

No Pleasure in the Pathless Woods

The Legal and Implementation Challenges of Tree Planting in Freetown

Ry Ravenholt

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A Swollen City

Nestled between the Atlantic Ocean and the forested Lion Mountains, Freetown, the capital of Sierra Leone, was originally planned to house 300,000 people. But the 1991-2002 civil war triggered a massive influx of people from the provinces and the city is now crowded far beyond its capacity. With a population of 1.2 million – still growing at 3% each year – many Freetonians understandably have found it cheaper and more pleasant to avoid the slums and settle in the forested hills around the city. A moratorium on building in the area was put in place, but has been very weakly enforced.

Over a decade, incoming settlers cleared more than 800,000 hectares of forest. Then a tragedy struck which was to change everything. In 2017, huge mudslides killed over 1,000 people and made 3,000 homeless.¹ Knowing that the mudslides had been precipitated by the massive deforestation caused by thousands of home-builders, and that heavy tropical rains would make the risk a growing one, the Freetown City Council decided to urgently and aggressively reforest the scarred land. It established a project for which the Oxford Policy Fellow was to serve as the legal advisor – providing the legal direction and documentation needed to ensure the project and all parties involved were on a secure footing.

#TransformFreetown

In 2018, Yvonne Aki-Sawyerr² was elected Mayor of Freetown. Her a bold vision for reform involved extensive engagement with stakeholders and local communities. This was codified in her #TransformFreetown campaign which established eleven priority sectors, each with specific targets. The first priority sector was environmental management, with an aim to increase vegetative cover in Freetown by 50%, in a way which engaged local people in planting one million trees.

#FreetowntheTreeTown

The Mayor's bold vision attracted the financial support of the World Bank's Resilient Urban Sierra Leone Project (RUSLP).³ A project was designed to plant 500,000 trees in the first year and 500,000 in the second, with target locations and species determined by a technical team from academia, government ministries, and civil society. They sought to balance a preference for diverse local tree species used traditionally, with trees best

¹ https://reliefweb.int/sites/reliefweb.int/files/resources/19371_Sierra_Leone_DaLA_Web-forprinting.pdf

² https://en.wikipedia.org/wiki/Yvonne_Aki-Sawyerr

³ <https://projects.worldbank.org/en/projects-operations/project-detail/P168608>

suited to stop soil erosion. The first year planted the high slopes and upper catchment areas where deforestation and mud slides had been plaguing Freetown, while the second year targeted lower areas, streets and waterways to mitigate the downstream flooding and loss of biodiversity that rapid urban densification had brought about. Because of the extensive nature of the deforestation and urban sprawl, it was necessary to plant across public green areas and private properties. Seedlings were planted rather than seeds, as these would achieve a good survival rate and are much easier to track. Ten tree nurseries were brought into the project with, after consultation on their capacities, each given a target for seedling numbers and species to be delivered at planting time to distribution centres established in each of the 13 catchment areas.

Tree planting was only the first step, as planting a tree is no guarantee of its survival and successful growth, which required effective tracking of surviving trees. Knowing this, the FCC set the goal of an 80% retention during the first year and an 80% tracking rate for planted seedlings. To ensure effective tracking and care, FCC brought in Greenstand,⁴ a non-profit organization which had developed the Treetracker app, a program which tracks and verifies individual trees.⁵

Each of these practical challenges – massive seedling procurement requirements, getting trees planted, ensuring tree survival, and effective tree tracking – required the Fellow to develop specific contractual strategies. Moreover, each strategy would have to be robust and swift to adapt to the twists and turns of local politics.

It's Complicated

As the project roll-out approached, further challenges to the original plan emerged. At this point the Oxford Policy Fellow was brought onto the project. He served as the legal advisor to the project, advising on the legal approaches the project should take in the face of prevailing and unforeseen challenges and drafting all legal documents.

The first new obstacle came when, for administrative reasons, FCC was no longer able to perform the necessary implementing activities. FCC needed to find an implementing partner, and ended up signing an agreement with the Environmental Foundation for Africa (EFA), an esteemed Sierra Leonean environmental NGO with decades of experience in West Africa. The Fellow drafted the agreement so that EFA was empowered to execute all the legal and financial activities necessary to implement the project on behalf of FCC.

But perhaps the largest obstacle was a big delay in funding. In Sierra Leone, the rainy season usually runs from May to November. Although the funding was signed off by the World Bank in May, a variety of political and administrative obstacles meant that the FCC

⁴ <https://greenstand.org/home>

⁵ <https://greenstand.org/greenstand/technical-solutions>

only received the funds in October. Nurseries that had been planning on the June-July planting season were forced to watch as their seedlings withered and died. By the time funds had been disbursed, only 259,449 trees had been delivered, rather than the 450,000 anticipated. FCC and EFA were forced to take project funds not spent on (now dead) trees and use them instead to pay people to plant the (albeit fewer) delivered seedlings in double-quick time. The Fellow restructured the contracts to accommodate changes in planting schedule, quantity and type of seedlings, and on responsibilities, while protecting EFA and FCC from any legal liability for the lost seedlings. Despite the significantly reduced timeline for planting, of the 259,449 seedlings delivered to distribution centres, a full 245,000 were successfully planted. This was due in no small part to the FCC's community-based approach to planting and tree nurturing.

Empowering Community Custodians

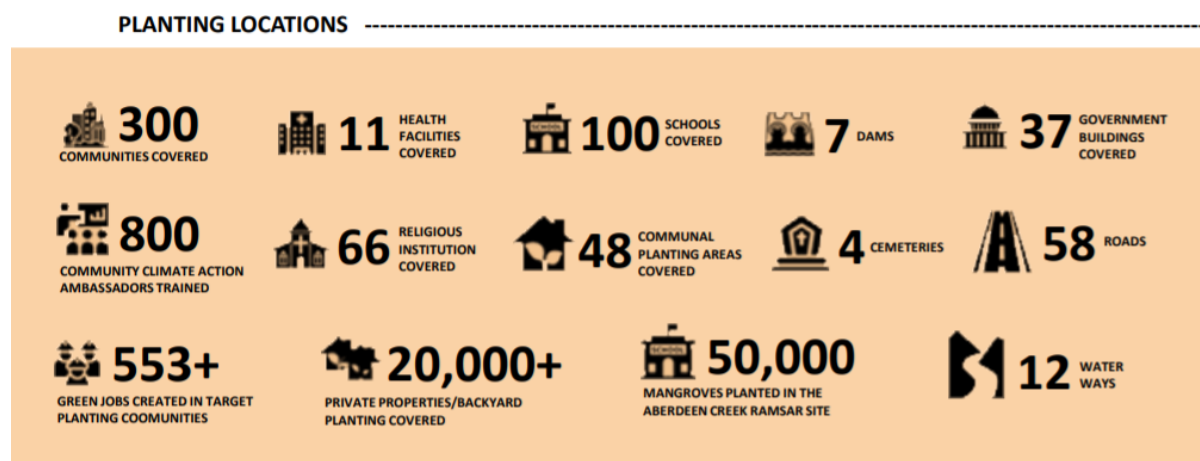
While private nurseries were responsible for growing and delivering seedlings, it was community-based organizations (CBOs) who were responsible for planting, nurturing, and monitoring the trees. Ten CBOs were chosen to ensure regional reach across Freetown and neighbouring rural areas, as well as representation of specific disadvantaged groups, such as youth councils and women's groups so that the project could also bring equitable employment benefits. The ten CBOs were each issued a grant for planting. In return they became responsible for hiring Area Managers, Supervisors, and Growers – local people from within the community who would serve as tree planters, stewards, and trackers. They were also provided with technical assistance and training on how to plant, nurture, and track the trees. The CBO contracts, written by the Fellow, laid out the payment scheme and terms of hiring, as well as the activities and responsibilities required of their community-member employees.

Local property owners were also encouraged to come to the distribution centres, where they registered their property and were paired with a Grower to advise them on caring for the trees. After that, the property owner was then given tree seedlings and in return agreed to meet with the Grower monthly so the Grower could track the growth and wellbeing of each tree.

The intention of working with CBOs was not simply to get community members involved and to target private property for planting, but also to get the community buy-in needed to ensure the trees' longevity and ensure the critical protection they offer from landslides and floods. Too many tree-planting programs fall foul of locals who find it much more valuable to cut down trees rather than waiting for uncertain or long-term communal benefits. Thus payments to CBO staff and community members were contractually structured by the fellow as incentive payments, where 40% of their payment is tied to the percentage of trees still growing and properly tracked by the Grower. The hope is that

CBOs and community members will continue to be employed over the years, with a salary tied to the success of community trees, and consequently becoming vocal advocates for protecting the trees.

Figure 1



The Fruit Borne

By their very nature, trees yield increasing benefits as the years pass, and the Project's success will similarly be a long-term prospect. That being said, there have already been some serious benefits, and some impressive signs for the future of #FreetownTheTreeTown. The percentage of planted trees that are still growing and properly tracked is 88% - well above the target of 80% and even more impressive given the rapidly accelerated planting schedule. 553 jobs were created in the communities of Freetown, many of which continued into the transition period between the first and second year planting season, where they are continuing to nurture and monitor trees. Moreover, 800 community 'climate action ambassadors' have been trained to facilitate proper environmental management and tree care within their communities. Over 20,000 private properties received trees, many of them economic trees such as avocado, mango and almond, which produce short-term value for the property owner while incentivizing long-term conservation. Each of these achievements is supported by a web of coherent and equitable legal agreements written by the Fellow, tying the communities' financial incentives to the continuing health and growth of the trees.

What's Next

As of writing, it looks like the World Bank's RUSLP will be funding the Project for the second year. While this is welcome news, the purpose of the Project is for community tree planting to become self-reliant in the long term. The proven high survival rate of trees and exceptional tracking system present unique opportunities for the Project to scale out. The Fellow has begun drafting different contractual models to facilitate

corporate and institutional investors purchasing carbon-offset credits associated with the trees. The Fellow has also drafted agreements for 'Tree Impact Tokens' to be bundled into the sale of consumer items such as clothing that are marketed by collaborating high-profile brands. Impact Tokens would be tied to the Treetracker App, allowing each consumer to track the individual tree that they have supported, the App allowing them to see its location and condition, as well as the community organization and Grower responsible for its wellbeing. The price of impact tokens is to be tied to the cost of planting one additional tree and maintaining an existing tree for three more years. With such a model, the hope is to continue tree maintenance beyond the second year of the project while continually expanding the coverage, building on the relations and skills already developed in the local CBOs and providing durable green jobs for the community.

Despite the initial legal and implementation hurdles that the #FreetownTheTreeTown Project faced, it has already achieved a truly impressive record, in large part due to incentivizing communities to plant and care for trees and building the capacity of community-based organizations. It is this initial success that the future of the project will be built upon, digging its roots into a firm foundation.

Fellow reflection

Local governments are in a unique position when it comes to environmental issues and climate change. Yes, they are incredibly vulnerable to environmental disaster; they are constrained by the competing interests of national governments, donor organizations, and local constituents; and they suffer the twin restraints of limited resources and limited capacity. But local governments are also in a good position to get 'money to where it matters' – mobilising the local people and local resources which are essential to sustaining any environmental program. Working as the legal advisor for the Tree Planting Program was an excellent education in the infinite ways in which development projects can be obstructed or facilitated, and the importance of anticipating these and including the necessary flexibility in your legal approach.

More specifically, this experience reinforced the importance of legal capacity in implementing such projects – not only for government bodies but for all organizations involved in the entire chain of project implementation. The fellowship not only allowed the FCC to have the legal representation it needed, but also enabled that legal capacity to be shared with the CBOs. This should help both FCC and the CBOs to grow into long-term partners, helping each to improve access to and understanding of the resources needed to sustain tree planting and environmental management in Freetown for years to come.

I leave this story of change with my reflections on its title, a reference to a verse from Lord Byron's *Childe Harold's Pilgrimage*. The romantic image of nature is of something pure and primordial, a place where society does not intrude and into which we might venture to find solitude and silence. But nature can no longer be handed to us from antiquity, an imperfect society must intrude to replant what was felled, and we find far too many people lost among the 'thicket' of politics. It is unfortunate that the 'pathless woods' we walk are dry legal ones, but for those brave souls dedicated to navigating that maze, whether they be governments local or national, it is probably necessary to bring a legal guide.

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