

June 1, 2022

To:

1. The Honourable Minister of Mines and Mineral Resources
5th Floor Youyi Building,
Brookfields, Freetown
2. The Executive Chairman
Environmental Protection Agency
92 Dundas Street, Freetown.

Dear Sirs,

Re: SAND MINING AT HAMILTON BEACH

I write on behalf of the Institute for Legal Research and Advocacy for Justice (ILRAJ), an independent, non-partisan public policy research and educational think tank established to inter alia conduct public education and awareness raising around environmental issues in Sierra Leone; promote research and development to mitigate the impact of man-made causes of climate change and other environmental challenges and advocate for a cleaner safer environment through the implementation of a policy to regulate the importation of vehicles and advocate for a ban on single-use of nylon plastic bags by supermarkets, shops and vendors, etc. in the first instance and subsequently a ban on all non-biodegradable plastic bags.

I write in respect of the issue of sand mining on many of our beaches and rivers across Sierra Leone. Please find enclosed a USB driver that contains pictures and videos of sand mining at Hamilton beach in May 2022.

As you are fully aware, sand mining is having a devastating effect on the coastline, destroying property, and damaging the area's hopes of a tourism revival. An article in the Los Angeles Times earlier this year noted that 'John Obey Beach is slowly disappearing as the dump trucks haul sand away and the tides push farther inland, toppling trees, destroying beach huts and carving out a yawning cliff of soil where there was once dry, flat land. Removal of sand changes the wave patterns that transport sand along the coast, so the operation at John Obey Beach is also causing damage a couple of miles south in the surf town of Bureh.'

Section 23 (1) of the Environmental Protection Agency Act 2008 prohibits certain activities. It states that 'Except as otherwise provided in this Act and notwithstanding the provisions of any enactment, no person shall undertake or cause to be undertaken any of the projects set out in the First Schedule unless he holds a valid licence in respect of such project.' The first schedule of the Act provides that 'A licence is required for the projects whose activities involve or include the following: (f) Extractive industries (e.g., mining, quarrying, **extraction of sand**, gravel, salt, peat, oil and gas).'

Section 23(2) provides that '(A)ny person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding twenty five million leones in the case of a

citizen of Sierra Leone and ten thousand United States dollars in the case of a non-citizen or to a term of imprisonment not exceeding two years or to both the fine and imprisonment.'

Similarly, the Mines and Minerals Act 2009 defines "mineral" means any substance, whether in solid, liquid or gaseous form, occurring naturally in or on the earth, in or under the water or in mine residue deposits and having been formed by or subjected to a geological process including **sand**, stone, rock, gravel and clay, as well as soil but excludes water, natural oil, petroleum, topsoil and peat.' Under this Act, the Minister has to grant a mineral right before sand can be mined.

Section 131 of the Act provides that '(I)n deciding whether or not to grant a mineral right, the Minister shall take into account the need to conserve the natural resources in or on the land over which the mineral right is sought, or in or on neighbouring land. The Minister shall require an environmental impact assessment licence as prescribed under the Environment Protection Act as a condition for granting a small-scale mining licence or a large-scale mining licence.'

We call on your respective Ministry and Agency to work together in a coordinated manner with the Honourable Attorney-General and Minister of Justice and the Sierra Leone Police and other relevant government bodies to ensure that all persons acting in violation of these provisions of the law are immediately arrested and prosecuted.

We acknowledge the importance of sand to our development, especially our construction industry. However, this is being done at a huge ecological and environmental price to the country. The construction industry will not survive if the current rate of sand mining continues, as coastal erosion will leave many of our communities vulnerable to the consequences of rising sea levels due to climate change.

We also acknowledge the limitation of the criminal law. We urge the relevant bodies of Architects and Engineers in Sierra Leone to seek other substitutes for sand. In a BBC article titled 'Why the world is running out of sand,' Vince Beiser notes that '(A) number of scientists are working on ways to replace sand in concrete with other materials, including fly ash, the material left over by coal-fired power stations; shredded plastic; and even crushed oil palm shells and rice husks. Others are developing concrete that requires less sand, while researchers are also looking at more effective ways to grind down and recycle concrete.'

In addition, we also urge the EPA to come out with and popularize clear guidelines that will allow sand mining to be done sustainably. Section 3 (2) (a) of the Environmental Protection (Mines and Minerals) Regulations 2013 provide for 'Every mining operation shall be carried out in a sustainable manner that is reasonably practicable in order to minimize, mitigate or eliminate negative environmental and social adverse impacts including but not limited to pollution....' If extraction is to be done at all, we must get the balance right between the rate of extraction and restoration, and we must be vigilant in monitoring and enforcing any regulations passed by the EPA. Local governments and communities must play a crucial role in this process, and this should not only be limited to beaches and rivers in Freetown but across the entire country.

As a think tank and civil society group, we will be happy to partner with you to ensure that immediate and urgent action is taken to address this scourge and protect our environment for future generations.

Regards,

Basita Michael.

Cc.

- 1) The Honourable Attorney-General and Minister of Justice
- 2) The Honourable Minister of Lands
- 3) The Honourable Minister of the Environment
- 4) The Honourable Minister of Tourism
- 5) The Secretary to the President
- 6) The Secretary to the Vice President
- 7) The Inspector General of Police
- 8) President, Sierra Leone Institute of Engineers
- 9) President, Sierra Leone Women Engineers
- 10) President, Sierra Leone Institute of Architects