disadvantages.

What is a disadvantage to the citizens It doesn't matter whether it's a tradition a custom, should be cut off.

So what is good? Bringing because now our youths they don't... I grew up with my grandparents. storytelling just like you in the west you have you have your books you, it was written for us it was oral. You have the the how do you call it? Call them the nursery books and so on. They are Moral Stories, right? Even though they are like you yeah parents read them bedtime stories and so on.

Most of them are Moral Stories. we too used to have them we do our parents. Our grandparents will tell us your DreamWorks like our grandparents. Well the grandchildren in the evening you sit around they tell you Moral Stories. About how you behave? Sometimes the stories are more effective than telling the children don't do this as long as you know, even the time to explain why you should not do this.

Yeah, so this is now. wiping off away, instead every Community now they have a TV. And we copy what we see on the TV without knowing why is this happening?

Any community in any group the people that resist change are the ones benefiting.

So the people that are saying oh, let's go for change are the ones that are at disadvantage. So this is how you can view anytime there is a new law and you will even in an institution and you see people are condemning.

These are people that have been benefiting from the whole world.

What works and what doesn't work regarding formal and informal institutions? Do you want to add anything else about what are the advantages?



Yeah, the advantages are really great if the two work together. and then the community people see as a united force but as a united force to protects in both on the side of protecting their needs.

for the challenge that is usually some formal like me. Okay. Um, how do you call them the customary authorities sometimes, They have more authorities in their communities and they don't want to lose their power, so they don't want. while as I said, the challenge is the formal usually have uniform rules all over. Like this officer is a police officer in Camakui, that's one of the cases talking about there will be rules. But sometimes the challenges like for example in gender these violence, violence against women and so on. Usually it's the local Authority condolence. So inside sometimes they're even challenged because like for him the police is a formal Institution. So if like a case of violence against women happens and they want to go and address this issue if the traditional authority in that community deciding the particular that cause the crime it so difficult for them to address the issues. So it's the most important to it's good for these two institutions to be having dialogues.

And for them to understand that okay: If we address this issue as in a uniform United Force, it helps supporting our people in the communities, it helps protecting and then at the end of community people will be more their actualize more their way. They become really perform more they contribute mor to the Society rather than feeling that there is a threats. If there is an issue a crime that is caused against one person. They be able to address punish, whoever has caused the issue, instead of protecting based on maybe the connections that affiliation. So having the two come together and most of the time it's very important that they should be having like the seminars or workshops ,organizing workshops, really bringing local authorities. And so they don't feel that they are competing against each other. What's the most important the customary authorities? They are supposed to be there to also protect the communities?

So since most of the time the rules are not uniform that is a challenge. How can they come together and bridge the gap? Yeah,

so you will say that the main advantage of having this dual institutions system is when they come together and have like a united front.

Yes United fronts, and because most of the time in the rural communities the customary institutions, they have more authority over the people. They can reach more the people, because okay like the formal institutions like in Bombali district. We have a police Center all the way in Makeni, if there is a crime happening in the xxx . The police officer coming from Makeni is seen as a stranger, he's seen as an outsider. So people will not really easily trust to open up. You know even gets in when you investigating issues, but if the customary authority in the community also understands that the police officers are coming to investigate and it's in the advantage of just protecting the people. They know they open up. If as soon as the formal institutions, authorities, even this interview, I'm doing this research we are doing, there are some people we wanted to interview, they resisted because they are not sure of what I'm going to say, how is it going to be used against me or especially now with the political challenges happening. So they have to see people will have to see, usually a face that they trust. Somebody

within the community, so if most formal institutions are detached away from the community, they have rules to protect the people in the communities where they are very detached. Even in Makeni, it's a big town, so that's why even in Makeni you have sections, In the town where you still have leaders covering the sections. So if a police just walk into my company in our area, I believe it's a and a police officer just walked in. People will not feel comfortable. But if one of the youth leaders or the women's leaders or so on coming to talk, the people will open up more. So this is where the two can be able to work together and try to eliminate whatever the traditional, the customary laws have put in place that are affecting human rights. Because what is happening, we are in the customary laws or customary people authorities are feeling challenged is when the government or the formal institutions come up with new laws maybe looking at Human Rights abuse and so on. Let's say the government puts a new policy in place. They will just go and impose this policy to the people without sensitizing them. Why is this Policy important, how this policy is going to help the community, how they say this abuse that have been, let's say is an abuse. So the way of presenting the new rules and policies. So I think this is where from my side here in Sierra Leone, The Missing Link. For example, we talk about for the challenges from we that have been working about on gender equality.

I remember when I came in from just coming from Canada coming and you go to the communities the way gender equality was presented in Sierra Leone. the discrimination against gender discrimination was presented. It creates a competition between men and women. So it's like those that the NGOS organization pro formal institutions, that came up with those policies looking at the because most of the formal institution are looking at the international way of life, the international way of life, so that we too will be part of the international umbrella. So they will set policies which mostly the government or institutions put together policies and presenting this policies or this ideas to the communities, they should bring in people from that community to be able to carry the message. If somebody a woman like me, let's say a woman like me grow up in Freedom and this is what usually will happen.

I grew up in Freetown and im talking about gender equality all my life. I've been in free town. I went overseas, I study and then I became a director of a program a project and this project is trying to sensitize the communities for gender abuse violence. And I go and talk. First of all for me there's a time where they have been bashed saying they will bashed me like condemned me that so you're thinking like you are black and you're now believing ( be living) like a white person. But when you bring somebody from the community and actually presenting. So the way we present the policies, formal Institution, should see the community people on the try as and or the customary authorities as partners to whatever work will be, and I think that is a challenge.

Even International Organization institutions or even in Africa in Sierra Leone that I think it we end up going to the communities. We impose our ideas or we use them as errand boys and errand girls. So just sending them telling them you tell telling them instead of Engaging them and saying "this is a project I'm working what we had or this is a policy. This is something" even the government's. institutions get involved so that they already sxx everything they just go and tell. So you tell them, they listen, they say "oh, yeah", they clap for you, they listen.

As soon as you walk away, they still live their way of life. So the two institutions should work in partnership, the customary have more access to the community people while the formal institution they have access to the resources.

So if they are provided resources, let them the authorities educate them get them involved and let them understand. Why this policy or this law is in place.

Now I have two questions in one. The first one is what do you think are the main problems that these institutions face? And the second part of the question is how do you think in your own perspective? How do you think these institutions should evolve in Sierra Leone to contribute to the development of the country.

Okay, the well, the constraints is usually for our customary authorities. First of all, the constraints most of the time is the level of Education, they are mostly the literacy level is low. Access to information also because of their strategic locations access to information even is formal information. You most sometimes they get here people tell and so on this on our goal baby I come from the community I tell them that this is what is going on.

And then they start okay. Let's say talking about land policy. So if I have an uncle who has taken over all the family land in charge, and there are many women in the family, but he's in charge and then a young man who is living in the community heard about the land rights law, that we (women) need to have access to land.

The message is coming from maybe a family member, another xxx Who is living in a big town? But comes from the big town and knows he has advantage of not changing the law, so he can go and and already bias the uncle, then the community, that you sitting down, all your property is the government is trying to come and demolish all your property and give it to this women and so on without having formal or engagements, so they will already be defensive.

. So instead there will be land sitting down, nobody's working on that land. Because that uncle or that leader of the family who is in charge, will not allow, instead of thinking "if all those women and all these youth are allowed to work in this land there will be more food in the community. Even if these people are not born you can even allow them to have access to the land, instead bring more food.

Instead that person be thinking about how I'm going to use my power even having that access to control of the land is big Power for that person. So the customary authorities and so on most of the time because of the level of literacy lack of information like direct information, meaning how do you call it primary information, because most of them is secondary information will end up getting maybe the government has put together a policy, before the government implements it, already news have reached them that this is what is going to happen. So those are some of the challenges and then also. The formal Institutions have a piousness towards traditional authorities that these people don't understand, their lack of knowledge.

Yes. Where we have been, these people have not been there but they have more understanding of their own setting. So same as the formal institutions you do not understand the settings, it's

like us the gender activists, we go to the women telling them if any woman they tell me any man. Any man touches you the time any man beats you up. Take them to the police. We were just talking about that. Report to the police, the police will protect you. No, because if the police station is in Makeni and that woman is beyond Kabbalah. I report to the police, it's one day you appear you protect me. I'm going to go back to that community. So the most important thing is to get this Authority people in developing policies. They are the ones that will run out. Let them understand the advantages and disadvantages of issues that are in place.

They can help pull out. But when you go already concrete information and you just because even project sometimes that's what happened project field. If you sit down in your office, you don't engage that's what action if you sending was to go and actually engage their partners that are implementing so both the info because that what they did was we have interviews with the formal institutions.

The government's Ministries, police, International NGOS, local NGOS we engage them and then we send the team back to the communities and actually have focus group discussions with the girls because when we talk about gender is xxx, so that's what like that's an example that actually I did. I said, okay, you've inside you do the offices and so on. This is the formal. So now we want to hear also. What the people themselves, what you want to serve, what they think, what are the issues, what are their challenges so we went for in any community. We have separately with the girls, but sometimes if the adults are among the girls, sometimes they hesitate to talk. There's a separate meeting with the girls, separate in every Community, a separate meeting with the women, a separate meeting with the men. So let them give their views and a lot of information comes out.

So those are some of the things formal institutions reach out to the communities ,reach out and make sure whatever your community they are part of. So then you can actually work together.

Understanding because sometimes it's not everything with the stereotype. You can somebody can come and tell you and xxx you stereotype or community. So this community there probably makers but you've never been, spent time with them. [Yeah, you're doing as an outside.](#)

Yeah, then same thing like the rural community are it's all so in the tradition at the customary. If once in a while, they bring them to the cities to have sessions and participate, they hear from others. And then also those that the formal institutions have time to go. in the root communities and actually feel. What goes on the process of cooking, even preparing meals if I am in my house the way I prepare meals, Is much more different from the women in the communities, it takes them more time.

Almost a whole day to prepare food while as for me because they go and they have to go and gather they go and take vegetables and fruits on they even love to go to fishing and so on, men go do haunting. Well as for me here. I go to the market I buy what I need.

So it's different. So let's me live in this community for one day or so and see the whole process. As part of a Community member searching water I open my tap even in Makeni here. I have

running water, I have Salwaco, I just opened my tap. I have a shower. It's different when you're in the community. You have to go and fetch the water from the Stream and bring it before you can use it. You have to do laundry. You have to go and fetch, some people but some people here even in Sierra alone that are well off from even have now machine washers in their homes. Some have. me I don't but I have somebody will do that for me well as in the communities. have to take to the street.

Yes completely different and so it's completely different. So those are some of the understandings we each each side should understand the others constraints.

And then you work on the differences.

Okay, and how do you think they should evolve like if there is something to be improved for this kind of institution?

So that's why I think I cover that already that's it's that they need to understand it. So understand each other so understand where each other and dialogue discussions. Yeah, a great discussions and here the other person's point of view and other explanation and you understand.

## Land tenure

How are the institutions and the access to land tenure related?

The institutions. Yeah, like the formal institution.

Well in Sierra Leone, in other countries land is owned by the government. Like I take the example of Canada, land is owned by the government, the government will decide. Example of Canada let's say this piece of land, maybe this year, they will say "this location will be the land will open up for construction" .And then the ministry of lands will come and the markets and do the planning.plan and everything.

While in Sierra Leone land is inherited. Land is inherited or you buy it. so the difference is: here governments can take land but they have still go to the local communities if they want to come and establish. They have to still meet the Chiefs and the communities, the landowners meaning the family. land is owned by family members. So even if I buy the land it's life. So automatically if I passed away my children inherits the land.

Okay, so government can decide that they can force themselves to take over a piece of land to develop maybe they want to develop a school or an institution and so on.But they have to usually, they have to do with a dialogue with the chief in that area, the elders in that area. And then so usually they can force themselves for they still have to have to do a dialogue.

Whereas in other countries the government is the custodian of the land, here the family members and then it goes to the Chiefs in the community. So that is the challenge of land ownership. So here when it comes to land the family that owns land. so it's the the customary land is own like customary ownership.

So in terms of land I see there is more in like the the role of the customary Institution. Yes. Exactly. Yeah, they are more important exactly.

So although now especially that sounds so what happens in the land in terms of rural communities in Liga areas open?

The rural communities like life in my family side. My great-grandfather was a big farmer. So whatever land he does his farming becomes his. So he claims it they would say they claim land by. The Farms the areas would be doing your forefathers have been farming. so gradually his children meaning my grandparents, the male not the women. so my grandfather all he was a big farmer. So all the area the land he would go and occupy a huge space. So what happens if your four parents, your former ancestors were lazy or were not active in farming. Your family will not own much land in the community. So those that were big farmers will make big farms and so on, so wherever they've done family becomes their property. That's how land was inherited. So now my great grandfather or whatever the land he occupies, his sons, not the wife not the daughters, his sons inherit that land. So that piece of land also the sons they'll say this whole place, the whole of Makeni, our Father his son would say their father owns this because he used to farm there. So now the sons also will start to claim that Land by the amount of farming in the rural communities. So whoever Farms cultivates, so you also you occupy that land. Slowly that's how land is inherited, and then gradually those Sons also will have their sons. So if you are a son you end up having daughters. Gradually, you lose up because when you pass away. Your brothers will take over.

and that's still the case today?

It's still the case today in the rural communities, even in the bigger towns because still people that if they say this the land owners are usually family members, the original landowners. So the only difference is in big towns. Now if you have money you can go and buy in my Village I can go now I can go like my husband.

We have a project, we established because he's a man. We're in Canada. He said I want to establish a project. I want a piece of land and the family provided that piece of land. He can do that but this is not my case.

but now that a little bit of this land rights is for me.

So women are now... I remember my mother asked for a piece of land so he has to ask his brothers and she has to ask her brothers. She said I want also to do and to do a Plantation in the village. Be only that's where my mom comes from. So, you know she has to request she will not just go and take over. So she has to ask her brothers and because they are loving family if you have a greedy brother who is in charge will not Give the land.

So in fact, even in big towns when it comes to buying land you as a woman you have to have a man to escort you, t a man should be there to help with the negotiation. So even when now women can own land through buying there are women that have made money and they decide



to buy their own piece of land. For example, if I bought a piece of land in Freetown, I'm building the house there. I have to have a man to escort me.

That way you will avoid problems.

exactly. They won't even take me seriously. if you meet some wicked people they will take that money and they'll eat it up, and I'll never get that piece of land.

So for they take you more seriously you have to have

even if the law is changing

Even for now, even though I can go I can have the money this man does not have money but as long as so I have my uncle in Freetown whom I actually helped even what's well, it comes to buy in the land. For myself I said I wanted to build a house in Freetown. I had to ask him to escort. and he actually so this is where the problem women get challenged if you have a relative who is also a corrupt relative, a relative can rip me off.

There is a case recently and this is speaking about our family. my nephew. My husband's nephew whom we raised we brought him up, educated him. He is now established.

He lives in Freetown, he's running schools. This woman is Living in America wanted a land. A piece of land, a woman who was just a family friend. He wanted a piece of land so he had to go through my nephew. This is my nephew. She had to go through my nephew to arrange the purchase. She came to Sierra Leone. But she has to go through my nephew to purchase this piece of land. So he did all the negotiation. Later, the woman just realized that the amount of money she sent to him. Its not the price of the land that was given to her.

So he was charging her more.

Yeah, so he spent that more money and then all of a sudden they were asking me to one here. I said I wouldn't be part of that.

This woman is working so hard in America. And he spent most of the money. So the money did not reach, the lady was scared did all the negotiation and so on, sent the money had to go through so a man. Still the man has to be there. So there is still it's not a law, but they take you most reason not there's a law that there is alone now women can acquire land. (no entiendo)

Through pain or your family members will give you a portion, special now and some family members that are some men are liberal and so on. The they see that yes, it's true. Maybe this woman in the family is vibrant, has money and industrious they will agree, but she has to still go through the men and the family.

I have a piece of land in Teco just after the poultry, We have, myself and my husband. this man a grandfather. He had all daughters. so he had a lot of piece of land Beyond Teco. so those women this piece of land we want and we have it now, this is the land which we own it now, but when the time we wanted to buy the piece of land the women had to use their cousin, who

is a man to negotiate about the land before they sold the land to us because they are women because their father passed away, but there is no son in the family. They are all women. So to protect their learning,

okay but in this case you could have negotiated with them directly.

Because when it comes to land, it's a man's. so it's still culturally when you come to the customary is the men that leads the process.

Okay, so I'll tell you even for this is this is happening. I am a victim of land issue right now. So I remember I told you my husband's family gave us a piece of land to establish a project Community project. My husband passed away. As soon as he passed away, they started encroaching, so automatically and the woman I should not be in charge as soon, as my husband passed away. They started encroaching facts, selling parts of the land. It was 23 hectare piece of land. When my husband was around they gave it really new. As soon as my husband passed away and we've already built structures Administrative Building, when the process of building a youth Resource Center in communities rural communities. As soon as the man passed away. They started selling. So I have our Canadian friends who used to come these two support we have come Canadian friends who have come to Sierra Leone impacts of the projects. so one of the gentleman and his wife said, okay. Well we have been part of this project. We want the project to continue. How about negotiating?

So we are already if they are going to take all the piece of land. That challenge came because now I am because myself and my husband we're the co-founders. So now they realize that I am now the only founder so me, I'm the overall person, so this is the challenge now so our friends in Canada said okay we are going to raise money. We'll buy at least if they are going to take, they sold and people are even building in parts of the land already and this is a project for the community, to support them. but it's just at this point for them, a woman cannot inherit this. So our friends in Canada said okay now what we do is we'll raise money and help you at least where the structures are already, because the buildings are already there.

So they want to raise money to buy the land.

Yeah, we are so to buy instead of it was donated. so now to buy the land, so even in the process of going to negotiate now to buy the land, which they have agreed. I remember I'm sent to go and do the negotiation. When our friends in Canada said okay find out how you can negotiate, you can buy, pay them for at least we are the structures are. When I met the leader they have referred me to, the community members there that are part of the land, all the list, they gave me names of five people I should go and meet, there is no woman there among. So for me going to meet them, I have to ask my dad and my brother-in-law, my husband's brother, to escort me. if I go nobody was going to listen to me.

And that's recent?

Now right now. So yeah, we have we are going to we went to where it was during the week of the demonstration. We were supposed to go. Okay, this is recent right now,



And you and your husband bought that land before?

No, it was Community gave, they said we are donating this land for you to establish this project because it's going to serve the community. So when the husband passed away now, they said they are taking over the land back. So it means yeah because for them, it's a man that they give, not the woman, but we've already invested putting structures.

So our partners that have supported us to build structure said, okay because if they are selling the land now part of the land so why can't we go to just buy, so it becomes formal and its own by the project. So now the negotiation I was supposed to go during but then the week of the crisis I could not go. So we're trying to reschedule a meeting. They are willing to meet with me. But me knowing the laws and the rules I cannot just go and face them as a woman.

So I have asked my dad and my brother-in-law, my husband's older brother, to go with me to go and do the negotiation. So even though it's going to buy

even though it's going to to buy so even if so in free time to I bought a piece of land I had to go with my uncle had to if at I go when we go during those meetings, it's the man that talks. Even though the money came from me, this man my uncle that we never and they will even sometimes I don't even go outside and have pockets meetings. I'm sitting there.

So in terms of land rights, we all are fighting I know unimak and so on. This is something we are pushing.

I still need to do much more sensitization in that area.

But I still don't understand if there is a law that give women the the access to Land. Is there a law or not?

so the law is there. The law exists but is not enough.

So I would say the customary institution can threaten you, so the women so let's say Mom ask his brother her brothers that she wants piece of land if she just go and demand she has to negotiate with them and because she's also influential and assisting them, she's even helping raising some of that because my parents live in my broker so their children had been in the worker. going through education and she has a good relationship with them, willingly they give they allocated a piece of land for her where she planted xx or even though he's his brother. Our brother is the one who is actually now still in charge and harvesting.

So we still need a man looking after that land.

Okay, so the land can be yours in the Big Towns now in the big cities. Like in my house the land where the property it's mine. I have all Brothers. everybody knows they are going to inherit my property, so because it's already bought, after you buy If I had had a son even though there is a loner inheritance law if there is a son in the family, he will think that he is he has more

rights than my daughter's. But because we have I have all three daughters no, son. So nobody is going to challenge them. They know when whatever I have they're going to inherit

is so this is something man and I am happy that a lot of organizations are getting involved. What's the way if we found on it, what is happening traditionally in the in the Big Towns?

You can inherit you can, but still in I have still, even well among well educated family members. I'll give you an example. I have a friend. Who is a high professional person, they have houses in Freetown the dad built the dad and the moment built this household house is where they live. They grow up and real other houses that they are renting to other tenants. He is the second child. He has his older sister who is the oldest, He is the second child and he has two sisters. And then the youngest is a boy. So the second child is a boy and then two girls and the last is a boy. the father has passed away. The mother is still alive, but when I hear them talking he's always in myself and my brother we are going to make decisions. And I'm always saying what about your sisters?

And this is professional people and the brother is living overseas, the sisters the two like the two of them the oldest sister and himself are here in Sierra Leone. The older sister is a teacher. He is a civil servant. And the two sisters are living in America and the youngest also. but when it comes to decisions in the property, even the mom Will have to ask them for consent. This is in free town. And this is an educated family. and I'll always say oh myself and my sister. So myself and my brother. We're going to make a decision. We're going to decide. The mom is not feeling well now she's getting old and so on so they wanted to bring in a family member because all of them have grown up. They all have their homes there. But three are living overseas and he lives far away from the mom. n so now they want to bring in a family member to assist the mom, like a caretaker. and I had him say oh, I will talk to Elijah. about this and I said, what about your sisters? He said: Oh, no. No, we make the decisions. We are the men.

So the rules are there. Psychologically, the mindset is another .

so that's his I think this is where we have the challenge. The traditional customary laws are still taking over formal even we that are educated. We actually give the rights to the men, even we the women, but look at me look at me. I'm supposed to go and negotiate for piece of land. That we've already developed. But mentally 'm asking my mom my dad and my yeah,

but you need to do that. Yeah, I need to do that, to ease the tension to be taken seriously. If not, I'll give them the money, they will eat it and the next I'll go they won't take me seriously. They will say "ahh, forget it".

so everybody, institution that is interested in develop this land right, It has to go into slow pace, like take our time to build up and even for the individuals to be able to internalize, to accept it but psychologically We I have I am the oldest in my family. My brother and the one after me my brother. I actually paid fees for him to study and so on, so even my parents have the property in Mabrouka. he is more likely live like. Actually mentally. We, when it comes to land, it's a

psychological thing. We actually even with our education. I have my sister with all the education. We give the boys the priority to decide.

Well, it's because because that's what you saw growing up. That's like within you.

that's the whole thing is still psychologically. Even with all the education we still feel.

Yeah, and they change like the change is needed but gradually

But I think they the job you're doing and the fact that many people are aware. We are nowhere. Yeah, you will still like it slowly influence others. Yes. Exactly. For example for me now like my because of our level of education and exposure and also access to resources, in the customary law by rights when my husband passed away, we have a big house, big land. And I struggle with my in laws for me. Mentally. I've lived overseas our children raise them overseas. They are all three of them are there. and they are all girls psychologically had a big challenge with some of my husband's nephews and brothers. The nephews and of so the men think they saw, mentally because most of them were illiterate so they still think the customary law will have been since there is no men child in the family automatically. I lost my husband. I don't I should not have right so the property the men, because head of the family is the man he has passed away. Automatically and I don't have any son. Automatically the brothers or the nephews And I had a fight.

I went through it with father Joe and father Benjamin in you when I go like I will come even cry to them. And some people told me: just give up why don't you just leave, you know, give yourself? No. So this is where the mental aspect is when we as women. Also, we have to be educated or accept or understand our rights. And then we go for it to grow fear to a point. I was threatened that they have put some kind of JuJu. You know, what is Juju or evil. in the so because they know I know my rights because customarily the custom was the when my husband passed away, his family will take over all the property. And I can be there now I can if they want to accommodate me. And they accept my daughters because they are women, they are going to be married. So they're not going to stay in the room.

But this is where this Clash comes? The three gender act that I told you about that is the one of the thought. The one is about inheritance.

I am aware about that. And I know where to go to fight for it. I know and even I don't know whether you know, Lawyer Jalo, he was part of unimak in he was the one who used to head the law departments, but now he has established his firm. Because I have colleagues that are lawyers. So I got them involved and they knew that I have people but I know what I'm doing so they had to back off.

But other land, yeah, but the other land the projects because it was not bought. It was just donated. So they think they can so that I'm fearing with the land. So that's why I have friends overseas who helped me to raise money.

So invite a learn from them so the projects so this worries me because they in the project the land we have is also donated that to families. So this makes me think that they can take it out at any time.

But if you this is where in the legal aspect comes you have to legalize, do surveillance to come in at the land have the plan and signed by the Chiefs and everybody their sign. But then since it's a community land the men are still going to take over the men within the community are still going to be more have more rights over.

So this is rearing and that's why I was saying this part of this project gender sensitization should be also very Paramount. In this projects, so at the initial telling them how the resources have to be used and so on, to be gender sensitive about whatever they're doing. As long as people under here the in our communities as soon as people think they are benefits. **I think the fear that the custom is thinking about the formal institutions will come they are taking away their power.**

They are going to lose, but if they are aware that I usually challenge me and I was okay. You have daughters. So, how about if you, if it's your daughters that are inheriting your property and to be happy. so whenever you bring them and one thing about men in Africa they love their daughter so much. The men they love their sisters so much they feel , they have to so if they are whenever they are abusing another woman. Where you get them? See just think if this is your sister. Think and that's how usually even the media use them, Use the information say you abusing this person. You're taking think if this is your daughter, think it's this is your sister. That's one thing men in Africa mean. They like their daughters so much. So that sometimes that softened them.

**They don't mind beating up their wives.** But the easiest way to get them telling them that if remember if it's your daughter. That somebody else is abusing this way.

Yeah, so this is the so this is when you talk about clashing Of the culture like so when you think about the land. The Inheritance, the customary laws, sees it's the man that's inherits.

While now the formal institutions the government putting policies that everybody has rights. So that is a clash right now is not yet. It's not yet softened the edges.

Yeah. Yeah. Well, I want to thank you because I think I made this interview to section Chiefs and to people in the community and I think they told me like the official part, they were saying now there are human rights for women and the lowest days but they will tell you but you you are the one that is being honest with me.

They'll tell you what you want to hear exactly. Yeah, so that's what you will tell the rights. Are there the rules are there. but What's implementing them? and if you fight too much they can use the traditional way. For me I was threatened so much in the house, because they know ,as soon as my husband died. Few of the family members thoughts. Okay. Now they can be each other. Especially he's even his brother that I'm calling now. We used to be like challenges.

He even threatened in me that he has all because it's a big portion of land. He demanded a piece of that land. He even threatened one of my daughter's that if you guys talk to your mom to give me parts of the land that my brother left.

A nice daughter said but then one thing we did I think I remember my dad. My husband I got married to my husband. He already had a University degree, was working and for me I finished high school and then we got married. So he was a little more mature than me and knowing the Dynamics and we had ended having all about us knowing the cultural Dynamics. I grew up. My dad was working with the Catholic I go visits. My grandparents what I lived like in a nuclear family system semi western African lifestyle, but he grew up traditional

So I think he became worried that if anything should happen to me there is going to be a challenge because he has all daughters. So I remember he started educating us, getting us prepared and he's always I remember. Raising our children in Canada. He was always pushing I want you to be educated. I'm not going to leave money. I'm going to leave you with education because money I know where I come from. They can find ways to rip you off and get all that money away from you.

But if I leave you with the education, the knowledge you're going to be able to fight for your rights. And he prepared also as a human right activist and so on, so he actually encouraged me because my undergraduate studies was in Business Administration. By the time I get to agree, my masters was one who encouraged me to get into gender.

yeah one of the good men. Yeah, so he was a one of the advisors for father Joe. He helped to establish the sustainable development master must be yeah. Wow. Yeah the Departments he helped because his name doctor Thomas Makturé.

yeah, he was the first Sierra Leonean director for Caritas Makeni. so the priest I was a priest who used to Father bet on was the one who established the caritas . office. So he used to work as an assistance for father bet one and then gradually fed up its 100 with her. So he was the first Cyril Union director for Caritas Makeni so I

so I remember when my own my brother in law wanted to threaten me about he wanted to take control, I said no. We are not. Anything the projects of community projects is community. But whatever is on our name, we bought, it's for me and my daughters and it started challenging to a point.

He challenged me to a point. he saw that I was not going to and then I started involving Jalo the lawyer, and I remember I started talking to so also what helps me and I knowledge my exposure. I know my rights and I have also Networks. with all those Law, the policy they could have who knows me what other women are doing, they'll harass them to appoint to leave the prefer. They'll say then their lives will be threatening and don't think they'll use the traditional means to eliminate them. So some will become. I remember to a point some of my relatives my relatives. We are afraid they said we are going to go to my dad and tell my dad. Let your daughter be careful. It's better if I'm giving her problem its better that I walk away and then

my dad would tell myself am I going then if I walk away am I doing if I go to Mabrouka? My brothers are in charge? And this is my home myself and my husband built this life. We bought this land he built out this house. So where do I go?

So then gradually know that I'm not going to, I'm not going to give up and they know that I know the law and the law is on my side and I started. I remember there was a time when I told my lawyer, I said I am not coming to sue them. I said I have my in-laws harassing me about The property that myself and my husband worked together. But I wanted to invite I named them I saved and I said invite them to your office. Jalo, the lawyer used to be the head of department for the law and he has his establishment. So he has his office.

So I went to him as a friend colleague and a friend. Also I said I'm having problems with my in-laws. So, please invite this I mean them. And I did not appear. I just invite them and explained to them the law about inheritance

So lawyer Jalo did that but because I'm aware so he told them. So this is the law now and you can't do anything to that woman.. And so if anything happens to her, her daughters will take over. And that's those daughters have rights. It's not like before, because if it was in the olden days before the law. Like even my daughters so automatically because we don't have a son. It will be my brother's nephews and will take over.

Yeah, and we can believe in like when I'm glad you had that fight because that fight yeah, like even though it's only one case that can change like no but people know about your cases but

We have set up a Consortium in Makeni a group of organizations, this social minister of social welfare minister of gender some of action aid, and so we are all in like an umbrella organization. Now that's anything happens. All of us will see more than help fight for that woman and lawyer Jalo's office

So for those that don't know their rights, so we have some certain women like, you know, you said you walk with rainbow initiatives. like rainbow they have that staffs that are just there to hear about any challenge that someone because some women then they have on the right, but they don't know their rights.

So this is where we come in. We tell them, explain to them. This is your right, this is your right if you have plans if your husband has passed away, make sure the plans of the properties hide them, keep them for safe place until, because during the funerals ceremony until the 40th Day. That's the time. They will rip you off while you are crying, mourning. That's the time they rip you off. now that they know the law. So what they do now, so now what they're doing now during the time when you are willing crying of the lost one you're confused and so on. That's the time they'll come and clear everything rip off everything. Including if there are documents. They disappear

This initiative you're mentioning. It has a name? or we have a we call it circles **Partners in Gender and Child Protection** we meet every two weeks. Yeah, so discuss about issues that are going on like sometimes if like child bride issues coming up, we go and stop things.

Sometimes parents are willing to give for you, if you know one of us or so some people in the community, they will know this is going on. They'll send a message to our different one of our institutions and then we can mobilize and go and stop it, if a woman lost a woman is relieved. The husband pastor we automatically we do our investigation quickly within the because, we have like for me I have here myself jelly cartoon, you go to other offices. They have like three or four staff and so on, so quickly. We know the status of that man. If we know this woman, she knows her right and so on we don't bother, but if you know that this woman is a victim that does not know the right Mr. Kanu who was the accountants we lost him. last month. I know where So the wife is educated, but she was not exposed. the wife I remember as soon as the funeral happens every morning. I'll go check on her and I realized when I was the real life some family members. I'm going through from him to run and so on then I asked her. So this is what we do on that ground. So as soon as we know a woman has lost her partner.few of us will go around and be with Her, every morning before I come to work. I passed and check on her.

So we I started going to the house and when we go. Staying around with pick up notice. And some people some of the women will be listening to some of the conversation, and then we develop strategies how to protect that women. I remember Mrs. kanu. She is a very she is educated but very introvert. She's so depend on her husband. He's been so close together as she like everything. She was lost when her husband died, and she was even taken to the hospital. She collapsed and so on so I realized when I started seeing some of the movement and I asked her.

I said “you have documents.You have four practices, you have your vehicles and so on and so on, where are the documents. He said all the husband usually fix them for usually men take care of the documentation. This is because it means they're in charge. So she said they are in a briefcase in my husband's office I said in what I'm in my husband's from I said, you know what an advice you get all this documents out of the house for now. So I came and asked father benjamin. So he sent somebody so she packed all the documents and the priest kept all the documents.

because that's the time when you're confused. They know that you have rights So the property bot ,the arguments usually is also the man can make a win. This is where the **gender acts** has a default, because it's most of the time in Sierra Leone the men make the willl. So if I and my husband are married he can go behind my back. And make a will. to leave some property Some some family members to inherit, so what they would do. Now. This is how they work against the law.

What they will do now when there is the man does not leave an official will and he passes away, some educated members of the family can steal some of the documents and fraud a will with a lawyer saying this person has already decided that I'm going to inherit this property. And for the fact that they have if it's a piece of land they have the plan in their position. How am I going to find? They will say well if it's your property, where is your plan? And that person can see well I have the plan.

So the best is what we're doing for women now as soon as we we died in them to get all the documents from a document,s from the house because when they had be real that whole like the house is full of people and and you are kept in a room that is how they do to a kept in a room people come and visit to automatically you don't know what's happening around here. Well, yeah.



d. William Alpha

Can you please tell me your name and what you do?

I am William Alpha. I work for the University of McKinney. I'm in charge of research and projects.

I want to ask you some questions about formal institutions and informal institutions in Sierra Leone.

No problem.

Can you please tell me what is a formal institution and what is a customary institution?

In Sierra Leone when we talk about formal institutions we're speaking to Ministries, departments and agencies, so we call them in short MDS. So these are establishments set up by government to deliver Public Services and when we talk about informal it has to do with at your research level is dealing with the customary law and Paramount Chiefs and traditional authorities. So that's dealing with a structure within the local governance.

How are they related?

They are related in our principle of governance because in Sierra Leone we have local government, we started way back in 1972 and then re-established formally in 2004. So because we have our system is decentralized. government created sub national bodies, so at the central level this is where we have the formal institutions. Which was your first question and those for my institutions are the Ministries department and agencies that helped facilitate the work of government on a day-to-day basis. And then when we come to the decentralized sector we have local governments. 22 local governments in Sierra Leone. cities and districts councils

So the Paramount Chieftancy falls under the local government which speaks to the decentralized system. So the Paramount Chieftancy is a tier within the local government, so at the sub-National level at District and Chiefdom level, we have 190 Paramount Chiefs in the 16 administrative District in SL. So those Paramount Chiefs have informal role they play with respect to land tenure, seeking peace and with respect to local governance at the local level.

So they also support governments. and local councils in the day-to-day administration of their job, but then what needs to be understood as well is that at our legislative level informal sector plays a role because we have Paramount Chiefs as well in our legislation in our Parliament.

So every year during every election every five years during elections. Every District elects one Paramount Chief member that serves them as Paramount Chief Member of Parliament, it sits in Parliament to also contribute informally and locally to the debates,

but this is not all of the Paramount Chiefs?

only a few so in the one 190 Chiefdoms those 190 Chiefdoms belong to 14 districts. the 190 Chiefdoms, it's within the 14 districts in the country leaving out Western area and Western. So of those 14 districts every district will nominate one person one Paramount Chief. So if a district have 44 Paramount Chiefs all of those 44 we vote for one person.

So that one person is the one that represents them in Parliament. So those 14 administrative District elect one Paramount Chief each through formal processes. So it means you if three or four people come up, they will have to campaign to their colleagues and then the Electoral commission would conduct elections and then they will be declare winners as member of Paramount Chief Member of Parliament.

so this informal authorities. They also participate in formal processes. Yes, and and of recent times we have had a lot of educated doctors professors, they become Paramount Chiefs. So the elitism in Paramount Chieftancy has increased, So it's not like before where they were just not academics, now We have a lot of academics. Where as I speak. We have over seven PhD holders Paramount Chief in Parliament.

So they are getting more educated.

So education is becoming a tear and a front to almost all of the Paramount Chiefs. They think it's significant because playing a role an informal role there. Where you're not representing a constituent, but you are representing traditionalism. So in Parliament, they represent traditionalism, their voice acts too. those constituency elected leaders So they are playing key role at that level.

Also at the local level in the decentralization system, they are also playing a role because Paramount Chiefs are also elected to serve in local councils. So in every local Council area one or three Paramount Chiefs are represented in the local Council. So they are not only playing a role at the legislative leve, but at Central level the legislative level. The role they're playing is Central when you look at the the three- tier system: executive, Judiciary and the legislative

In the local level, the local councils have more powers, they have both legislative and executive powers. So they can legislate laws and also they have executive powers to implement what they legislate.

So they are related to every branch of the government.

Yes, and they're much more powerful because at the central level there's no one arm that has two systems. The president hasn't legislative and judiciary powers, but in major or the street chairperson has both legislative and executive powers.

So at the local level. Those local authorities have powers. So like they look at Council of this area can declare that on Saturday. Every citizen will stay indoors and the president will not go against that because they have legislative power. So that's the kind of system.

So that's how the formal and informal so they play both formal and informal rules in the different legislative at a decentralized level and also at the central level.

And this dual system what you're telling me about? maybe these are what you were just describing or maybe advantages of the Dual system. Yeah. Well yes of the Central and decentralized systems.

Do you have idea of any disadvantage that can arise as a result of having these dual systems?

The disadvantage in at the legislative role They play is that Paramount Chiefs almost 10 to life. Don't don't take an independent view when in Parliament, they don't take independent decisions. They tend to like go with the government of the day all the time.

So they're always on the side of the government. So if it's they are voting for a bill that is critical instead of taking an individual position. They take a government position, because our local authorities. They always want to be in the good side of the government. They don't want to be going against the ruling government. Because of reprisals that may come, because over the period when you read that the history the the literature I have sent to you you realize that government. In and out have been victimizing Paramount Chief in respect to taking liberal positions that don't favor the government of the day.

In regards to land that happens as well that the government wants to do something and then the Paramount Chiefs just go with the government?

Before except we now have the president accenting his signature on the recent bill. which has placed land governance In one system the customary land law. Which has been passed in Parliament. Recent what is the name of this law is **The Customary Land Act of 2022** and then we have the **Land Commission Bill of 2022**. These are two recent legal documents that are passed recently. and this document has now placed the administration of land in Sierra Leone under one body.

So it's not like before before we have we had the two tier Land Management System the customary and the Western area. But now with that law, we has not been passed as a law now. So it's still on the decks of the president because once it's passed by law is Gazetted

So it's still in process.

Once the president signs then becomes a law.

So it means before now if you are a resident of Western area. With respect to Land Management. You cannot buy a land. You cannot buy land in the provinces. you cannot, but not with the new law when it's passed you now have right to come and buy land in the provinces and you own it.

So if you are Creole before now a creole, these are residents in Freetown don't have the rights to own land in the provinces. But with the passing of the new law they now have rights to own land. Yes,

so so with regards to Land Management, there was dual system, but now government has pushed it so that we have a central.

[And how is that going to affect the access to land in the provinces?](#)

Its not going to affect the access to land. The different rules because during consultations the different rules were recognized in the law. So the same rule that a Paramount Chief played before, they are still continuing to play it but now in with some slight change, but the same power they had, the customary right, Over land. They still keep it.

It does not. Take them off, taking leadership on Land Management. They still take land so they still have to sign their signature on land because before it becomes valid. and they still play a role. In making sure that landowners obey the customary rights in the Land Management. So nothing has changed.

So and you think this new laws are good. Yeah the new law. Well, I would say for a star, to be in line with International instruments that govern Land Management globally. It's a good start for Sierra Leone and countries like Ghana. Malawi and Kigali and Kenya and others did not get land. You will not get it one day in one legislation. But a good luck is we have learned from legal instruments of our neighbor. Countries so ours is a little updated. So it's going to stand the test of time with respect to all of the international instruments that governed Global Land Management.

Because that's why you see we have two instruments coming out. The land commission bill is like taking power moving politics away from Land Management. Let's now Land commission, there's going to be a land commission with registry at every District level that governs Land Management in Sierra. Leone as opposed to before when it was politicians governing the Land Management. So that's a big shift and a push.

[And do you think it will help to like to revitalize The Landmark the market because people say there is not a market.](#)

It's it's going to help to liberalize land market and also land pricing, you realize that and those that own land in SL are the forest. Because we don't have values we don't have professionals. So you will see that. it's recent that we are now talking about having causes dealing with Land Management in SL. so universities in Sierra Leone before now are not offering that unimark and July University are trying to introduce Courses in Land Administration Management, so you'll see the reason why we don't have Professionals in Land Management. So with the coming of the commission at the force shoot of adverts, we're going to have professionals whether in-country people or external people who'll sit in the commission to administrate the different sector within the land Commission because the land commission is going to build up our registry system, which stops crisis around Land Management double people buying, three four

people buying one land, with the registry establish everywhere and software it's going to end that. We're going to have professionals who are valuers in every District that help landowners to Value their land, so you if you want to sell and it will be valued before you send so it's not like go and sell at the thinking or when you have crisis in your hand. **You will have there will be like an established price.** Yes. There'll be an established price.

**How will this affect the Like the ruling families the ones that have like a lot of land.**

Well, it's going to help them. It's not going to affect them. It's going to give them more I would say it's it's going to make them richer for those that have plenty land. It's going to make them richer and it also going to make them prepare their children for the future because you will see that land in the provinces is tied to educating a child.

So you see that parents those land owning family, will sell a land to educate their child in University. So that's what it's tied to all of those things. Yeah, it's tied to the the marriage ritual if a daughter that family wants to get married, They can sell the land to support that process.

So land has a lot of complexities and it solves a lot of issues around family welfare and family up growth.

**What about those that don't come from an owning family?**

Well, you know the challenge is if you are not a member of land owning family. What you have access to is you can also buy, people buy land. And become landowners, but they don't they are not part of the land only family. So there's a difference within that.

I own nearly 12 acres of land in different parts of this country. I'm a landowner but I'm not part of the land only family, **but you are you are owner of this land as in the west.**

I have title of ownership. It's registered in my name. It's no longer in the name of the land owners. In my name **and you don't need the permission of them** to I don't need permission to sell. well the only permission I need any time, I want to send that land they have to sign, but I don't need permission

**But you have to pay them for that?**

Well normally what happens. They are giving stipend by the person who is buying from me. So just make them happy. Because you all it's like a root you're tracing the root because their names is going to be removed from the master plan.

**what is the master plan?**

for every lay out ,every land lay out like Wurreh. They have a land master plan for Wurreh in the ministry of land. So that master plan is what shows the portion of land and who is the owner.

The most the former family. Okay, like what the case of worry who owns the Kamera family what they own? So if William Alpha buys from the former family

that master plan is changed and now it comes to the general plan and it stated William Alfa instead of the Fornah.

So like our project now the documents are preparing that portion of the land is going to be removed from the Fornah family and giving to Wurreh project.

and that guarantees that they cannot take it back? They cannot it's no longer part of their land. It's no longer part of their possession.

do you think both kind of institutions, customary and formal, they have the same objectives?

with respect to. the national plan developed by government it's the one government does National plan like the current national plan that will end in 2023. 2019 to 2023 - the objective runs through every institution be it formal or informal.

Yeah, but that is like the official version but that happens in real life.

the objective spans from Central to local, this is the real situation. But what happens is that Because it's too formal local institutions don't buy in, they try to move away from it. because so you will see the setting between the formal structure of the local councils and the informal structure of Paramount Chiefs.

So you see that they are almost fighting over what they share us ideas, local tax. the law says that local councils are the ones that set fees for local tax. And the Paramount Chiefs and administration are the ones that collect the tax. But the law for that says that Paramount Chiefs must pay 40% dividend from what they have collected to local government, but that's not the case in actual practice when they collect.

They can collect and pay nothing. And this is like I was telling you this is why they like giving their loyalty to government ,because it can allow them flout legal laws. And they are not punished for it. But if they are against government they cannot do that.

So that's why even when the new law was coming up their position was very strong. They made stronger positions for their customary that their normal rules. To stay put so even when all of the professionals did what they did to change some of the structural Norms in the chiefdoms, their colleagues at the parliamentary level Lobbied and ensure that nothing changed. And they kept their powers and sustained it. So that's how they are powerful. They held a meeting and decided not to attend any meeting called by any formal institution around land until their position is respected. So they are very strong force. When it comes to protecting what they want and can go against objectives of central if they think is not in their favor. as Paramount Chiefs.

In your personal perspective, how do you think this two institutions should evolve like for the good of Sierra Leone? How do you think like because currently there? This is the current situation but how do you think in the future should be do you think it should be the same what what

I feel we have to put in place systems and structures. That work best that will make them become independent. They'll make them become transparent and that'll make them become accountable.

Because if we have a legislative structure That don't blend Paramount Chiefs and the elected members of parliament, if they have a chamber a lower chamber where they do their initial discussion without fear and favor and put their own inputs into instruments that's better.

But when we place both of them together. And ruling government number is at the lower. The ruling government number is at the lower end. They are played with. And whenever they are played with it has disadvantages to Citizens at the broader end.

So until we put in place governance structures that protect them from being non-independent. From not being like over-lawyered to the central government. We will not get it. Right. So in future we must be able to do things that really create separation of powers In the strictest of sense, using 1 an African model that works best.

Because at every other day at both Central and local level, we see conflicts. We see tensions at the local Council level. You see that trying to guard their own interests and revenues. They are always at loggerheads.

So and they are conflicting laws, if you look at the Paramount Chieftancy Act and the Local Government Act you see their contradictions and we have to correct those contradictions to it's within the legal framework that will correct all of the minuses and plusses.

You will say that like in real life on the ground. The Chiefs are more powerful than the government?

On the ground the Paramount Chiefs are powerful when it comes to Land Management. But politically they are not? Their powers are taking over by the local governance.

So like the mayor of the city has much more stronger boys than the paramount chie, politically.

When you say politically, you think about for example, I don't know about the curfew, The Paramount Chief has no right to inflict curfew. Okay, the Paramount Chief has no power to restrict the movement of citizens, but the mayor and the chairperson can restrict movement of Citizen based on the scenario. They have on on the hand they can call and emergency local council meeting and take legislative decisions and that is applicable to their area of operation.

I remember that I read, that city councils in Sierra Leone were implemented in 2004. and before that they only figure of authority were the Chiefs yes, so do you think like do you think that



process was like, how was that process from like from the people from seeing like the chief is my local authority to having now a mayor

Before the institution of local governance the revitalization because it was there in 1972 the then president killed it locals who are Council. all over the country and then it was revitalized in 2004 before that time Paramount Chief had much more power.

Because they were the decision takers in the chiefdoms both political and administrative but with the coming in of local councils, the political power was taken away from them.

So they now had ceremony and Powers. So that's why they local council system brought them into the chamber so that they can also be part of the decision making that the local councils do, like they are part of the legislative chamber at the central level.

how do you think we're talking about this this two new laws and you're saying that that is a good start for SL. But it will face much opposition when it's going to be implemented because now it's still just like it's about to be signed, but it's not on the ground.

Implementation is never going to be smooth. because taking also powers from the ministry. to a commission, there's going to be continued conflict between the ministry of Land and the land Commission, over roles and responsibilities.

because the powers of the minister the powers of the ministry is moved to the commission. So, there has to be like a road map in the implementation of the entire law, so if we try to Grapple all of the situations together that's going to be a shock.

So there has to be a roadmap as to how. their relationships their rules are going to be managed and who else will be affected or against this.

This is going to affect both the recruiters and also it's going to affect

Because there will be fired people? Yes politics can play in a situation and you can be both legally or illegally sacked. So even where you have tenor authority you can still be removed or be suspended by the president. So politics still has a role to play so it will take a time. So there has to be that political wheel. To really get the implementation flowing normally. Other than that, we're going to have some hiccups here and there and that will make the professionals working in the commission timid because if you want your job, you don't want to be moved because of the salary they pay you, you have to be careful because you don't want to be sacked( fired) so there will be a lot of tension no well suppose that tension and that's why I said to go over that tension It's like when we wanted to have The decentralized system implemented we had what we call a Devolution plan. so that Devolution plan was like removing power slowly. From Ministries department and agencies and take it to the local council with a timeline.

So like I say also in implementing the land permission bill. another instrument should be passed in Parliament to smooth the transition another instrument should be passed that has timelines



in respect to what are the first activities we're going to completely give to the land commission take away from the ministry and give to the land commission. And what are the timelines?

Okay, because those kind of sending stuff it has budgetary implication on the ministry.

So any power you remove from the ministry? It has budgetary implication that rule that the person is going to be playing near in the commission. Now the morning must be removed from the ministry and you know, when money moves away from Ministry it goes with pain so nobody is going to take it lightly.

and stop qualification competence Some of the staff who have supervisory role over the land Commission. And not as competent As lan commission staff the competence level at the land commission is going to be the greatest,l but then at the ministry level we only have seven competent staff in the entire country in the ministry of land that are qualified.

There's going to be that challenge if you already see thinking but then still I have what I call supervision rule. So I'm going to do supervision and have the Venom in me and my do something that is wrong. So those kind of tension let's exist and they have to be managed well.

By the structures within the [so there's also like a shortage of qualified people for this positions](#). Yes for all of those positions that you have to be qualified. You have to have the required competence. So if they say they're recruiting valuers for the district, you have to be a specialized valuer.

Before you go to that but do we have value access where you know, so we're going to have a lot of foreigners at the beginning taking over the land commission.

[I think a lot of people will not like that](#) and so many Sierra Leoneans are not going to like it. So the Universities have a road to play to flush that effect. Because until we Institute the courses and people come and do then we can flush the effects. Other than that. No, we have to accept the reality that we don't have Professionals in the field and we must allow those foreign Nationals to serve us with their competence.

What do you think this this law is missing or let's talk about for the second part of the law in the future. Like what change is still needed in SL and regarding a management Land Management?

What is not clear to me. Is that the final product of the law? I am not right? I was part of the preparation of documents. So I'm offered with what was inside but now that it has been passed by parliament with some changes to some modification. Okay, so I wouldn't know the full content until I read again.

And look at what is inside then I will now understand that for the future. We still have a b and c to handle and this is going to happen like the final version of the law is going to be ready before December. Oh this year. Yes once president signs.

It goes 30 days in The Gazette it becomes a law. Okay. So it's going to be gazetted and for 30 days one month. It's a lot. [All right, so maybe I will come back to you in December to see what was the final version.](#)

Yeah, because my final version of the law I have closer eyes on that law because we're part of those influencing civil Society to react and ensure that the Paramount Chiefs don't get a win-win in everything.

[Its a shame that PC still have all that power.](#)

the challenge is because it has monetization. It has monetary value for them. to sign a plan you have to pay the Paramount Chief money. So what we were trying to do in the law was not like, not allowing the PC to sign but we were saying so stop PCs from signing documents that deals with Wetland. Another things we're seeing let the committee meet and take a decision and then the Paramount C. you sign but there's a minute of a committee. So it's a committee. We wanted to give power down an individual. So it's also to tell you that Paramount Chiefs they're working relationship with the Chieftdom Structure it's also 40 they were trying to protect the individual rights than the collective rights. Okay.

Well then you say committee it's a PC is the Chieftdom governance council know what he wants. He has the so but they still push to have that individual power than the communal and [they got away with it.](#) Yeah. I'm sure they got it.

Sure, they got it. Yeah, because the Praises they lavished on the bill when it was being passed and the comments I have heard from my colleagues in the Judiciary shows that they got their way. [So it's like the government needs to be okay with the Paramount Chief. They have like a mutual relation that](#) because the Paramount chief welch traditional Authority and has say over its people. The government is always in marriage with them. They try to to influence the elections. They try to ensure that whoever becomes fireman. Chief is my passing. So that you know that's continued dominance over them is kept. So every president sitting Place ball with Paramount Chiefs. I have heard that currently there is a law for women to access land. I've also heard that even though that's the law. That's not the reality.

[What is how do you perspective on women's right on on land? And what's the reality?](#)

Well, there are a lot of laws passed protecting women, the estate law, the gender law. And the current bill all of them are giving women powers.

But what is lacking is that we have to do a lot of **Education** because the trend is cultural and customary. I am a man, I have five sisters.

And I always assumed that I am the one in charge of parents property when they when they pass away, forgetting that the same right I have is what my sister has but that cultural thinking that my sister is going to be somebody's wife. It's creating all of the but also I'm also forgetting that I'm going to be somebody's husband. So we have the same, right?

You are somebody's wife. I am somebody's husband but yet for the properties and the land we should have the same rights. So we have to do a lot of awareness raising.

We have to do a lot of enforcement. to enforce the law to ensure that what is in the law is implemented. So that if cases if a woman feels deprived in a family and goes to court the law must take its cause so that there are **precedent sets** that will send messages to us that are very chauvinistic and think that our sisters must have no role when it comes to issue of inheritance and Land Management.

So for women to know their rights, yes, so we need also a lot of gender related organizations to **step up awareness raising and training for women** to understand the laws because most of them don't understand it. They don't know that there is a law protecting them.

For the fewer ones that know you don't try them. But those that don't know.

They keep doing putting their loyalty to their brothers and stay behind and try to get whatever benefit that touch them, when transactions are being done in respect to land, in respect to the properties **women are used to being in the shadows** Yes in the back at the back.

So until we play those kind of responsible role and get gender mainstreaming in our actions. Strongly, then we'll get it, right.

e. Mohammed “Papa” Bangura

I am Mohammed Papa bangora. I am a student at University of Makeni, studying sustainable development Masters.

And what do you do besides studying?

I'm a journalist. now and I'm also social worker walking in different communities in the Bombala district.

So you collaborate with with projects? Yeah, collaborate with different projects, you know, yeah in the University of Makeni as well.

And you're also you would like to be a politician now. Why?

I really want to be a politician, but that motivation leading came from me straight off maybe because of what I'm doing or what I've been doing in different communities that's inspired the community people so much to approach me and stakeholders that for far too long, I think.

We luckily leadership. What we like is leadership in the sense. It is not that there have not been politician around and all but I think the people need more they think they deserve better than what they have right now and upon thinking what could be the option and all I think I have been identified maybe as one of the option

So they approach me, stakeholders in different communities and all this is the trim they have for me and they want me to give it a try.

So but then I couldn't answer straight off. I keep doing what I'm doing because I wasn't doing it because I want to be a politician I was doing it because I think I owe it to the people sharing is caring, and of course you have to bring I mean, whatever chance on opportunity you have to help the people and helping the poor brings me joy, it gives me so much all so that is why I'm always ready to go out of my comfort zone and then show I do what's I will do to ensure, you know, and I have people basically

I got the biggest inspiration of help in the poorest of the poor immediately after the Ebola virus because my community was one of the most affected communities in 2014, you know. for the records, you know we Lost over 100 people in my community to the Ebola and all of most of these people, you know leave their kids behind and all so the number of Orphans increased in my community. So at the time I foresee several challenges among the challenges. I foresaw was you know was going to be a massive Dropout of school. It was going to be I mean even prostitution going to be increased and of course Drug abuse and all of that because if all of this young people who have left behind by their parents who could not afford I mean to go to school again. Were left in that kind of situation. These are some of the problems will image from both that kind of situation.

So I started thinking what we could do to help this. people, you know and I at the time I wasn't even be a university student. I just came from volunteering for restless development, you know facilities. It's in I mean career guidance and of course sexual reproductive Health lessons in secondary school, you know, so I begin to think and trying to explore on my network or opportunities I have around me people have made you know, I have a question about you just said, um

Is not related maybe [why do you think people here have so many children?](#)

Well, of course one of each I think is a the cultural belief the perception, because the real true African person will tell you kids are investment in a sense. You know, it doesn't they are not thinking on how to bring them up. What how many kids you have maybe will determine how you would be in the future? So they believe kids are huge investment. So it is good. You have them more.

[Yeah, why is it but how is it good like? You're saying that the kid is a good investment for the parent. That's it. Why because when they because it's old, they try to that's the points.](#) That's the points because when the parents are old you would have kids to care of you and they also think having one kid. It's kind of like Risk, because they can die. Anything you that's the point Anything Could Happen die any other team Could Happen along the line? So it's not it. No. I mean an assurance will have of having just one kid. So that's the kind of mentality. That's the kind of thinking Community people the only if not Africa holistically, but if I could look alive this one this kind of thinking the thinking our people have that same.

I will not have one kid. You never know who God will bless among them, you know, so that is why if you have an opportunity to have more kids. There you go.

[I have heard. People have told me that a red day model of relationship here in Sierra Leone. So I will tell you an example that they gave me and I want you to tell me if it is true or not. So they told me that normally that monogamy is not very common here or very usual. So what I'm saying is they told me there a woman or a girl they told me this is like an a stereotype but that it repeats a lot. So there's a girl and she and she is involved with a man. And normally this man is powerful. He gives he gives her money. That's it.](#)

[But then this same girl also have like other relationship with other men like romantic relationship. so she this girl has this relationship with this guy and then she has another guy who she has sex with. And then she has another one. That is the one that she loves. And then at the same time they first man like they that rich man he has his wife but also this wife maybe she has an early relationship with another like with the milk guy or someone else and they also told me that this is like kind of secret so make so maybe they rich guy doesn't know that his girlfriend has like another person or maybe they know but they don't talk about it.](#)

So this is what I heard.

It's like please tell me what like is this through?

Yeah, I don't like that is coming. Yeah, I think I think I understand, you know one could see it just stereotype, but it's happening. It's happening because I'm it's mostly common with young girls.

You know. let us see for example University students, young ladies in the University. Definitely, you know love I don't know. I don't have another definition about love, but definitely they have somebody they love so much in the sense. Maybe you love a colleague students you're in college together and all in University together, but unfortunately, maybe this young boy you are in relationship you are in love with Can not afford to pay maybe some of your bills and all so here comes in the story of maybe the rich man who comes in, you know, you don't love the rich man, really realistically. Don't love the rich man, but because of what he can afford, you know to give to you maybe to take care of your builds. So some extent you even know University fees and all of that.

So this makes its young girls involved into our relationship like they tell you Claire the rich man could be a married man. With kids establish and all of that but the young girl could also be in religious sexual relationship with this man because They need something from the man. All right. That's it. No, love no love because

The rich man would think she loves me and all of that maybe you could even have control. the rich man knows that she's with him because of his money.

He knows that definitely they will know they and and he knows that that maybe she has another boyfriend the most times. They know they know and I know most times they know because if you are married man, you know, you've got you've got your own family and most of them I know even planning to get a second wife.

because of the Amin the modernity The Experience now and they don't want to bring

You know, so I coming from Christian homes. Yeah, and getting couple of wives or multiple wives. Is sort of prohibited in Christianity, so I'm not saying those who are doing. It's a Christian. No, I'm not saying that well, that could be one of the limitation.

Okay, I'm mostly and also asking my wife like and even doing another responsibility. That's the point but that's the point it comes with a lot of responsibility in terms of I mean a whole lot of other stuff, you know.

And you also do no one to bring chaos in the home. because the moment you have a second wife in the home with I mean all what you acquired your property and all of that becomes, you know, also property of the wife and also the conflicts of

You don't maybe you don't want to bring a conflict in the home and all of that. So that could be another reason more realistically. It's happening on the ground. Most of this Rich guys on all who can afford to have this. I mean small girls and around, you know, they know the reality. These are girls. I will not even married.

They will not be our wives.

But who wants from them is sex?

And you have to pay for it in the sense. Some are even paying fees for students and all of that. Yeah, I heard that as well. Yes, they even pay fees for students. So realistically it's happening on the ground, you know? Yeah, okay.

And so in this like because it's like a lot of relationships at the same time. So you're saying everyone knows what is happening?

Like even like if I have a boyfriend and then I have another boyfriend, but this one is Rich. My real boyfriend that I love. He knows that I'm with the old guy, no most times the real boyfriend doesn't know.

Yeah, really? Yeah, it doesn't know so they so the girl does this like hidden? Yeah, and even some of the rich guy he doesn't want people to know about it. Ah, yeah, like for them to keep it yes to keep it a secret, but it's not really a secret. It is a realistic a real Secret.

Well, you know where people know. Yes people must know and all but

the pretend not to know because that's the situation they want it that's the situation they want it, you know, so basically that's kind of like situation, you know.

Most times the young the reality true boyfriend doesn't know about it because even the rich man himself want to keep it secret. Yes. and then the Young girl also is not proud about it. She also want to keep it a secret. Okay, because she's not proud about it, but she's not proud even though it's like a lot of woman do it.

Like it's not something normal or accepted. s it depend on the kind of relationship the agreement it varies. There are some who even proud of it. They want it in the open. It's everywhere. But like I said or some do not want it in the open some definitely want to keep it a secret because they do not want to compromise the relationship. I mean puts the kind of relationship right into kind of Trouble like kind of stuff so they want to keep it that way. You know.

So now let's talk about institutions.

Okay, um.

What is a formal Institution for you?

I think a formal Institution has an organigram. They have a setup. I mean.

They have an organogram in the sense. There are structures. There are structures and functions. Who does A and who does B. And how they do it.

what is a traditional Institution?

A traditional institution is a traditional setting and I don't know what kind of example I'll give to this.

Context of Sierra Leone. I'm thinking about the Chiefs and about all of this authorities that are not like the government well, that's the point I want to say you know.

The Chiefs are traditional institution agreed even though they are also regulated by government Institution. So it's like there's like A trajectory they have a link. They are intertwined. No.

They are also regulated by. formal institution the government sector

Okay, like when you talk about the traditional institution like the Paramount chief.

They also have their own structure shift on administrative structure in the chiefdom administrative structure ,the first gentleman is the Paramount chief.

And the second man is the chiefdom speaker. He speaks for, and on behalf of the Chiefdom and the Paramount Chief himself, so they all have the section Chiefs. The section chief they also have the town admins.

You know and the town admins also superseed or preside over matters arising within small localities. So they also have structures. I mean, they also have their own. I mean their own organization the hierarchy they have it exist that but they have limitation.

before now before on this Traditional institution are very much powerful in the sense the leader did some terrible things. before now, they even banish people, they banish people living from communities.

So, you know, we don't want this family to live here anymore because of b and c and for even little small conflicts or whatever that matters arise and all they could leave you a fine that even make young people run away, because you can't pay. But now because of the education I mean the sensitization for the Paramount Chieftancy they have, The institutional regulate the activities the districts office, headed by The District's senior District officer, when we call SDO the senior District officer is regulating them through the ministry of local governments and all of that. So they have now clearly spelled that not all matters they can preside, and they also have limitation of fines they give to people. You cannot give a fine to somebody that he cannot pay and end up make the person run away from his own community where.

So these are the kind of stuff, you know things that happen now.

[What relationship do you have with each institution, like with the traditional institutions and with the formal institution like how is your interaction with both of them?](#)

Yeah, I think I have a very good relationship with the traditional institution and the Chiefs and all especially maybe in a community. I work with different projects, you know, you must have that kind of strong relationship with these people in the sense. If you're bringing development, you're bringing it from your own perspective. You have the I mean the participatory approach you will definitely use in the sense.

You have to involve the people and how you get to talk to the people you do it through their structures. I mean their Leaders, The Paramount Chief, the section chief , the town admin and all of that so they must be the most strongly involved into it. And of course at the end of the day, they will be able to call people together and discuss whatever development ,they want and that is why you do not just wake up one morning and think that you know in Yelizanda I need a well.

Maybe that could not be their felt need and all, so you have to engage them and your engagement most times you engage them through the Section Chief or the Paramount Chief or



the town Head man. It depend on what happened, you know in certain community and all of that to kind of leadership they have there, so they would have to call their people and they bring them together. So almost every town and man or the Section Chief and the Paramount Chief in

Head Man, so to speak even up town. See you sound is he ad and a and sounded man meaning he is the leader of this particular Township or community.

But that is not that is the same as the chief of the town.

The chief like I said you have ceremonial Chiefs. And town admin or they are not ceremonial. These are appointments.

, I have the Paramount Chief. He's a ceremonial Chief. [What do you mean by ceremonial?](#) He went he's elected by traditional leaders. He's elected by the people now because before now it used to be elected by traditional leaders in the sense and because of inheritance or you have to be long to traditional in the case.

you still have to belong to a ruling house. Yes. I mean, you still need that background that's really now, but now there are people there are also giving opportunity to people to do the election all those all the people. Yeah, all the people all the people few people. Who is that few people and those few people we call them **TA tribal Heads**

Tribal Heads are the ones that vote for the Paramount Chief. [and how are they selected?](#)

Well, they are selected based on the number of people living in the community and most times how also the tax, you know, we have local tax, the amount of local taxes buying for a concert particular community and the number of people living in that particular Community you select people there.

This selects through I mean the number of tax, local tax, yes, but you're able to sell in a community. So let's say that there are 100 taxpayers in a community.

Who is selected like, how are they selected? Well assessment is being done by the the district office like I told you I learned that we have what we call the **senior District officer.**

So it has to be by section, for example in Masuba section. Where I am coming from, you know the chieftdom is divided into sections.

So and this District officer is by section. No District officer is for the entire district. It's the 40 different entire list. Yes here regulates everything and Paramount Chief in the district.

they even conduct elections of PC. Through the local government

[you were you were telling me how are the tribal heads selected?](#) They are selected by the senior District officer. Yes, the assessment is they're just giving a number a particular number of what they don't see from a super section based on your number mean tax sales local time sales and based on the number of you have in the community in your own section. You are now required to have maybe 60 Tribal Heads okay. So the travel eggs, so it's like so if I have let's say a number 100 people. I am required to have at least one tribal head for one hundred people.

For example for certain amount of people there has to be a certain amount of tribal head. That's it. Okay and most times this is where the **section chief** play a very big role as well.

So this is where the section chief play very big role because

Its also a ceremonial cheaf he has to go to Canada. So again, what is **ceremonial Chief** is the one that is selected by the ceremonium. Well ceremony achieve it has to do with serious tradition.

have you heard of **kanta**. No.

Okay. Well, this is a process. This is the rights the Paramount Chief do undergo. They will take you to. particulars bush for a confinement Where you'd be there for some weeks or months or even for a year.

The PC will be taken there, **but that is like that secret society thing**. That's the kind of like secret society.

**Why is the Paramount Chief taken there?**

Because that's what the tradition requires. And what does he do there? .. to teach them all about what is the **To train them**. Yes, also the secret comes in it's with them. Also, you have the section Chiefs also involved in that ceremony. I

So, okay. **So when you say ceremonial is because they go through this ceremony**, they go through the same Yes, the Paramount Chief and the Section Chief.

The town chiefs are selected by the community people. Well, they do not need to go through any traditional rights.

**And what's the difference between town chief and headman**, they almost the same town chief and Edmund are the same. They're the same.

Okay. So this is um, this is at the level of the how many towns are in within a section?

No, well, it's just arbitrary. Yes. Yes. Like for us in Masuba, we have about 16 towns and areas. Because how it's like Okay for my super you have Arabic college is within the makini township. Well, that's area before it's connected to the town was an area on its own. Yeah, even in masuba you have my super one my super 3 meaning. This place is emerged as a different point. It's a different at a different time on all of the anal of that. So each of this town this area. They have their own heads. They have their own Township.

**So the town chief report to the section should the section chief report to the Paramount Chief. That's the kind of network. I got it now.**

**How does this structure interact with the government and the formal institutions?** Well, of course the Paramount chief is directly supervised by the district officer, the senior District officer, okay.

**And they are also paid by the government.** It recently yes. They started doing that. before now they were not paid by the government **recently is when**

I think they started paying them during the previous government. But it is not something that has taken long.

Maybe like the last five years [and do you think that's fair or good?](#)

It's good. For me I think it's good because what they are doing because when you're a Paramount chief, You have so much work. For me Their work is even heavier than that. What the honorable MP does. I mean member of parliaments. For me the work of the Paramount Chief is bigger than what the MP is doing. [Why?](#) so the why is these are people preside in over matters on a daily basis. Like when it's up you have to preside on land cases.

[So this is their job they don't do anything else.](#)

Except for the wise those who have different profession they will do something but that doesn't they will not even have the time again to do something extra. They would have imagine issues like we're seated here. Say something has happened in masuba section. The PC will have to just run and go there. He's like he is the president in that chiefdom.

You know when a matter or something arises you were the first point of contact if something go wrong in that chiefdom, you are the one that government would even ask government will in approach you and ask. Where were you? Why is this thing happening here?

Like I remember doing the the Ebola when the Ebola I mean outbreak. So the presidents at the time Ernest Koromah has to come down right from Bombali, the Ebola was spreading and all, and he has to come down again to Makeni and call on all the Paramount chief. Now A B and C must stop and the PC straight of Institute bylaws bylaws in the sense like anyone That's accommodate stranger without reporting to the authority to the chief This person would be fine a b and c for doing so. so this laws begin to work. that even if your son or your child, for example,

I own this house where in this house and our kids are away within Freetown but in that particular period if they want to come we must notify the Paramount Chief or the section chief around that's how our kids are coming.

Because it was a disease that was I mean, you know what? So that was the kind of thing. So you find out that the Paramount chief. He has a a big rule. To attend meetings of development even if development partners came. They would have to come. Okay, so their work for me. I think this is why I think it's fair for them to be paid, because they are the rest of their life would be on service to people.

[But what happens if they make a Bylaw that is not good. like do they have a counterpower or not?](#) No, they don't there is no by law That will contradict What's the national Constitution says

Whatever law you are making should be within the framework of the law the national law. So you're saying that they Paramount shift cannot make a law that's outside of contradicts. the Constitution

[My question goes to because I'm saying that they have a lot of power and generally they do a lot of good for the community, but I'm asking a hypothetical case what happens if I'm a Paramount Chief and I'm doing something that is not good. Is there any way that I can be like?](#)

[There's no way for someone to say the Paramount Chief is wrong. No, no, no, but I want you mix up bad law. No, nothing happens. No. No, that's not the case Okay. People challenge Paramount Chief right now.](#)

And there are PC even the throw because of doing bad things. The government can dethrone you, Can even remove you from Power

[The government or the people?](#) Well, of course the people if they revolt against you government to see the reason now to remove you, government has that power even though the people like said you And at the end of the day, he went through some ceremonial stuff that will make you be PC for life. It's a lifetime thing.

You can only be dethroned. for doing something that contrary to governments or national Constitution, okay. For example if you're and you're being called. you rap ekids for example that kind of stuff and then So if it comes up. You'll be even sent to jail like any other person. And this is where they would be thrown you. Okay.

[I was asking you how is the relationship between the informal and formal institutions? And you told me they are kind of connected because for example the government pays the Paramount Chief, okay.](#)

And that's the like that [does the Paramount Chief have any influence over the government?](#) Oh, yes.

The PC has a huge influence over the government and that is why you see most PC for wherever the president goes for any District the president goes all the PC there in that District they will come again the problem the president will notify them because the influence they have in all even as recent as what happened on Wednesday the 10th. The riots and all of that. So the president Calls on all the PC into meeting because they believe they are the direct contact with the people. They have the people on the ground.

So they need to talk to them and they believe that the Paramount Chiefs they have a huge influence on their people. So by doing so You always want to have that kind of good relationship with them and [what was the position of the Paramount Chief with the strike?](#)

Like do they have an opinion. Well, they don't yeah, if they don't have an opinion, I think if the weather have an opinion is so condemn what happened. Because they will not go against what the government says. They will not. In most cases they will not. So situation like what happened on Wednesday, I'm not sure there's any PC that will endorse it.

Not sure. What happened Wednesday with the riots?

A different to what people may interpret it, but the rational behind it according to the protesters were economic protest based on the hardship in the nation, you know. prices of Commodities as skyrocketing on a daily basis. difficulty job and employment, you know arbitrary police abuse, rampant shooting and killing of people.

I mean the injustice. And these are all. what triggers the Wednesday riots, but unfortunately the government have their own opinion on all what happened. And at the end of the government says it's the opposition that are behind the strike and they called the strike the protesters terrorists. That kind of stuff. So that's what the government think the protesters are organized by opposition. So that's what they believe.

But for the ordinary man. they believe it's what we feel. government needs to do more. Now what is happening on the ground? It's not supposed to be the real situation.

What do you think will happen?

With that like a so now everything is back to normal. Well, it's not absolutely normal.

You will see normalcy, but the psychology mentally people are not still normal. Because of the aftermath of what happened. So then yeah, it's like it was hard what happened? It was hard what happened and the reaction again from government and all of that it like still scary a whole lot of people are still afraid of just going out to places and even on some you are people from afar will call you. Please be careful don't go out. Especially what happened on Sunday, or I can't remember the date again.

What happened with the death of Evangelical Samsin, who is that evangelism is one of the opposition supporter. Is a social media activist. Who is a pro APC,

So he's against the government. Yes. He's against this current SLP. So he passes his message on social media

It was on Sunday after Wednesday when Evangelical something (proper name) was killed. You know and how on how what happened. Yeah, well. They were always yes. They were still looking for. They believe people organized. They were still trying to arrest people who "organized" this.

But before that after Wednesday on Thursday morning again, another young man, shot Against was in Makeni here again. That's his person was killed in Makeni. He was killed here.

So the story is somebody called evangelism at the station route just in this in the in the center of McKinney the the streets where the city council is. Have you been to Makeni city council? Yes. Okay. That very road. When the military officers came And you saw them when they saw them, They had to run. And they open firing on them. For this how evangelism something was killed because he was a Target they wanted him arrest. and they shot him by the stomach. Okay, so that's creates a lot of panic, of course in the township. and it brings back everything to a situation of fear. That evening. People have to pack in the markets. Close their shops and return home.

Okay, so of course that creates a lot of panic and people become scared because very scared.

Very scary even for us people started calling us all over. Please don't go out now the Military Officers and the police. Are killing people everywhere.

Do you think the formal institutions and the customer institutions have the same objectives?

I'm sure there are similar objectives. they all want peaceful cohesion of people, they They want. peaceful cohesion of people, okay. They want a peaceful Society. That is the overall objective of all this. To ensure you preside over matters. peace rain between and among citizens, okay.

So that is the same objective. of another formal and a informal Institution like the courts the majesty, the high court. They preside over matters to ensure Who deserved rights have it and something of sorts could not repeat again.

So in that area, I would definitely say. They have similar objectives if not the same.

What about Land Management. Do you think they have the same objectives regarding how to manage the land.

There's a gap in there about Land Management We all know the means of acquiring land in this country It's largely on inheritance.

So when people inherit the land and all of that the management of that land absolutely depend on that family how they want it. They will sell when they want. Government has some Powers over land because every land is presumed to be government own land. Aside from the state online that have been identified as States own land like lands in valleys. These are State lands.

But however, people are also infiltrating in those lands. And have them so the management of land itself. I think it's a problem in Sierra Leone. The land is not well managed. Why?

well why because I think governments need to step up in that area. They agree the ministry of land that lands they are trying. But they need to do more. Because you find out that most of their officers who are going into this place is like if I have this land, for example, I want to sell how many hectares or town lots or whatever when I call the surveyor, instead of the survey in most cases instead of the surveyor. I mean tell you what should be the right thing and all, you find out that I even learned who do not have access road. They don't even tell you what kind of structure is needed here. they don't even tell you that this area is not a no-go Zone that kind of stuff is disaster prone and all. They are trying now but still every challenge.

Land Management is still a big challenge, but they're getting there. But I can tell you for free. It's still a big challenge.

But do you think the ministry of lands should have more power? Like to decide more things related to the land they have powers.

Already they have powers. It's just about them doing the right thing. Because there's no way you can even sell a land. Without surveillance from the ministry of land they are one. That will come and survey. The certified they make the plans the documents. The sign on the documents and everything. Before it reaches to the Paramount chief. It must go through the ministry of lands. They have done all what they could. But now they cannot like what I understand is that they register like if you want to buy a land they register that you are buying this land they checked if no one else is the owner. and then they just like put the stamp but other than that no.

They also have the right to say you should not be here. Because building permit is also taken from the ministry of land. You told me before that like they only do it like for example if it's a swamp. Well that you cannot build there if it's as well if it's a swamp one. And every disaster prone area and that is why even the city council, the District Council they now have an office called the disaster management or the environments office in the ministry of as well in this in the city council.

Because every land I mean acquiring land is not a one-man thing rather. So when you even buy this land. The city council or the district council would office I would have to sign from it. And how realistically it should happen before you sign on a plan. You need to see the place. And this is where they need to improve because the moments the document is around so few. They don't check the place they just sign.

Okay, and what about urban planning?



From what I've heard here. I have heard many different things on the same aspect. I said most times people tend to give their opinion exactly. So but okay. So I remember the ones Clara told me that hmm.

She thinks that the Paramount Chiefs should cooperate more with the ministry of lands and she gave me this example like urban planning is just to make sure that where you live you have many different like services. So for that to happen, someone has to plan that because if no one plants it then you will be in your house and you will have no services. So she told me that one way they the Paramount chiefs could cooperate is to um, To reserve some lands.

But the land does not belong to the PC, their power is just about convincing people. so many communities are successful in what you say. But it's not a decision of the PC, you know the most well, it can influence what I mean. It's not his decision.

Well, he can influence that, the land does not belong to the paramount chief, but he can influence it because of the power he has.

A PC can say: I know this land belongs to you. It's your family Unity from your family and all and from here to NP on well, you know this community where I live in It's not having a medical health center. And if we have the opportunity to have a health center we will need a place. Please let's see how best your family could give a portion of land for A and B, and it's happening.

Like my uncle and my mother's family. They inherit it's kind of like big land my mom. So they have already given a big portion of land for a cemetery. because the old Cemetery has been overused he's been exhausted. So now the community is thinking of relocating this Cemetery. The cemetery is now being surrounded with houses all over the place and all. For now the community has decided to relocate it. So they met with different families and identify where possibly could best use [but this is a reactive approach because they are getting to that after the problem is created. I see what I'm talking about is like planning like in advance.](#) I am just giving you this example So let you know how the Paramount chief. This thing does not absolutely rely on the PC. I understand what you're saying and even for families for me. That's what I do. Tell them even my uncle I do tell him. I say let us do not have a reactive situation.

I know land do not appreciate the value of the land increase on a daily basis.

Each day the land sleep, it becomes a more valuable commodity. I hope you understand what I mean.

so you have to reserve some places for certain developments. It could be a school. It could be Health Center. It could be any Recreational Center or whatnot.

[Do you think the PC are doing it?](#)

Some are doing it. I think they're trying now even with a section chief. They are trying to engage families. That own land because interestingly you go to certain Community you find out that 80% of the land is owned by just one family. So this family has big influence. So should you want to acquire any land from them for Future development, you have to engage them. It requires serious conviction, you know at times it is easy only reactive process. when we see the problem is there and they know this is .

But in a situation if you say: “ we're just coming to plan. Can we have Reserve this?” and they will begin to ask you: What do you want to do here? “We just want to reserve it”. They would think it's an ulterior motive.

I mean you have an agenda and also at times it quite challenging. but I think the PC, section Chiefs they have a role to play agree with you. But they cannot just wake up one morning and say, This land we will reserve it and all, they do not have that power.

Okay, but they have convincing power. They can influence they can influence. Yes.

So you think they the ministry of lands could be doing more? Like they need they need to do more things. that they are not doing yes, so they need to work more

what I think the minister of land should do more we need to do more for example. You have communities that are developing. They should be able to determine that this particular developing area has grown so much that they need a health center here. So that space must be reserved in the sense they should be able to engage the families. Of that particular set in that.

“You have reached at certain level at until. There is a reserve place for Community Health Center or for a school. Then you will not continue selling here again”

I think they have that power. And it's it's about urban planning. You think they have that power of okay. I think they have it. Over reserving space. I think they have it but how like do you think it's like do you think they really can say?

Please give me this land or sell me this land. No, do not say like please give me this land or sell sell this land so mean like the example I give to you earlier on that same.

You go to certain communities. 80% or 90% of the land is owned by one family or maybe by two family. But this is a growing Community. Let us see this this place is a virgin place is just developing. I've come and buy and have built houses and people are building there just building so it's just House house, I mean just dwelling house you I mean, it's keep going. And whoever that comes to buy in this place has to go through the ministry of lands. So come and do the measurements and all and already you've known that we've gone from NP on to this place. There is no way for school. There is no way possible. There is no space.

I think they should now engage the land owners of that Very place. that before we started measuring going for that minister of land government through the ministry of land want to result like every every land is, government has more influence on land and Ministry of lands is just one of the I mean agencies or parastatal so I mean Departments of government.

So whatever thing they are doing is informed by government. So this is why I think if we're serious about urban planning. I think that could be another method another option like even for electricity but they will tell you that when people are starting to build in one place. Then the government should interfere and say hey this needs a road. Let's build it and it's also the responsibility of Ministry of lands in order. about roots because for each land You measure there must be an Access Road. And the ministry of land needs to provide that that's it. the equality tell you that



Inviting when you buy in front of the highway, they will give the lead of way or whatever they call it that's from here to here. You should not be there they have that Authority. This is the way of that they have they can like. Like assess people in telling them how to how to build.

Notes about selling people how to below what kind of house they should be in. [No, no, but I talk about the like there should be a road here.](#) every land you buy the most be an Access Road.

There must be an accessories like yes. No, [I understand. So what but what you were saying before is that when people start to they the government should interfere and tell them.](#)

[You need to comply with this requisites.](#) Yeah, not the people that are building then who the older landowners because they are the direct beneficially from the land. Okay, but like I said [the landowners they are most likely to listen to the Paramount Chief or the government.](#) I think they listen more to the government.

They listen more to the government and the Paramount Chief does not even have the skills and doesn't even know. What it means in all of that.

It's just a collaborative effort. Yeah, it's a collaborative efforts but I think the expert in that field in that area is the ministry of land. in urban planning the ministry of land in our own Society. You know in our context the ministry of land has a lot to do. because they know about every single land in every place. They know everything.

so I don't know if you understand what I was trying to say. I don't when I was trying to see what I was trying to say. This is just My opinion a suggestion I'm making. that the ministry of land because they have every history of a land and how it progress and they know how it's going and they are the only one that has the power. To determine how many town lots and all before even people get the money people buy.

[So they should interfere before people start building.](#) or maybe even after people have started building like I told you earlier and I give an instance.

Like this place is a virgin place is a developing Community now. Somebody has come and built over there. I have built here. Somebody has been there and it's moving forward. It's moving forward and there are still empty land going forward. So I'm saying the ministry of land before they still just continue to Major lands and then it progress in all they should have a threshold or a limitation that for any community that's got at least 50 or 60 houses. There is a requirement for them now to have a hospital.

they should have a hospital. They should reserve a land for a hospital. For example, they should reserve a land for a cemetery. They should reserve a land for a school, for example, so in doing so when next the ministry of lands are coming to measure now they will ask "Where have you reserved for the hospital They will see that and they begin to mention beyond that. Okay going forward. That's what I was trying to present.

[What do you think are the main advantages and disadvantages of having these dual systems?](#)

well the Dual system we have here in Sierra Leone is just about the advantage is it's about who lives on the ground. Who is on the ground that's traditional institution are based on the ground. They are in there. so the regulate, you know, the human person is a being that needs regulation. on a daily basis? You need regulation because the human person. Is is has a nature of conflict

in nature? If there are no rules and Regulation and all somebody could just walk into our house into a house and take all what we have if there are no laws that say no if you do so there is something happened to you next. Or else it would have been a chaotic situation. All right, you get that? and then this is why I think the advantage about these dual things and all.

The Paramount Chief institution and all that established should be able to set to dispute within the locality, although that is not but that's an advantage or that is a disadvantage for you. It's an advantage because *you have like the you have an authority that is on the ground*. It's an advantage. Okay, and that is what you hear people say I would take you to the chief. *The chief is there, they can relate to the chief, especially in a society where education is, I mean level of education is still low. So people who are no educated, they need somebody they can relate with.*

You know, there are people who've never been to court. They think even approaching a lawyer. It's something big that an ordinary man cannot just do it. You know, you know there are people who understand, you know, there are people who does not even know how to attempt to go to court when I'm offended, so this kind of people they need Authority on the ground that they can relate this is Catherine, I know Katrina and then I can relate we speak the same language.

We speak the same language. *There's an advantage. Do you think of any disadvantage of this dual system?* well if I could think of disadvantage I'm not too sure of too much of the disadvantages.

I'm not too sure too much or disadvantages, but I just think. Maybe the disadvantage there. Is also exploitation of the poorest of the poor. Like even when we talk about land now. Just this one documents, I am not a rich man, but I've tried my best and I also do not inherit in it a land from my family, but I needed a land. So now I have tried my best and acquire one town lot. If I go to the section chief, I'll pay. Not less than 300,000 LE to sign the documents. Every institution you go, you pay.

To show you pay I go to the Paramount Chief. You'll be not less than 500. Yes. You will not less than 500 you go to the city council. You pay not less than 500, you go to the ministry of land you pay, so it's exploiting.

I think that's a disadvantage, you have to pay. Yes, you have to pay the section chief for signing on your documents. You have to pay the PC for signing on your documents. You have to pay the city council for signing on your document.

*You really need a lot of. Money, that's it. So that's the kind of disadvantage I think. Wow. Yeah, I never thought of that before. Because for example, we had a case with a girl from wurreh. And we had to maybe go to the police and they told me if you want the police to do something you need to pay them. Well, that is illegal that is illegal. But that happens. Yes that's happened. But if they know if he meets if anybody challenge them the police would have problem for that. There is no need to pay the police. But what I'm seeing here what you're saying, this is legal. This is legal. This is establish. It's legal.*

*What do you think is the main problem that formal and informal authorities face in Sierra Leone?*

For the informal authorities the maybe tradition as it is influence government influence. That's a problem. It's a problem because government what I'm in government influence, They do not

do what the people want. But what the government wants. And at times they are not doing it even with their free will.

**Who who are you talking about?** I'm talking about the the informal the traditional setting for example. So the again the main problem the traditional authorities face is the government interference. Let me find let me look for it. Perfect example. So what I was saying is about like government interference and all, certain things maybe they don't even want to do it. but because government wants this to happen and definitely would have to agree to what the government says. I mean they listen to more to government more. The Chiefs listen more to the government than to the people.

It may not it may not be the perfect example. It may not be the perfect example of a problem that happened because one could also see. Whatever government is doing is in the interest of the people. One could also say that. You know, but because of the political divide in our society. One could say no. This is not good because hisgovernment is more in power. politics it's like that. Yeah, okay. Okay.

**So talking about the future. How do you think the institutions in Sierra Leone should evolve?** Like for you how do you think the traditional authorities and and the formal government like in your perspective if you could decide how they should be like in the future maybe for you in the future.

**An example maybe for you. The Chiefs should have more power in the future or they should have less power or they should disappear or the government should have less power, you understand?**

I think for any Authority that is given to you without power really doesn't make sense. I think the power is here. but I just want them to do the right thing. To be doing the right thing because at least they need Authority also to preside **the right thing according to whom** well the right in according to What is normal for the people? Yeah, like I told you they are changes that are progress.

Before now a chief would even fine you a cow when you cannot afford to buy a chicken. so that was dangerous before now and this is where banishing people comes in. Being like because you cannot I cannot kill a chicken Maybe by accident and you find me a cow. Yeah, that's you see so let's say I killed the chicken deliberately. I mean, it's a chicken but it's still not commensurate to finning me a cow. You understand what I mean? Yes, **but but they're still there must be punishment for the person who stole the chicken.** That's the point. But it cannot be. I mean it cannot completely. The difference you understand what I mean. **Yeah, you think the punishment is too much too much.**

It's too much because this cause people run away from their Villages. They never come back. Yeah, it's it's like it's too hard on them. It's too hard. you find out that before now people there are people who work for the Paramount chief for almost the rest of their life. Because of a small crime they commit. Whether knowing or not knowing. So this was up this was happening.

I have seen a situation. Allah was a small boy at the time, but I could still remember that scenario. in a place called, in a small village called rubongo it was going towards Mabruka. You know. They were there was a conflict. between two people for a banana like you have this banana trees here and somebody cuts the banana and then all so the conflicts arises between

the two people you say I own this banana. You should not caught it and then for the fact that you've calling I'll take you to the chief.

And this was not even a PC. This was just a Town Chief, Or a section chief so to speak. Yes. It was just a section chief. the section chief of Macombana You know.

When this banana issue comes reaches the SC. the section chief said that this Township before I move here to go and see in the scene where the old thing take place. you would have to give 4 bottles of palm oil That kind of stuff. you would have to give I mean the money was huge. I cannot remember the exact amount again, but you have to give that amount but he wanted that money to do his job or to move to to go to the other Chief. Yes, maybe just to move to go and see this is what you have to pay as a fine.

For moving the chief for the thief. Yes that they have no both parties that involved both to pay both have to pay this one. Okay, so you see how dangerous it is after both parties pay, They go and see the preside on matter and this a matter they will keep adjoin. You come and look at it again today. Well who are join it for next tomorrow? Why don't it for this one that I was talking about a banana? Yes, you're talking about a banana. So we keep adjoining it. I join it you spend almost Millions for just something you could say. No, you don't have to call this one. This thing does not belong to you. You have to return it or you pay this the next time you do this. Those are simple judgment our past in just less than 30 minutes. I will pass that judgment. So in just less than 30 minutes.

And the one that is not right to know he's not right and I can still make him feel like yes, I've done something wrong but in a way that will not affect his family in a way. That's the victim will feel happy. You got a gravity of the offense determine how the person feels after judgment. That's what I think. So what this Powers coming down now, they will tell you no. No section chief have the right to even find you 500,000. The cases of this nature when it passed beyond that let him go to local Court Magistrate Court Because they are the interpret the real law.

The national law, you go there. But it's a section chief. My right is to preside over. Matters that we can just solve amicably. peacefully

You think that the traditional authorities they have a good power level right, You think in the future that power like maybe should decrease or it's in a normal level, or maybe it should be a little bit more power.

I think yeah, I don't know what the future holds just think changes and all but I think for now they have a normal Power.

Okay, let me give you another scenario again. You know coming up as a small boy the Paramount Chief in band teaching from a Caribbean teaching tour. Was a masaheli and them is a senior brother of the current Paramount Chief now.

So he was building his house. And he had to invite villagers. to come and work Villagers who come and work. They don't pay them. They don't give them food. They will come from villagers to come and work for the PC. They bring to okay what happened the common put more in the foundation. To get it at a certain level before they started the construction. So what happened to my community masuba. After they feel this mode into the foundation. Then the Paramount Chief had to call again. They have left the they've gone alone that the more the feeling to the foundation is not the right one. They will come on take it off again and bring another one to do

it. This is something you don't pay them. Nothing. Don't give them food. Nothing. Nothing, absolutely.

Just do when work for the PC. But now it's not happen. No PC would be the house again think that you call people by force to come and do it. It's not happening again and how that change happened. Like what happened for them to to change that. I think it's awareness awareness. Yes. I mean in the sense people begin to aware people begin to know their rights and time changes.

When I was six, for example, when I was seven, the level of illiteracy in my community was high. So most of the young people the age of people who can work and all we are like could not interpreter does not they do not even know they're right. But imagine by the time I get to this level the Aging people the Youth who are capable of working now their level of understanding with the way I'm thinking it's almost the same. So no PC wake up our morning and call me to go and work for him for free.

And even if you want to pay me if I don't have the time I wouldn't go. so you see but because of the level of education at the time, awareness is not there, people can even cancel their work and everything when the PC want people to work for him. They will go but no if the for me right now PC will not do that to me. He cannot even just invite me on the meeting without informing me about it.

I can agree on emergency issues. Something has arrived that needed to solve immediately. then I know this is emergency. I will come to solve it so that kind of understanding and that kind of a I mean awareness from the people, I mean begin to pipe down the Paramount Chiefs.

And how do you think the relationship between the 2 institutions should evolve? Like how would it be better? How could it improve or do you think that their current interaction is good.

Yeah, I think the current interaction is good because already there are this understanding is clearly that the Paramount Chief knows exactly Now what kind of mas are they will preside, what kind of matter they should not preside. like the section chief if this matter is serious and he will straight off say no I will not preside on this. Let me call the Paramount chief.

So they have their limits clear. Yeah now yes now, I think yes, and that's good, right?

It's very good.

Okay, we did this. You told me that the Land Management is not good and it needs to be improved. That's it. And then you told me that it can be improved especially on the part of the government.

Okay. Let's talk about women and access to land Because again, I have received many different inputs on them.

So what I know to my own knowledge, Before now the women's rights to inheritance, which is the primary source of owning land in Sierra Leone was a challenge. Women before now did no inherit land. so because most families or most traditional the perception see women as strangers in family strangers in the sense. If you were born in this family or you were born in this family. They would expect you to go and marry it.

So they see your own family as Where you got married. So that's where your family belongs. So what's left for us by our parents and all like a land, You don't have rights. Wait, even if we sell. We don't care about you win all of that.

So women access to land was quite was quite a big challenge. but now that is a good Improvement. now they own land, now they inherit. you and I were born by the same father and that father died left this land for us that land belongs to you and I That we can even share it equally. so now I think there's a great Improvement on women access to land **and women can buy land?** Yes. Women can buy land of sin instances of that. Okay.

We can buy land now. Oh, I have another question. Related to I know that here in the north only men can be Chiefs. That's it. **But is there a place in Sierra Leone where women can be Chiefs?** in Sierra Leone a whole lot in the southeast. Yes in the Southeast in kenima, in kailan. in boo

It's very common. **Why is it different here and there?** Yeah, because yeah is a that Society the tradition. They are Mende right. Yes, they are men. No, they're Mende. Yeah, Mandy. Here because of the tradition. That like if you're a Paramount Chief you have to go through the Poro Society. For example. It depends on what kind of tradition that exist in your chieftom.

Like this is what limit women. The tradition, the Society but what I mean if I understand I don't have this right so like **the secret society for men is like the same in all the country or is there with the secret society of women?** That is the same, you know, like the Bondo. Yes, the Bondo is the same for all the women in Sierra Leone. The men, it varies. For the Limba they have their society which they call the bangbani. For men: For the Temne we have the Poro. The Konó also have the Poro. The Mende also have the Poro. and for other tribes also have their own. but even within the Temne it different by districts, like what the Port Loko people practice is different, like in Port Loko they do not practice Poró for some parts in Port Loko District. They practice O( oye) society.

And you know what the other secret societies do. Or in secret it that's why they call it Secrets but you but you know, you're telling me that they know that they do. different so they practice definitely **But you don't know what it is. I don't know and how do you know that? It's different?** well, Because in the what we see outside is different.

**Because there are certain like rituals that they doing the public. Yes, they do in the public.** Well what they do, actually that's makes it secret in the bush until like I belong there.

What is the influences influence of the secret society like in the public life and in the institutions, does it have an influence?

**Because I've heard that sometimes you make decisions on in the Bush . Yeah, and then yeah,** I think it has a huge influence and that's the other good thing about them the secret society before now. You know, there are certain things. Because they also teaches moral. Most of the secret society teaches some morality.

They will tell you. as a chief or as a man You should not do a, b and c. Oh, yeah. Okay. If you do this, then the society will react. And if some people if they go they do it's wrong. Definitely they will fix the reaction. So it teaches morality, it gives you limitation. It gives you the do's and don'ts, but all of these were in good in just favor of protecting the people. most of these were in favor of protecting the people. For the bad side of his is when the society reacts. They



react in a very tough way. That you know, this is not human rights. This is not like anything. When I will tell you. if you a society man, you shouldn't even abuse people in the public. Say no no the society man should not behave this way. Like you just wake up one morning begin to abuse women. I know that's one of the biggest crime you commit because the society if you allow a woman to abuse you definitely They will not go after the woman, it's you because you give the permission they will not go after the woman. So before now well if for no good reason a woman just think you are the best person to abuse and all of that. sHe should also pay the price. in sort of way but all what so this societies we are teaching we're preaching is morality. It's also behave well in society. Okay.

[Every Sierra Leonean belongs to a secret society?](#)

No, some people never belong, because maybe yeah culture. Yeah Traditions does No permit them. Let me see. I am a typical Limba. Okay, let me see. I'm a typical Limba person. But I grew up in a Temne Community. This is why I was born I grew up and my tribe For example, is not part of this, my entire family don't want me to be into this, and I dont have the access audio to go into my Limba Village. Enjoy the secret society. I will remain like that.

[So now you need to be where you are from to belong to the secret society.](#) That's how it's normally happen, but because of recent, you know during the war and all.

There was a time when the rebel leader in makeni, Just declare every man in Makeni to be initiated so whether you are a Lebanese, whether you [but I thought foreigners cannot belong to the secret society](#). They are not meant to belong to a secret society, that was an abnormal situation. and this is how most of the other tribes came in to be Soko men. It was not their wish. It was just the rebel leader woke up one morning and said: I have declared the entire Makeni, every man in this city must be initiated. So they'll meet you. They just hold you and take you to the secret society. So this is how most of them became Soko men.

Poros is the secret society (institution) , Soko is the person.

[So I've seen some like Signs where they talking about the women's secret society. Bondo. I've seen that some say that no more Bondo and other signs say continue Bondo.](#)

So many people think. the practice has so many risk. Of course [talking about women mutilation](#). Yeah. The mutilation. Bondo is somehow unpopular now is some popular.

Because of the activities around it. And you know the best person to Advocates against the particular thing is someone who belongs there. He feels it's he knows it. so most women who have been part of this Bondo thing and all are now campaigning against it? So Bono is becoming more unpopular.

They are campaigning against it. You've got education now some of them even tell you I regret why I joined the Bondo. You know some of my sexual organs so right it's been removed. So I don't feel like a normal person again, and all of that kind of thing. So they strongly advocating they're campaigning against it. So this is why Bono is And he there is no secret in it coming up as a small boy. You never see or hear where people discuss what happened in the Bondo. Nobody will even tell you about the genital mutilation. But today it not a secret anymore. Everybody knows that when they take into the bush they will go and cut off. It's horrible. I don't yeah that cutting is taking place. So this is how it's on popular now.

It's also is difficult to disappear the Bondo secret society because it's part of the culture. It's part of the culture so it cannot be gone it no, it cannot be gone on in a day. I'm not sure in our own generation. Or ever because it's part of the culture. Yeah, but there are some cultures who might think almost a fade out now almost I know of one.

*Bili* that was that's how we call it in temne: Bili. It's almost disappear now. To almost disappear and that Society was prominent in my chiefdom. Gbanti Chiefdom and that Chiefdom where I'm coming from, If you want to be a Paramount Chief, you must not be a Soko man. Because the society that is aligned with Chieftancy in that chiefdom is Bili. Not Soko

Still today? Yes, but in Makari the society that is aligned with the Chieftancy is Poro. Okay, so you must be a soko man. To be a Paramount Chief in that chiefdom.

So that's the kind of thing but today but really is not in okay to write home about so this women that are like making activities in for the female mutilation to stop they want to for the Bondo secret society to stop or they only are against this specific practice. Most of them will just want you to stop.

They wanted to stop the secret society? Yes, because the main thing they do is that that's that there is no other thing. No, the other thing is just is just entertainment and most of it is in the open. Yeah, it's probably most of it is in the open the do it in open. So the main thing in the bush is that (the cutting) the main thing in the bush is that.

Singing, all the singing around, the glamour, the eating, the cooking and all of that is just to justify a point but it's also but it's also like what I've heard what I heard is that In this secret society like the person the woman who makes like the mutilation there's woman has an important position. So it's a way for women to have access to power even though it's not well.

Yes, very influential position so and imagine trying to take that away from women. Like if you take that away from women, women will not have access to power. They don't have other places to have power. Yes, I agree with you.

All the women who initiates, who do this thing and not only power, even their source of income. It's also a source of income and status and way of getting money. In my so I understand that. There are people that want this to continue. A whole lot. they want it to continue because for certain women that is the only time they will see good money.

Because they will bring because if you get your daughter in the bundle Society. When you want to they want to take them out, it comes with a price. You pay money so you can bring one. Well you. I'm sorry, you can stop being part of the society. No

You can stop being part of the society. Yeah, that's my question. You stop your participation, but once you've been a soko man you remain a soko man forever in your life, but you will choose not to participate again.

Okay, so that can happen.

You choose not to go into the bush again not to not to even take part. Nobody will come and arrest you and say no we need you. You have to come back except otherwise if they begin to realize you will sabotaging the team, you know, the other thing is why men secretly People



hardly people find it very difficult to campaign against it, you know. people just see the men as I mean, they're so powerful.

People are even afraid of the implication. if like me now I said, let me start of a campaign of end Poro society in Bombalo. You begin to think whatWill be the implication. People go after me spiritually or this and all. So they take it easy with the Poro.

And even when somebody is talking about it. you see just swing swing around and all of that and ...But today women are being bold, they do a whole presentation on Bondo Society. It happened recently in my class. It is master's class. In my class we were put into different groups for presentation.

They were in charge of secret society, the impact of secret society to community and they chose Bondo specifically. the lady who has been part of this bondo Society. She was born enough in the open giving a whole presentation. Everything, how it happens why they do it absence alone. So it was it was it was a whole presentation and after then, you know, I was making some fun to have like and I said I won't tell you the way that today you have explained to us all about money. So we laugh about this that kind of stuff, you know, so education.

[And what did you learn in that presentation? Did you learn something You didn't know?](#)

I learned You know the detail part of she was both, you know, some some parts of the presentation was gruesome how You They will hold some lady and then people all this leg and now all this leg and again. They do the cutting in that kind of way. she was explaining. She was trying to bring out. How painful. Could be and then all so that kind of stuff. You know.

[And it's effects and what did your like classmates said about this presentation?](#) It It's like even about taking off their sexual organs away from them. you know for them they still think it's not a normal thing. That's something they should still have, lbecause it's ... it has a different way of. I mean they're thinking now maybe they feel different. You know. That's the kind of stuff. So it was like that.

\*Silence\*

[For you as a Sierra Leonean, man. going back to romantic relationships. I know that it's normal like it a guy's dating a girl to give her money. That is expected. That is normal almost.](#) Yeah. How it is for you like you are you okay with that so you or I want you to tell me what do you

I think about relationship should be a simbiotic relationship, to give and take. To give and take you know. That you know, that's that's not I wouldn't see that as a normal case. It depends on who has Money, but realistically on the ground that's like a common situation. if I am in relationship with You certain responsibility I need to Undertake them, maybe even providing food ,it depend on your capacity. Maybe like even paying fees. if I have, it also depend on my capacity. So this is why I say I see it as who owns more who has more. but for here a whole lot of women, a whole lot of women they have presented themselves vulnerable in this case. even when a woman,, they have presented themselves to be vulnerable in this case.

That's even when they can afford to buy topop or credit recharge card. They will either prefer their men or boyfriend to buy recharge card for them. There are certain women who, the only thing they offer in a relationship is sex. Aside from giving sex. They don't know have every

any other thing again to bring in into the relationship. [And what do you think about that?](#) I think it no good.

Are most of the women like that or how do you deal with that? Like if you like a girl and you are going out with her and then she expects you to give her money. What do you, do you give her money?

Definitely you give money, most guys do not have an option they give because at times they do not want to lose the woman and because they know this woman

Really like me for the money and all most relationship. I like that. It's for the money. When the money is gone, the relationship is gone, but there are real relationship whom the women even spend on the guys (surprised voice)

[Really?](#) Yeah a whole lot. So for me at times I do see it as who fall in love more. as who fall in love more [Who loves more?](#) that's the point Why well, I think everybody needs approach protect his or our relationship. You know. Times you see if the woman is. More in love they tend to do extra. They would do extra.

[So it's like a power Dynamic that's the point but I don't understand your point about who has more more like who loves more like like one different. Does it make the person who loves more gives more money or what?](#)

And to some extent that's it. but it also depend on Your Capacity some people will love definitely they're in deep love what the reality is they cannot afford they don't have So they cannot give out. You can't give what you don't have. You know.

But they tend to be lawyer. to the relationship and all. but realistically. Our society give more responsibility to men in that direction. No, that is why before you get married. You should be able to take care of a woman. [take care, how](#) You provide basics?

[And you have done that?](#)

no, I have not. I think maybe one I think I need certain things to still be in place. But that is one, then two I think the right relationship or the person hasn't come.

so then I decided to focus on empowering and do other stuff so it's not. I'm not too bothered yet about it. I mean like it doesn't bother you. It doesn't bother me much, you know, you know a window people say when are you getting married?

Like expectation of people people expect you to get married just overnight and all just wake up my money. Then you are married money. No usually as I see you influential around and then you doing something. I know you deserve to have a wife now and because of maybe one and you know, but at times, yeah at times you say yes. I maybe I deserve have one. Yeah times you get that feeling like you need to get one. Mmm that are times when that feeling comes, you know. Maybe you need to consult somebody on certain decision, on certain things to move you think And it that kind of person so, but at times you just move on and see. When it happens and then you have your timeline and see what you want to put in place and all although you will not have to have it all before.

Because yeah, you definitely it. No realistic you you there is no way you would say. I need to have a house. I need to have A, B and C before I got wife. No, you just depend on what you

want and on but then realistically you also need to be in a stable situation in the sense. You're in a situation wherein You have a concentrated mind on certain things because certain things if you want to achieve them. You really need that attention that focused mind and all of that.

So that's it. Me this is why I've not known that yet. you have friends male friends that they I know and they so you know that they do this they so for them is normal to give girls money. Yeah.

[And what they they what do they think about it for them is normal or they complain](#) no, it's normal. But the only thing is it's normal. The only thing the only time men complain is when the sense exploitation. when they sense I mean being used. when they sense The only reason you be around them is for the money. That's when they complain.

But realistically you and I will not be in a relationship and I know you don't have money and all. In the morning if I can afford before he come into your think of bringing you food, I would think of asking have you eaten and whatnot. It's Human dignity and more so I find happiness in you maybe even with when we just talk and all of that and all kind of stuff. It gives you Joy and then that can happen in a situation when. Men have more money than women. That's the kind of stereotype. But that's the reality. Its reality in the sense I just think at times it depend on who works hard and all of that because yes.

The reason why I'm saying this, I'm not saying women are lazy. That's not the point. I'm bringing out. But at times even the job Society offer gives more premium to men. That's the point and this is why our society see men as those who have more money than the women because even the job that society offers Is more for men. And it pays men more and because of also, the education level before now you hardly see a young lady with a master's degree. So if the advertise a job they say the requirement is masters. Who do you think is gonna get that job? the man Okay, so but there are women now. Who really have money. But realistically I agree with you. There are men. Have more money than women. That's like more the reality, because of what Society offers. More or less is the reality agree with you. Take Unimak as a perfect example: the vice Chancellor is a man right, the DVC the deputy Vice Chancellor is a man, right? the registrar Is a man right, and the exams they dean of academic affairs. Is a man right? So almost the high profile position that Pays more are all occupied by them. . So that could be just perfect example. You see, all of these occupy. you go into politics most of the positions are occupied by men Yeah, and this is where the money comes from.

Women not being chiefs and you told me it's because of the secret society. Yes Society prevent them. So that will not change here. I'm not sure it will change tomorrow, but I don't know what will happen next tomorrow. but definitely I cannot assure you of change of change by tomorrow. No. That I'm not sure of it.

[I think that is like the only thing that really bothers me when I when I look at the chieftaincy situation. Hmm the like that's just a huge disadvantage that only men can be Chiefs](#)

Yeah, that is in this part of the country. Yeah here now I'm talking about here because this is what I have a studied. Yeah, I know. This is your study area. Yeah, I agree. but I think that's it. Do you have something else to say? Just a little in the interview. I think I think we're done for the interview. I think I'm okay. Thank you very much. All right.

g. Ibrahim Jalloh

So, thank you for being here with me. Can you please tell me your name and what you do, my name is Ibrahim Jalloh. I'm also an instructor for syc and also staff at the minister of Agriculture forest and security as a land resources and what is the sloic? okay, so you that is part of the agricultural department. No, I'm just an instructor your instructor where Atlas and What do you teach?

I teach basically most of the modules? They hope they are doing partially survey. drawing that I sexual drawing they also doing irrigation, swamp development. to irrigate water and those out to teach them how to design for water control structures and also how to manage water in the Farmland. Okay and so your instructor at this Lloyd and this belongs to the ministry of Agriculture no no.

Don't worry belongs this Institute the Institute for nice a government okay. Well. I'm also a star in the minister of our culture. Oh, so you have. tojobs. and what do you do in the ministry of Agriculture I'm a land research technician.

I want to to ask you some questions because you are a member of formal institution in Sierra Leone as the ministry of Agriculture, so I want to to have your perspective as a member of a formal institution because I know that here in Sierra Leone we have the chieftaincy and then we have the government and this is what I'm interesting in in learning about wow, so the first question is for you. What is a formal institution and what is a customer or traditional institution?

Like the customer will aspect let me say I'm traditional aspect and we are doing things but like the formal aspect normally you can take it as an institution where you go to acquire knowledge and all that.

More like for me partially I prefer the former education. Yeah, I prefer the formal education because the customer area I don't think there is a proper institution for that.

where you will go and learn their customary traditions and other things it is not common, but see except to belong to the society because they have their own secret society. if you don't belong to those Society you will not be part. You cannot have any clue how they operate okay and and you are part of any tribe. I am Fullah yeah. I'm Fuller by tribe. according to my own tribe I will not partake to anything like traditional aspect.

Why, not?

It is beyond my mind it. I will not belong to any traditional Society but it's because you don't want to no,

I don't want at the same time. It is not part of my own culture.

Yes okay, we don't have the only thing we have after week when you are born. There's a commute circumcise. The only thing we have of that there's no team so that's the only custom yeah that you have and nothing else.

the fullah are they like paramount Chiefs that are fullahs? if you move along the area like this the Kabbalah areas, across those areas. that the main set to us and the queen adobo District, so the over there there are paramount chief there and they are fullah.

We are not part of that particularly like the temnes have their own Society and limba have their own, it is based on certain tribe. They have their own, basically when you read a bit about this society this was established mainly to protect their territory. That is the meaning important. although for now. They are using it in another aspect which is not right. Which other aspects like frozen people who are not part of their cult part of the culture to participate to the culture, it's Just not right.

Let me see if our three to four years back a government passed a law that no one should be forced into any society. okay, yeah. for now the situation is count except when you are willing you offer yourself, you're okay. Well when you are now willing you normally be careful with them because they have their roots. When you interfere into any of the arrows you have a fine, automatically you'll be part of them.

Okay yeah at the same time you have to be careful although there is a government law you have to be careful with them. That is why I normally I don't belong to any of this society. I've been here over 20 years here in Makeni.

Um but the like your friends are they part of the secret society I have friends who are part of the society what we don't discuss. You don't talk about that because the movement you start talking we end up to have problem with them.

So it's better to know nothing yeah okay. And so members of your family do they belong to no one in your family and they are here in Makeni? well, some of them are here some of them five like kono so all over the country.

Oh, so you were explaining to me? What is like the informal institutions and your perspective about that and now let's talk about the formal institutions. How is your relationship with formal institutions and how are they in Sierra Leone what like?

the formal area, If I am if I will meet on the tertiary institutions. We are seeing most of the institution. They are basically doing theory and practical I'm saying king of this summer graduating at the same at the end of the even what you the paper that you acquire you cannot defend it.

You're talking about University for example so formal education. Yeah, normally like the people who are going like for sly to the take book and other lower institution. You have the technical package to see the instrument and no really how to operate this instrument. At the end of the day you'll be okay. This is something that we are facing across.

What about the ministry of lands or ministry of agriculture?

Like for ministry of Agriculture normally we have training every year. There's a lot of trainings like for us in the and the engineering division, normally we have water management training like for young contractors, community people we engage them, we teach them on how to undertake the processes. that is over and like around 2017. I was working with Japanese expert sabada we designed the irrigation and we implemented the activity at Mabruka

You think this.

Formal works like you should work why for now?

I'm sayinh for my own division. It is okay. Yes for my own experience yeah for my own division. It is okay because me in the ministry like normally agriculture people move every year overseas, quite exchange of knowledge. Okay sharing of knowledge. I'm all the move to Japan, China another country. My boss is just back from Holland on a three weeks train at in that is much better because you have a knowledge of all the country and their own country. I think when you blank that together it is more important.

Now I want to ask you about their relationship between the formal institutions. Let's stop blessing about the ministry of Agriculture and they traditional institutions. So how do they for example the ministry of land on agriculture interact with the chiefs?

Like for the previous year let me see about Bombay I handled the tractor operational Center, I collect data, I analyze data for the whole area, we give Paramount Chief priority, To have the land that the tractor will plow for them free.

Why do you give him priority? They are the stakeholders, they control their people.

They control their people if you are working within that within their own confine you have to give them man data as well. You have to bring them on board.

Why?

Why normally bring them on board because you don't want them to be left out, some people take them as a role model., when you use them everybody will come. They will operate peaceful between the the territory. I think that is more important okay.

let's talk as an institution and then the ministry like the all of the government agencies and Ministries as an organization. Do you think these two institutions have the same objectives or do you think they have different objectives. Well at times the other institution like the MDS have their own priorities which the Ministries they have they have their own priorities which government assigned today. normally the Chiefs at times there is a gap between the PC and other people because at times the PC need more work to be done in certain areas where we have concerned over other people might be life left out.

This is a similar situation that I found out in Lungi when I visit there the PC just pay attention in certain areas because these are the people that brought me into become a PC suspect in this area. These are these other people to be left out.

Sometimes they don't take into account all the people. They are not including the people and do you think they the Ministries try to include all the people?

like when we are walking us in ministry. We work with people. We just inform you that we are around your area. You need it to just have the blue that you are here. You don't have the right to say. Oh go one okay.

now continue about institutions. Do you think having both institutions in the country is necessary?



Yeah, it is necessary because you see we have the let the traditional people who are the costume people they have, they deal with the immediately land issue like when there's land dispute and other things they are the first people to contact their first Contact person because even you cannot move directly to the paramount chief. You have the town Chiefs from the Townchief, you have this section chief on to the PC me. There's a chain, this people understand the rightful owner of those properties, if you left them out. There's a problem.

Then according to Sierra Leone you cannot leave tradition out. It is not possible. Yeah. Tradition is tradition. You cannot go against their own [so in the future you think this is going to like the situation the current situation. Do you think it will be the same in the future?](#)

It might be the same but they are certain things that will be improved.

At the end of the day and [if it was like if I ask you how it should be how can this situation could be improved like for example you think they I don't know that the Chiefs through the stop like having so much power of their over the land or like. I'm talking about in like everyone to develop.](#)

[How this institutions should change to achieve this Development](#) one thing if we once value to change is the mindset of the individual, their own mindset. Like if our own mindset is at a particular goal we go for it and we achieve at the end of the day, but if the mindset is divided there's always a problem.

what I'm saying I'm talking about the politicians that this man is walking on this project if you are spontaneity. You will end up achieving something at the end of the tunnel, but like if this one work at this sector at this portion say no I'm not interested in this year. I will come I will do differently at the end of the there's nothing change.

For me, I am not seeing the country to even the next 20 years to move the way I want, for me. and do you think the institutions can have like an influence on that to improve the People's mindset or to not allow them to be corrupt because maybe things institutions are allowed in our enabling this behavior yeah, that is true institution are allowing that, one thing if you are not having better paid. Personally support me. That's a good point.

Yeah, when you are paid well, you'll be careful, when you are paid when certain things you cannot do it because there's a limit there you go if I am ahead of this institution and I'm paid let me see a hundred dollar in somebody come with \$50. Let me see let me see 5,000\$ light take it or not. This is when I'm receiving a certain amount and I'm giving certain privileges. I will not be corrupt.

Salary the salary is very small that is one I know the salary is very small but times. So certain things needs to be handled because you can all live certain things just no the people are corrupt. lets continue even the leaders are corrupt.

[That's true, but let's talk about the members of Parliament they make a lot of money now. Yeah and there are still one](#) but the and they make a lot of money like much more money than in other countries the body are still corrupt.

[So we're seeing there an example that even though they make a lot of money.](#) Yeah, but what I'm saying this people have been.

On Who with no joy for over many years they want they have been on they have been without job for and then he over many years which people this number have been culture some are without job for 10 years 10 years

But I thought it was because they were like volunteering.

Yeah, let's see we have suffer for 15 years nice time you see the problem. We see people who have graduated from different universities. They don't have job for up to five, six years. That is a big problem.

But you have suffered a lot we have one different experience. This is a big problem but blessed today. If I have my paper, I have job today.

There will be eliminated. It is not possible to omit corruption at 100% but you can mitigate it. You can reduce it to a level. That's okay, so if I'm understanding right you're saying that.

Sometimes people can be one of the reasons yeah, the people can be corrupt corrupt is because they don't know if they will have like they will not have a job stability like maybe you know I have a job for now and maybe tomorrow. I will not, so while I'm the job. I will try to get as much as I can that is that is normal between the politician for the five years if you are packed if you are around me within my party you have job, the next five years we don't know that's very interesting what you tell me okay okay.

Let's talk about now. What do you think are the main advantages and disadvantages of this dual system that we have in Sierra Leone because this is your Leon is very characteristic that there's this customary in institution and then there's the formal one exactly. What do you think are they good things are they on the bad things about these dual system right for me when I talk about the customary laws, let's see.

The customer like the paramount chief and other people for me. I just wanted to be a Time like presidency okay five five or ten years because we are seeing some of these people don't have respect.

For the people who like the Chiefs and it's all of the Chiefs like in your experience or some let me say more than 50% more than 50% if I if I can read 150 passing if we say in five years or 10 years for former chief at the end of the day. You need me to vote for you. It treats me nice.

Can the people fire the PC? it is difficult.

The PC is for a lifetime yeah, but like what if they're not doing their job can the people like just be mad and leave or it is difficult it was difficult for that to happen. Why?

Well, I have never seen anything like that.

You never saw it. okay so what is the good thing about having these two institutions yeah like for the power manchief and other people they also handle law. They deal with cases like the little cases, the minor cases like land and other things.

It's not everything that the police or the the law can handle or they can handle certainty so you think they're useful yeah sure. okay



And what are the bad things about having these dual system? Like for the powermanship. The way they are treating some of their people. I don't love it. I don't like it at all because you cannot these people are your people you cannot treat them separately.

What do you mean by not treating them well, can you give me an example?

yeah for quote let's say development and other team. You only concern about one area and forget the other area. They are all routinely rich. Even so they have preferences. Yes the let me see the similarity happened even at this this community. Happened there what happened the people that are the people that voted the powerman chief in the permanent chief. Just focus on that particular area from the other people the other area that I left up even if they are they have a occasion any other ceremony if they are invite you perman chief parmachi from one ten.

so let's say there are like two regions and this one voted for the paramount chief this one didn't vote for the Paramount yeah. they voted for someone else. Yes, because like when the election when the election normally comments they have different boolean house. Maybe they will have 5 or 10 rule in house everybody we have a represented.

Something like that. This is how that you operate all right.

and what do you think is the main problem that both kind of institutions face in Sierra Leone. what problems do they have to overcome

Like for me. I just really have to treat their people well the treat everybody else. if we all live as one that will be no problem.

What about the formal institutions what in your daily job what problems do you see that formal institutions face?

like normally, let me see most of the formal institution they need to. the need apparent of to train people We are not talking about theory any longer. We need a parallel for practical work. Not just Theory, So this is [so the problem here is that they are teaching too much theory and not practical things.](#)

## LAND

[Okay now, let's talk about land tenure and access to land. How do you think again how both institutions have an influence? Let's talk about the formal institution. How does the formal institution have an influence on their access to land in Sierra Leone?](#)

right, but if formal. They have the overall head, let's see if we are talking about the minister of land, they deal with all land issue within the country for registration and approval as well, like government all have land at the same time free tenure.

Like for the provincial areas most of these lands are owned by native people. They are not owned by government, if government need land, whether government needs the land of the people they have to pay for it. Yeah okay, [and do you think this is correct or not?](#)

Well, this is a normal thing. It's a normal thing. Yeah, because if I have something you need it.

What we have certain area we have movement at least for a long period government is not paying at least more structures are still yeah government structures are still there.

you may Even think as well. There's disadvantage. Because they are owing the property at the same time not pay rent for them. It are correct?

you think the government and the formal institutions have power over the land or not? but government have power as well, government can decide anything to do no one stop them. What about the paramount chief [can a paramount chief stop the government and in a land dispute or something?](#) No, it is difficult [so the government is first and then the PC is second.](#)

If the government need a portion of land the government will communicate the PC And the PC will immediately say oh, let me shut for people and they will give you the land sometimes freely, without paying a dime, at times. if you follow the chain, if you don't follow the chain you have to pay for it.

[Okay, so it's better for everyone that they have like a good relationship the Chiefs and the government.](#) Yeah, because when you communicate to the chief the power management department of communicate to the session for communicate to the town head. I need a two hectare land or three hectare land.

most land dispute starter start at the lower portion. We are the start to deal with it at a local level before going to the higher level about the town head normally tackle the land issue, when the town had failed to settle the matter before they to the section chief to the paramount chief about these are the custodians of land.

For the provision, I'm not talking about the capita City because the capital city about 80 percent of the land is owned by government.

[And do you think this the land management that that we have now in Sierra Leone do you think it's ideal or what do you what? Would you change about the land management like them the policies and who has power of their over the land? Do you think it works?](#)

Its good, for now its okay.

and what about the people who that they don't inherit land

if you don't inherit land you might even purchase one, pay for one it becomes yours because let's say for the in the capital city most of the lands you pay for them you buy The Land even here you buy The Land okay. Maybe this property was bought, they purchase this property from the land and

[let's talk about women. Do you know how are like, in the real life, The women have accessed or right to to own to inherit or to access land?](#)

Right in those days no, in those days no. [which days?](#) I'm talking about back in the days. No but for now you have access to land women have access to it. Yeah for now women can inherit land yeah for now because most of the certain areas you have the elder is a female.

Also have access to the property can either find their, build their or even sell. normally when this when they are trying to sell in land because a family the commerce family.

If we are five there are two female and three boys meet at around table as if we want to sell a five acres of land and if they sell the land there's no problem,

but who takes the decision if there is like three main and to to women when they have a say like the women or only them and decide this is my question okay normally in certain community the man decide in other community even though the the female is even though she is a female, if she is the head she decide in certain families. They look at the rank the head. if the men is the head, he decides.

but in the case where they are all siblings men and women who decide? men and women normally they all they always give priority to the elders. Yeah okay.

But what happens when they all of them have the let's say that the parents died and then there are two brothers and three sisters within the five of them who decides how to manage the land. I can't see if the two boys if the boy is the eldest one in the family so like the Big Brother yeah, he decides if the female is the eldest one in starting community she decides so like the the older brother or the older sister has the say in certain community yes and in the rest.

In other Communities only the male decides.

What to do and in your experience like for your family have like what is your experience when it comes to women owning lands like do you have sisters or female cousins that have for us.

We don't have any problem with land issues. For us always the eldest beside with a male or female Decides safe position you cannot take decision on behalf. Of him or her okay.

I think that's it that was fast. I think we covered all the questions.

I think it is very okay, because you cannot design for an area without having the glue of the existing area.

before you design for a new community you need to have a group an understanding of the previous area or the area within.

okay so you need to have a knowledge of the territory, like what we did.

Have an idea of the various seven community in the corridor, at the end of the day based on that idea, we were be able to produce an output of how the new community will look like in that aspect. It is very well, and

what do you think a talking about the whale or like or they latrines? They're going to be built where do you think they if they're going to build a well so people can have water.

What do you think you should be located you think you should be located in Wurreh in the new community or in the middle. What is the perspective

like for me Happy the well and the trailer should be within the new community. although when we are designing for a well and and a toilet there's normally you look at the topography of the Land, in fact the other water flow will be careful with that you cannot see okay. This is a is a place. We are the ground small level let me say, i the toilet at the top and the downstream area I go and. it is very wrong okay no matter that is why we look at the topography of the land and also look at the distance. We have a distance that from the toilet to the well. There is a distance.

How do you see do you see that is possible that the people will be able to to build their own houses in three years? yeah, it is possible, even though they are they don't have a lot of money

because they are like people from the village. in certain Communities the build house with their local materials. Let's say more than 60% of the material. They are local materials. We have the bricks. It will stay some other things. They are local materials. They only the only buy nails, roof and other things.

is the house going to still be good and durable or not. Yeah, they still good let's see for now certain. Let's say even England for England even my chest that they use it a mold bric to build their house more more. It is very good. I've been there over how many years okay okay well.

Yeah. I just wanted to know your perspective on on How it will turn out this project. I hope it goes good and thank you.

### 7.3. Anexo 3. Grupo focal mujeres de Wurreh

#### WOMEN FOCUS GROUP IN WURREH

Project of experimental community in the corridor Panlap – Kunshu in Sierra Leone.  
*Research on formal and traditional institutions and its effect on access to land.*

August 2<sup>nd</sup>, 2022.

#### INTRODUCTION SECTION

Name of Community: *WURREH*

Demographic Group: WOMEN

1. Participants' Genders?		2. Occupations of Participants
<i>Number of Female</i>	15	MIXED
<i>Ages</i>	From 19 to 60	

#### PARTICIPANTS UNDERSTANDING OF POWER AND AUTHORITY

1. What is authority for you?
2. What is power for you?
3. Who are the authorities in your life
4. What do the Chiefs do?
5. What does the government do?
6. Who do you think has more power the government or the chiefs?
7. How do you select the youth leader? Is it always a man?

#### ACCESS TO LAND

8. What do you know about the access to land in Sierra Leone?
9. Who manages the ownership of the land? What does the government do? What do the chiefs do?
10. Do you know what are your rights regarding land accessibility?
11. Do you own a piece of land? Do you own a house?
12. Did you inherit anything from your parents? Can women inherit land?
13. Do men and women have the same rights regarding access to land/ land tenure?
14. What happens with the land inherited by women when they get married?
15. What is the value of the land for you?
16. Why is the land important?

#### 7.4. Anexo 4. Transcripciones grupo focal

1. What is authority for you?
  - They tell us what is good and bad in the community.
  - Respectful people, people that they are afraid of. that when they stand or when they talking the kids and other people are afraid of them
  - The leaders and chiefs in town, whenever there is conflict, the authorities will go and solve them.
  - Authorities need to be respected.
2. What is power for you?

For them the people that have power in the in Wurreh here are the Koromas and the Fornahs, they have the power to sell land and to give out land and even sometimes if they give you a land in the long run again. They decided to take it away from you and sell it again. They have the power to take the land away from you and they can sell it because they are the custodians of the lands here. So, they can give and they can sell, they have the power.

The people with power in the community are the youth leader and the chairladys because when they have problems they go and explain to them and they will find a way to settle the problem, and they normally also encourage them to talk to them.

For her sometimes some people will just seize advantage over you because they have power, they will just see you or maybe they'll just catch you the flog you and they do you all sort of things because they have power, but you also in the other hand you'll just go and find other people like the elderly people in the community you explain to them maybe they will find a way they talk to you and they will call the person but most times the people that have power can take advantage of you.

So people can use power to to do bad things and to do good things yes.

The people that have power are the people that have money in the community, because they have money they can seize advantage over you and when it comes to settling the dispute they can spend their money and they can have right over you so for her, The power is people that have money, they have more power in the community. They can do anything because with their money. They can spend it and you don't have money so the people that have money have power.

Power is people that are in authority. People that are highly placed in the community

Here in authority or their in power. They can use their their power or their authority ship to gain access even if you the poor man or the layman you have the right but because they have the power they are in authority. They can turn your right to wrong and they have in the rights and they giving you the wrong.

So they can take rights away from other people yes from poor people because you don't have money and you're not in authority.

3. Who are the authorities in your life?

- Chiefs, People with money, Townheads
- President, the police: whenever there are conflicts, if the people go and report, the police have the right to take you away from Wurreh
- People with high positions
- Paramount Chiefs respond when local authorities don't
- The Mighty Allah
- The elderly people are in authority for her because if you are having a good man as good training whenever you're having an issue. The elderly people will come in and intervene in your behalf, or in your presence and they will talk for you if you are respectful, but if you're having bad Manners bad habits then they will not interfere in your matters.
- according to her all the young people are also in authority sometimes. There is a saying that you give respect and in return you receive respect if you respect the young ones and also in return you will have respect you will also respect you, but if you don't respect the young ones you will not receive respect in return.
- Okay, she's also saying something similar to one of these woman. They're saying you you give respects and because you are respectful person in the community. You don't cause havoc. Whenever you are having issue or any case, the elderly people and people in the community will come and say no this person is not a trouble-causer because in the community here. They know them. They know the trouble-causers. They know the Peaceful people so they will talk they will they will come in and intervene that this is a peaceful person so this matter. We need to settle it here before it goes over there. So they'll normally settle it at community level because they know you are expecting person.

4. What do the Chiefs do?

- Custodians of the land/law, they only interfere if you tell them
- if they go and meet them with any case or any issues, but if they don't tell them the problem that is affecting the community or the problem. They have been in the community then the chief will not intervene because they don't know, but if they explain to them until then the things that are happening or whatever that is happening then the chief will intervene.
- They are peacemakers
- Okay any community that has a Chief, there are laws and other because they pass laws, they have the bylaws that's these are the laws. These are the rules and regulations everybody that goes, against the rules and regulations there are some disciplines. They are some punishment but any community that there is no Chief or elders then there are no laws and no control, but because they're having Chiefs here. So people are afraid to cause havoc, they know that when they do something then they're going to report them to the Chiefs and they have their punishment.

The communities that don't have a chief, have a Townhead, they'll have leaders that lead the community and those people are the ones that take the decisions. They will take some of the issues to the Chiefs and the chief will take the matter out to the section chief and the section to the PC.

- Also the Chiefs also pass laws that the community is that is bushy. We need to clean the community. Maybe this weekend normally put time for them to clean the community so the Chiefs normally pass on those laws.
- Okay the because the chiefs. They are not residing here. They normally passed the laws, but if they ask everyone to do a general cleaning in your own environment in your own surroundings and you refuse doing the cleaning then the the one they send the inspector is going to take same tell the chief that and will punish there, take them away from the community and lock them up for some time.
- He talked about today youth leaders and some of the community and boys and girls the healthy ones not the elderly wants for them to clean like maybe the community the surrounding the entrance of the community, but if because they are by laws if you refuse then they will call the report. then they will come and collect you and go with you.

## 5. What does the government do?

For them here the only thing the government is doing is when there is a time for the local tax collection the money, then they will call the invite the town chief to go and collects the Taxes and the Townchief will go and collect the Taxes and they will come and impose it on the people



everybody is going to paid for the tax. It's a compulsory thing. That's what they are saying “by force”, so even if you agree or you don't agree you have to pay the tax and when you pay for the tax because for sale you know I think it's 18 years 17 or 18 years 18 years as long as you are above 18 years 18 years and about above it's composed you for you to pay for the tax.

There's a high tension cable and it's provided by the APC- the opposition.

What does the government do with the taxes with the money from the taxes:

- She's saying normally they explain to them that the money that they are collecting from the Taxes when there is a criminal like the bits of criminal like the thief if they cut here the last time the big team to dead then the government is going to be responsible the government normally take those criminals and do their burials and they are responsible for them.
- Clean the market and the clock tower.

6. Who do you think has more power the government or the chiefs?

- Government, they are above everything. They are the umbrella. Nobody can fight the government they are above everything. They are on top of, when you're doing hierarchy they are on top, the government you have the PC now the PC. You have the section chief, and the Townchief. the section Chiefs and below . so if you are my my boss, how can I fight you so the dance fight. the government is like like the boss. Yes the head. you are the head, I'm only there to pass your laws.

7. How do you select the youth leader?

They normally do the voting system, they used to have one youth leader but because he caused havoc then ran away from Wurreh. he located to another place. So because of that one. They didn't have a youth leader for a long time

then the young women and the young men they decided I know in any community. We need to have a youth leader, then they decided to come together and say they meet the Elders and asked them “we we want a youth leader”, so they decided to do it, then they announce it that

anybody that wants they need to apply so they have in three candidates, they go through elections and the one with the highest number is the one that wins.

Is it always a man the youth leader?

Normally the youth leader is a male seconded by the chair lady.

in most cases the chairlady are a big women. They don't normally select young girls body for the Men They youth leader the normally select younger boys, because when they talk about youth age. You need to of youth age, in Sierra Leone that is below 40. but when they are selecting the the chair lady she should be a big woman. I don't know why.

## **LAND**

8. What do you know about the access to land in Sierra Leone?

During the rebel war our people used to fight when they fight for the area, like this area, they fight the strongest defeats the other One, has the access to the land he owns the land, the strongest.

9. Who manages the ownership of the land? What does the government do? What do the chiefs do?

Land owners, they are the ones that have power to sell land because even the chief if they don't have they are not the custodians. They are not the Fornahs and Koromas.

Who can forbid or stop the selling of a land then?

For them that particular question it's not applicable because for them here only the Fornas and the Coromas are the custodians of the Land. But normally among themselves if me and you we decided to come and sell the land, without the others knowing and then when the others have the idea that we have sold that land then they have the right to come and stop that place. They normally have that thing it has something a flag white come on put it here that nobody has access to this land until they settle the disput among themselves.

So the PC, the section chief and the Townchief and the ministry of land, they are also authorities because if they don't sign that document in the long run, then they will take that land away for me because you are not the the rightful owner, because your document is not sign and stamped by those people.

10. What are your rights regarding land accessibility, like all of you can access the land or what is your experience like has any of you inherited learn from your parents?

So for them here normally sometimes they inherit land, but some people also do buy land and also if your parents passed away, but they are not the custodians of the Land here and you are the child like I'm the child of my my dad passed away and my mom, but I want to access now this land that they have been using then we have something that they you it's not like buying, but you need to come to them with you. Give them some token for them to give you that land for that land to belong to you. So it's still buying in other way, but you're not going to pay like the outsider.

The sooner you pay that amount of money then the land belongs to you now

Don't give them money if you don't like buying the land to them even though it's flexible if you don't pay it give them that money in the long one then that land is not yours, but now if you give them money. They will give you the right to go and documentation because their kids are now coming so because of their kids are coming out for for the conflict for them to reduce the amount of conflict. So you documentation unless if you pay them.

No you can stay but for the house and the land to belong to you and your family you have to pay so you documentation that this land belongs to Catherine now.

But you can live there if you still want to live there, but if you want the ownership for you to access this house like this community center. I want to be now the owner of this community center because my mom and dad. They are late now, then you pay you documentation now the house belongs to weed with the Catherines yes forever.

11. Can women inherit land?

yes, women access land. if for the women the only way they can inherit land like if the husband passed away and the husband is the owner of the land and if he passed away then you are the owner of the Land.

So it's equal now even if you the woman you want to buy a land yes. As long as you have the money you buy it then you do documentation the land belongs to you.

Before it's prohibited for a woman to have a land in Sierra Leone. Now there the laws are trying to be somehow flexible, before even if you're having one male child and you have six female, you have six daughters and one son, that son is the head of your properties and even if you have 10, 15 acres of land, he is in control. He can do whatever he want to do,before. and the girls they had no right. They had no right. Yes, they are saying because we have to go and Marriage.

So now, we have the human rights, because of the laws, the policies now.

But like that that right of access like of inheriting. Let's talk about inherit land that changes if I am a single woman or if I am married woman, like that changes or not or I always receive the land it doesn't matter if my civil status.

Yes, we still have the laws, the rights now. You know we have this policies now. They are encouraging people to allow women access land

without without thinking if they are single married or widow.

Yes, it doesn't matter before even renting if they you want to rent a place if you are a woman you have to go and talk to a man of say, please go and rent that place. Just say we are in love, but if I'm a woman I go to rent a place. They will not rent me they will say: "no you are a woman", but now it's better.

And here up till now if you are a woman, they don't rent you here in Wurrah. Makeni before they used to do that, when I was in first year, they do that to me they rejected renting me a place because I'm a woman. But now they are a bit flexible because of the laws.

They also need to change that here. So you see she also wants a she also once said a place but they told her because she has no husband and they are not going to rent.

They are renting houses but they are not renting to women.

Because she's singles. Yes, you cannot rent a place,

They are not renting women because the rent you, you will be exchanging men.

One will come in and as soon as he comes out another will just come in, but for the men they normally call us prostitute, one man after the other she's just changing men but for the men when they do that they are so proud, they are seen as a big man.

12. Do men and women have the same rights regarding access to land?

Sierra Leoneans women and men they don't have the same access the same rights in regards access to land, so men have more rights.

13. What happens with the land inherited by women when they get married?

You're having a brother after you, went out when you're married, then the brother will take charge, but whenever you want to access that land then he is going to give it back to you.

Some brothers will normally seize the land because you're now a married woman and people normally kill one another for the land.

Okay, so if a woman is married her brother will take charge of the Land yes and some supposedly. The man will give her back her land whenever she wants. Yes, if you have a good brother if you have but if you have a bad brother he will steal the land. they can kill each other for the land.

14. What is the value of the land for you/ why is the land important?

- its sweet to have. the land is sweet to have, because when you are the owner of the land you can plant whatever you want or do whatever you want because is your own land.

- its good to have a land because of your own generation because you can build a house there, after you pass away then your kids and your generation, yet unborn, can inherit it.

- the sooner you have land here you are so important, if you don't have land then you are less important in the community.

- its important even if you don't have anything at the moment, but anytime you have money you can do whatever you want to do there. so its important to have.

- if you have the land you can do things there little by little you can cut down sticks to limit the parcel.

- if you have land you have respect, you can do whatever you want even if you can shit in front, in the parlor, at the back. But if you go and shit in another person's land they will disgrace you. When you are living in someone's house they can tell you what to do. but if its your own house you can do whatever you want.

They always say if you dont sweep here today you will not live here. because they are living here in other people's house even if your kids are playing they are jumping, they will say hey, your kids are dirty and are spoil our house.

But if the house if yours noboday can talk bad about you. but if its your house whatever your kids do here, you have rights is your own.

- because you are not the owner of the house, where you are staying you will have a lot of molestation, they will use all sort of words against you, they will say bad things about you. where they are staying now they are the ones in charge of cleaning and the owners don't do anything.

15. Does any of you own a piece of land?

All of them are widow so they have lands that their husband left for them.

who live in houses that their late husbands left for them.

one woman is a widow but she has no land but her husband is a young man.

Women: our people used to fight for the area, like this area. The strongest that defeats the other one, has the access to the land.