



**ADVISORY OPINION OF THE HUMAN
RIGHTS COMMISSION OF SIERRA
LEONE IN RESPECT OF THE BILL
ENTITLED: THE NATIONAL COUNTRY
PLANNING ACT, 2025**

**SUBMITTED TO: The Hon. Speaker and the
Chairman, Legislative Committee,**

Parliament of Sierra Leone

DATED: 9th June, 2025



BACKGROUND

The Human Rights Commission of Sierra Leone (HRCSL) was established by Act (No. 9) of 2004 in accordance with the Paris Principles for the establishment of National Human Rights Institutions (NHRIs). Section 7 (1) of the Commission's Act mandates it to protect and promote the human rights of all in Sierra Leone. Among its many functions, Section 7 (2) (c) & (d) provide for the Commission to “review existing legislation and advise the government concerning compliance by such legislation with the obligation of Sierra Leone under international treaties or agreements” and “advise the Government concerning draft legislation which may affect human rights” respectively.

The Human Rights Commission of Sierra Leone recognizes the efforts of government in ensuring that progressive laws are enacted in a bid to protect and promote human rights and enhance the rule of law. The Bill entitled: ***The National Country Planning Act, 2025*** could be seen as one such progressive law if it is crafted in compliance with human rights standards.

HRCSL has reviewed the said Bill with a view to ensuring that it complies with relevant national, regional and international human rights instruments for the protection and promotion of human rights. In this respect, HRCSL presents the undermentioned concerns, observations or suggestions:

CONCERNS/OBSERVATIONS AND RECOMMENDATIONS

1. The Long title of the Bill which is framed as, “Being an Act to promote sustainable development, establish a framework for national planning, **enhance resilience to disasters, adapt to and mitigate climate change.....**



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climate change and, human rights.....” seems to incorporate roles that could best be performed by the National Disaster Management Agency (NDMA) and the Environmental Protection Agency (EPA). Upon perusal of the Bill, it is clear that what it seeks to do is to collaborate with these agencies on disasters and climate change issues. It is the view of the Commission that the long title could incorporate **“in collaboration with the NDMA and EPA to enhance resilience to disasters, adapt to and mitigate climate change..... climate change and, human rights.....”** Or better still, the phrases can be taken out to shorten the title.

2. On Page 5 Section 2 (1) (b) (vi), *This Act shall apply to: “the identification and protection of disaster-prone areas, including flood plains, coastal zones, and areas vulnerable to landslides and other hazards.”* This application of the Bill clearly indicates a function similar to what the NDMA does in Section 11 of its Act, The National Disaster Management Agency Act 2020. HRCSL views this as a duplication of functions and in such situation, a disadvantaged person seeking relief often finds it challenging.
3. Section 11 provides for National Planning Fund: We recommend that the National Treasury be allocated a minimum 50% from the internally-generated funds and 35% to the local councils since central government is charged with funding capital intensive projects to properly plan the cities, and it also normally allocates resources to the councils as subsidies/subventions yearly. We equally recommend that clear provisions be stipulated in the Act or in the Regulations to show how these monies are collected and utilized. There should be provisions obligating the central government, the Ministry of Lands and the local councils declaring to the people tangible projects specifically undertaken during the course of the year with the use of these funds.



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4. HRCSL notes that Section 40 of the Bill is patterned on Section 21 (1) of the Constitution of Sierra Leone 1991, which states that, “No property of any description shall be compulsorily taken possession of and no interest in or right over property of any description shall be compulsorily acquired except where the following conditions are satisfied” such as in the interests of defence and public safety, public order, public morality, public health town and country planning.

Article 14 of the African Charter on Human and Peoples Rights (ACHPR) provides that “the right to property shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws”.

Article 17 (1) & (2) of the Universal Declaration of Human Rights (UDHR) states that “everyone has the right to own property alone as well as in association with others” and “no one shall be arbitrarily deprived of his property”, respectively.

The instant Bill under review provides for the compulsory acquisition of land for the reasons stated in the National Constitution and the ACHPR. Even though it contrasts with Article 17 (2) of the UDHR, it guarantees that such a decision to compulsorily acquire land shall be “**subject to a court review**” and “**prompt payment of adequate compensation**”. While HRCSL applauds the judicial guarantee provided by this Bill, it however recommends that the construction, “subject to a court review” be changed to, “***subject to judicial review by the High Court of Sierra Leone***” since the word court is not defined in the Interpretation Section.

However, HRCSL is concerned that the Bill has not gone further to state how the compensation will be calculated and whether the affected person will be involved in such calculation but has vested such determination in the Minister



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via regulations. The Commission holds that where it is determined that land can be acquired compulsorily for public benefit, the payment of adequate compensation should be determined by independent experts, including one provided by the property owner. Also, the use of “**may**” in Section 40 (4) namely “the Minister may make regulations on the calculation of adequate compensation” is troubling. The Commission would suggest the use of “**shall**” to suggest compulsory obligation.

5. HRCSL suggests that the interpretation section of the Bill include the following expressions: conservation areas, national parks, touristic development areas and forest reserves as they are used extensively on page 33 of the Bill.
6. The Bill does not make provision for a Deputy Director of Country Planning. HRCSL therefore recommends that provision be made to incorporate the office of a deputy director. The deputy director must be assigned the general role to support the Director in executing the day-to-day affairs of the Directorate.
7. HRCSL has regional offices, headed by Deputy Directors, in all five regions of the country. Part II of the Bill with the title “Institutional Framework” establishes the National Planning Committee, the Regional Planning Committee, the District Planning Committee, and the Planning Committee. The Commission proposes that it becomes a member of at least the national and regional planning committees where it can use its expertise to guide the said committees on the human rights-based approach to the acquisition of land which is a major component of this Bill.
8. The right to property is provided for in Section 21 of the Constitution of Sierra Leone, 1991, Article 14 of the ACHPR and Article 17 (1) & (2) of the UDHR.



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Therefore, any attempt to interfere with the enjoyment of this right must be guided by a human rights-based approach for which the Human Rights Commission of Sierra Leone can play a lead role.

Signed:

Vice Chairperson

Victor Idrissa Lansana (Esq.)

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