

# FOOD SECURITY AND LAND GOVERNANCE FACTSHEET

## Benin



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### ABSTRACT

Food security in Benin is correlated to access to land and tenure security. In rural Benin, customary tenure systems are most prominent. In Southern Benin, where population density is the highest and land availability increasingly scarce, competition over land and natural resources is growing. This situation puts access to secure rights in jeopardy for groups with a more marginalized position within their community (women, younger men), while competition with herders – relying on mobility to access grazing lands, water and markets – becomes more fierce and even violent. With respect to policy, the Plan Foncier Rural (PFR) can prevent conflict, promote investment in land and facilitate transactions such as the leasing, sharecropping and selling of land. The new land Law (loi portant code foncier et domanial en République du Bénin) was enacted on August 14, 2013. The only title of property in accordance with Land Law 2013-01 is the certificate of land ownership (CPF), it replaces the rural land certificate of the former Law. The National agency of domains and land is now the central institution responsible for land management, the municipalities have seen their prerogatives in land management reduced. Besides, it is feared that the new land legislation may enhance tenure insecurity for many farmers who will be considered as tenants by customary authorities seeking to obtain title or sell the land. This new policy is also stimulating urban based investors, companies, NGOs and religious congregations acquiring land through customary authorities, which are then formalized. The agricultural sector in Benin is dominated by small farms. For some of these small scale producers access to land is the major obstacle, for others it is the land tenure insecurity that limits their investments in agriculture, among the major factors causing food insecurity access to land is one of the most important.

This country factsheet was prepared under auspices of LANDac – The IS academy on land governance – and was originally compiled by the Royal Tropical Institute (KIT – Thea Hilhorst and Nicolas Porchet) at the request of the Ministry of Foreign Affairs – The Netherlands. In 2015, the factsheet was updated by Clément Dossou-Yovo, a lawyer and land governance expert from Bénin (doyoclem@yahoo.fr) in collaboration with LANDac (Gerard Baltissen, KIT) with support from the Food and Business Knowledge Platform (F&BKP) as part of the LANDac/F&BKP knowledge agenda on land governance and food security.

### **About LANDac**

LANDac, the Netherlands Academy on Land Governance for Equitable and Sustainable Development, is a partnership between Dutch organizations working on land governance. The partners are the International Development Studies (IDS) group at Utrecht University (leading partner), African Studies Centre, Agriterra, the Sociology of Development and Change (SDC) group at Wageningen University, HIVOS, the Royal Tropical Institute (KIT), and the Netherlands Ministry of Foreign Affairs. The LANDac network conducts research, disseminates information, and organizes courses and training, focusing on new pressures and competing claims on land and natural resources. Guiding question is how to optimize the link between land governance, sustainable development and poverty alleviation.

[www.landgovernance.org](http://www.landgovernance.org)

### **About F&BKP**

The Food and Business Knowledge Platform (F&BKP) is one of the five Knowledge Platforms initiated by the Dutch Ministry of Foreign Affairs. It is an open and independent initiative where representatives from international networks and organizations of business, science, civil society and policy come together. The Platform shares, critically reflects on, generates, deepens and improves (interdisciplinary) knowledge and feeds practices and policies on food and nutrition security. Land governance is one of the prioritized themes in its mission to develop a more focused knowledge agenda.

[www.knowledge4food.net](http://www.knowledge4food.net)

### Regulatory land governance framework

In Benin, customary tenure systems dominate in rural areas. The Rural Land Act No. 2007-003 was developed following broad societal dialogue, before being adopted by cabinet and parliament. The 2007 Rural Land Act strengthened the rights status of land under customary tenure. This land became “terres privées” and has a similar status as registered lands. The Law 2007-03 makes compulsory the drawing up of a written contract in the event of land transactions (*actes de contestation*).

A land policy was developed with support of the Millennium Challenge Account (MCA). The “*Livre blanc de politique foncière*” – décret portant *Déclaration de politique foncière et domaniale au Bénin*” was validated in 2009 and approved in 2010.

The new land Law (loi portant code foncier et domanial en République du Bénin) was enacted on August 14, 2013. Indeed, this land law has repealed the Rural Land Law 2007-03 of October 16, 2007 but also incorporated a large part of the provisions of the 2007 Rural land law.

Law	Content
Land policy (validated 2009, approved 2010) ( <i>Livre blanc de politique foncière – décret portant Déclaration de politique foncière et domaniale au Bénin</i> )	Aims to secure rights, facilitate investment and create a market for land and real estate. The white paper discusses approaches for securing land rights, the use of state land, land information systems, efficient (decentralized) land administration, and women’s access to land.
Land law 2013-01 of 14 August 2013	Legalises rural land plans (Plan foncier rural), introduces <i>actes de contestation</i> for registration of transactions and <i>certificats fonciers ruraux</i> delivered at the end of the PFR procedure. Governs urban, peri-urban and rural land

### Land tenure forms

The only title of property in accordance with Land Law 2013-01 is the certificate of land ownership (CPF), it replaces the rural land certificate of the former Law.. The land Law states that the issuance of this certificate of land ownership will be at communal (Municipal) level by domains and land offices which are deconcentrated agencies of the national domains and land agency (Agence Nationale du Domaines et du Foncier). This Agency is responsible for domains and land management, security and coordination at the national level. It is also responsible for the implementation of policies, strategies and programmes of the State.

Most land in Benin is customary land and without certificate or other form of more formal registration.

Land tenure forms	
Individual Property Deed <i>Titre Foncier</i>	Officially registered plot of land. Registration starts at the local government level and is completed at the Land deed department in Cotonou.
Rural Land Certificate <i>Certificat Foncier Rural (CFR)</i>	Rural land certificate for agricultural parcels registered in the context of the PFR, as individual or collective property.
Individual Concession by Authorization	Concession granted to an individual or to a corporation through an administrative authorization.
Occupied state land	Land belonging to the State (public land) but occupied by an individual.
Untitled customary land	Land held under customary tenure, but without a deed ( <i>Titre Foncier</i> ) or a Rural Land Certificate (CFR);

The conventional process for land registration by an individual or company starts at the local government level and is completed at the Land deed department in Cotonou. Private land surveyors are widely available, but the process is relatively expensive and out of reach for most rural land holders.

The Rural Land Act No. 2007-003 introduced the “land certificate” (*certificat foncier*), which are registered as part of the Rural Land Plan (*Plan Foncier Rural* PFR)<sup>1</sup>. PFR is defined as a “document (or deed) taking stock of rural land and the registered rights attached thereto as well as the right holders, in order to meet individual and collective needs for tenure security, land use planning and investment”<sup>2</sup>. The PFR is a land use and tenure map which registers all primary and secondary rights over land and natural resources. Rights are supposed to be validated in presence of all land holders and users, common lands are also to be included in the map. Local governments play an important role in registration and will be responsible for issuing certificates and updating land information.

The PFR is developed as an approach for systematic registration of all rights, including secondary rights and rights over common pool resources. Methodology development started in 1993 with the support of French and German researchers (including as anthropologists and geographers). The PFR tool offers opportunities for massive, systematic land registration, moving from village to village, with local government becoming responsible for maintenance and updating. However, the approach developed for first-time registration is expensive, given the resources available to the government of Benin, which has no resources of its own to complete the PFR process. But, implementation of PFR accelerated when land tenure security was selected as one of the priority themes for MCA (Millennium Challenge Account) under the responsibility of the *Ministre de l'Urbanisme, de l'Habitat, de la Réforme foncière et de la Lutte contre l'Erosion côtière*, with MCA experts and consultants, in close collaboration with local land surveyors. A budget of about USD 40 million was allocated for a 5-year program (2006-2011). In addition to the refreshing of the 41 pilot PFR established under former natural resources management projects with AFD, World Bank and GiZ funding, the MCA program embarked on supporting some 300 PFR villages. When the MCA project was finalized in 2011, 294 PFR were started-up and 40 (out of 77) urban and rural municipalities have received training and equipment. In addition, the German Cooperation (GiZ and KfW) is working on PFR in 5 municipalities in the Atacora and Donga Departments and completed 89 PFR in 2014.

### **Institutional land governance framework**

With the abolishment of the 2007 Rural Land Law the Ministry of Economy, Finance and Denationalization Programmes is now responsible for the implementation of the 2013-01 Land Law.

Decentralization efforts have been significant for land governance. Legislative texts were voted in 1999 (laws n°97-029, 98-005, 98-007, 98-034 of 15 January 1999) and the first local government elections were held in 2002. The commune (local government) has become a central actor in land management. Government has transferred jurisdiction from the prefecture to the commune for issuing administrative deeds in the field of land tenure (Le Meur, 2006). Under the new Land Law, the National agency of domains and land is the central institution responsible for land management. The municipalities have seen their prerogatives in land management reduced.

### **Gender**

Most women only have user rights to land through their male relatives (generally husband). Although policy and legislative efforts have been undertaken to promote women's right to land, customary practice continue to exclude female land ownership. Interventions suggested to facilitate women's access to land include to further strengthening of the legal framework.

### **Foreign direct investment**

The government of Benin is promoting foreign direct investment in agriculture and facilitates access to land titles. A distinction is made between national and non-national land acquisition. Indeed, pursuant to the provisions of articles 14 and 61 of Law 2013-01 August 14, 2013, it is forbidden to non-nationals to acquire land in rural areas. They will therefore benefit in rural areas of leaseholds for up to max 50 years, non-renewable.

According to the land matrix (ILC, 2012), which lists large-scale acquisitions by foreign investors, 9 deals covering over 1,040,900 ha have been approved, all linked to agriculture. Although there is enthusiasm among investors in Benin,

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1 Pilot initiatives towards improving the governance of rural land started in 1993 supported by AFD, World Bank and GiZ. This resulted in the development of the Plan Foncier Rural (PFR or “rural land plan”) that departs from existing customary rights, including also secondary rights.

2 « document faisant l'inventaire des terres rurales avec enregistrement des droits y rattachés ainsi que de leurs titulaires, dans le but de répondre aux besoins individuels et collectifs de sécurité foncière, de planification et d'investissement” combined with information and communication on women's rights, and active policy support at the national and local level (MCA, 2008).

various farmer organisations express their worry about this rapid development and the risks for their access to land in the near future (Grain, 2010).

## FOOD SECURITY

### Food security in Benin

Food security refers to a situation in which all people have, at all times, physical, social and economic access to sufficient, safe and nutritious food which meets their needs and food preferences and allows them to lead a healthy life and active (World Food Summit, 1996). Four concepts allow to better understand the concept of food security: availability, accessibility, utilization and stability.

In recent years, the Beninese population is increasingly suffering from food insecurity resulting from a considerable loss of purchasing power associated with a decline of production and productivity of food crops. As an illustration, it should be noted that the rate of food insecurity is higher in rural areas (15%) than in urban areas (8%). The Couffo, Mono and Atacora are the departments that have the highest rates of household food insecurity with respectively 29, 28 and 25% of household food insecurity<sup>3</sup>.

It is useful to point out that this food insecurity is unevenly distributed within departments, the situation is critical in some municipalities where food insecurity affects more than one third of the households like in Covo (39%), Klouékanmè (34%), Toviklin (35%), Lalo (35%), Bopa (40%) and Houéyogbé (34%) in the South of the country, N'dali (35%), in the centre of the country and Karimama (39%), Kasim (36%), Materi (35%), Tanquiéta (38%), Toucountouna (37%) and Boukoumbé (43%) in the North of the country.

Confronted with this situation, the Government of Benin, supported by the technical and financial partners, has taken a number of corrective measures which include:

- the adoption of plans, policies and strategies;
- the development and implementation of projects and programmes;
- the establishment of an institutional framework.

### Adoption of plans, policies and strategies

The policies and strategies adopted include:

- The Strategic Plan of development of food and Nutrition (PSDAN, July 2009), a plan to reposition nutrition at the heart of development through a strategic plan and a multi-sector programme to combat malnutrition in Benin.
- The Revival of the Agricultural Sector (PRSA) policy (October 2011) which overall objective is to improve the performance of Beninese Agriculture, to ensure sustainable food and nutritional sovereignty, to contribute to the economic and social development of Benin and poverty reduction, and to achieve the Millennium Development Goals (MDGs)<sup>4</sup>.

### The development and implementation of projects and programmes

Projects and programmes implemented in Benin to improve food security are among others:

- Emergency Food Security Programme (PUASA);
- Food security through agricultural Intensification project (PSAIA).
- Food security through small river basin development (PSAAB)
- Agricultural infrastructure in the Ouémé Valley project (PAIA-VO);
- Support to the agricultural development project (PADA);
- Rural Economy support program (PACER);

It is useful to point out that improvement of the food security rate in 2009 could be explained by the combined effects of the first two programmes above mentioned (PSAIA and PUASA) aimed at improvement of the production and the productivity of food crops.<sup>5</sup>

3 Programme Alimentaire Mondial, Rapport de l'Analyse Globale de la Vulnérabilité et de la Sécurité Alimentaire, janvier 2014

4 Plan Stratégique de Relance du Secteur Agricole, octobre 2011, P. 25

5 MAEP (2010). Rapport d'analyse de l'insécurité alimentaire et des inégalités d'accès à l'alimentation au Bénin.

### **The establishment of an institutional framework**

It is important to note that pending the establishment of the Agency for the promotion of agricultural sectors to ensure food security and nutrition, the regional directorates of rural development provide this mission in their respective departments.

Finally, the Government has set up the Council for food and nutrition (CAN), its mandate is not only to promote policies and strategies in this area but also to evaluate their implementation in order to better advise the Government on how to contribute to the reduction of food and nutrition insecurity.

### **Linking land governance and food security**

Key concerns with respect to land governance are reducing conflicts over land, and improving tenure security for groups with so-called secondary rights (women, migrants, pastoralists). There is also growing demand by “primary right holders” in both rural and urban areas, to improve the system of rights registration and the trustworthiness of land transactions. A concern of farmer organizations is that customary authorities are selling off “family land” to “outsiders”, who may either become “landlords” or leave the land idle.

Conflicts over land are frequent and partly the result of informal and unregulated land markets, where fraud is common. Conflicts between farmers and pastoralist are also frequent and sometimes violent, because the mobility for herds is becoming increasingly difficult due to the extension of farmed land.

The recent diagnosis report of the agricultural sector in Benin shows that that sector is dominated by small farms. For some of these small scale producers access to land is the major obstacle, for others it is the land tenure insecurity that limits their investments in agriculture. Research revealed that among the major factors causing food insecurity access to land is one of the most important.

Land tenure problems in Benin include:

- Fragmentation of land resulting in the gradual disappearance of land farming and grazing areas.
- Non-availability of land and difficulties to access to land for small, medium and large-sized farms;
- Acquisition of former agricultural land by individuals without any development perspective except speculation<sup>6</sup>.

This situation is aggravated by large-scale land acquisition in Benin including in municipalities like Djougou, Tchaourou, Ouessè, Don and Allada<sup>7</sup>. For example in Allada and Djougou, barely 10% of the buyers of plots are agricultural professionals. In Allada, the majority of purchasers are traders and private companies, while in Djougou most purchasers are politicians. More than 80% of these buyers are of Beninese nationality and most of them reside in Cotonou (Idrissou et al, 2014). This process of land acquisition means that large amounts of land are withdrawn from small scale agricultural producers and from agricultural production, thus influencing food availability in the long run.

It is important to emphasize that the authorities have, so far, remained without response to these acts of poor land governance. The consequences include food insecurity due to more limited access to land linked to the decrease of the production and the productivity of food crops.

The issue of food security has become a concern in Benin. According to the second survey on the living conditions of rural households, at least 33% of these households are unable to meet their minimum food needs despite the high level of food expenditures (70%) from their budget<sup>8</sup>. Also, the prevalence of acute malnutrition among children of 6 to 23 months is 19%<sup>9</sup>.

The Government of Benin, aware of the limits of agricultural strategies and policies on food security developed a “Strategic Plan of recovery of the agricultural sector (PSRSA), which was adopted in October 2011. The PSRSA is based on nine

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6 Plan Stratégique de Relance du Secteur Agricole, octobre 2011, P. 7.

7 Déclaration de l'Alliance pour un Code Foncier et Domanial Consensuel et Socialement Juste sur la loi n° 2013-01 du 14 août 2013 portant Code Foncier et Domanial en République, novembre 2010.

8 Plan Stratégique de Relance du Secteur Agricole, octobre 2011, P. 8.

9 Plan Stratégique de Relance du Secteur Agricole, octobre 2011, P. 8.

strategic areas including securing and managing access to land; and professionalization of family-type farms and large farms and agricultural entrepreneurship promotion.

Regarding security and access to land, two axes are operational: the clarification of the rights of ownership through extension of the PFR approach; and use by all stakeholders of formal land transactions tools.

Operational actions to be implemented to achieve the results of this strategic axis are: implementation of the rural land component of the land code; the widespread use of Rural Land Plans (PFR) throughout the national territory; and the implementation of a system of reliable information on rural land ownership.

Benin, in its efforts to find a legal solution to the various causes of food insecurity, prescribes a number of measures in its new land Law. Indeed, the land Law of 2013 has regulated the acquisition of rural land and the development of rural land to avoid the questions of massive acquisition of rural land and speculation. The code also provides for the generalization of the PFR and the formalization of land transactions to facilitate and secure access to land.

With regard to all the foregoing, it is therefore desirable that the Government accompanied by the effective implementation of the land code, especially its provisions relating to rural land ownership, and implements without delay the new "land" institutional framework.

## RESOURCES AND OTHER INFORMATION

### Related country profiles

USAID: <http://usaidlandtenure.net/usaidltpproducts/country-profiles/benin/>

FAO: <http://www.fao.org/countryprofiles/index.asp?lang=en&ISO3=BEN>

FAO/Gender: <http://www.fao.org/gender/landrights/report/en/>

IMF: <http://www.imf.org/external/country/BEN/index.htm>

World Bank: <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/AFRICAEXT/BENINEXTN/0,menuPK:322645~pagePK:141159~piPK:141110~theSitePK:322639,00.html>

### Laws, Policy and Regulations search engines

FAO Lex (Land & NR search engine): <http://faolex.fao.org/faolex/index.htm>

Water Lex (Water laws search engine): <http://faolex.fao.org/faolex/waterlex.htm>

### Maps and Databases

Land and soils databases/information systems: <http://www.fao.org/nr/land/databasesinformation-systems/en/>

Water database/information systems: [http://www.fao.org/nr/water/infores\\_databases.html](http://www.fao.org/nr/water/infores_databases.html)

Land and water maps and graphs: [http://www.fao.org/nr/solaw/maps-and-graphs/en/http://www.fao.org/nr/water/infores\\_maps.html](http://www.fao.org/nr/solaw/maps-and-graphs/en/http://www.fao.org/nr/water/infores_maps.html)

### Portals and other resources

[http://landportal.info/search/apachesolr\\_search/benin](http://landportal.info/search/apachesolr_search/benin)

[http://www.hubrural.org/resultats\\_recherche.html?lang=fr&recherche=benin&.x=0&.y=0](http://www.hubrural.org/resultats_recherche.html?lang=fr&recherche=benin&.x=0&.y=0)

<http://www.foncier-developpement.fr/?s=benin&lang=fr>

### Donor support programs

The Global Donor Working Group on Land (GDWGL) quotes 14 donor programmes and projects in Kenya (finalized and active ones): <https://landgov.donorplatform.org>

The World Bank has tested the land governance assessment framework in Benin (2010) and undertakes a baseline survey. The Coordination Unit of the Formulation of the 2nd program and Monitoring Reforms of MCA-Benin (FCU/MCA-Benin) has benefited from financial support of the Embassy of Kingdom of Netherlands to implement the Consolidation of Achievements and Actions for Securing Land Project (PCASF, 1 December 2013 to 30 September 2015).

The Agricultural Investment Fund (FI-Agri) funded by KfW has picked up since September 2015 the Rural Land Planning (PFR) development activities in the departments of Atacora and Donga. GIZ plans to cover the full territory of Benin with PFR and complete capacity development.

The VNG international in partnership with the Association Nationale des Communes du Bénin (ANCB) supports the implementation of the project of management of land in Dogbo and Klouékanmè communes in the Couffo Department.

### Civil society organizations working on land governance

#### Members of International Land Coalition from Benin

CEBEDES-XUDODO – Centre for Environment and Development Economic and Social Council – [www.cebedes.org](http://www.cebedes.org)

Réseau Béninois pour la Sécurité Foncière et la gestion Durable des Terres – [sbrun@mcabenin.bj](mailto:sbrun@mcabenin.bj) [charly\\_tomavo@yahoo.fr](mailto:charly_tomavo@yahoo.fr)

ANOPER (Association nationale des organisations professionnelles des éleveurs de ruminants du Bénin) is the national association for cattle breeders associations. <http://www.anoper.com>

#### Other CSOs

Synergie Paysanne – [www.synergiepaysanne.org](http://www.synergiepaysanne.org) – is specialising in land governance issues on behalf of farmer organizations in Benin – PNOPPA (Plate-forme nationale des organisations paysannes du Bénin). Synergie Paysanne is monitoring particularly rural land acquisitions by domestic and international actors.

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- WiLDAF/FeDDAF-BENIN, SERIE: FEMMES AGRICULTRICES ET DROITS, Cotonou



#### LANDac

More information about LANDac and our activities is available on our website: [www.landgovernance.org](http://www.landgovernance.org).

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