



Land tenure systems in the Borgou, Benin

Summary report of baseline findings

LAND TENURE SYSTEMS IN THE BORGOU, BENIN

SUMMARY REPORT OF BASELINE FINDINGS



TARGET GROUP

The rural population in Borgou (35,000 households), specifically women and socially marginalised groups (young people, pastoralists and migrants).

REGION

The project is implemented in five communes in the department of Borgou.

DURATION

July 2016 to October 2022

BUDGET

EUR 7.5 million

IMPLEMENTING PARTNERS

Benin's Ministry of Agriculture, Livestock and Fisheries (MAEP) and the National Agency for Domains and Land (ANDF) within the Ministry of Economy and Finance.

LEAD EXECUTING AGENCY

Ministry of Agriculture, Livestock and Fisheries (MAEP, Ministère de l'agriculture, de l'élevage et de la pêche).

Abstract: Benin introduced new instruments to register customary land rights in the 2013 Land and Domain Law, which was updated in 2017. The BMZ supported “Promotion d’une Politique Foncière Responsable (ProPFR)” project is testing these instruments together with scalable implementation modalities in the Borgou department (Benin). This work is complemented with a rigorous impact evaluation to assess changes in tenure security, agricultural investments and food security. The baseline survey was completed in 2018 and includes 2,968 households in 53 villages in the Borgou. This summary report presents the evaluation approach and selected findings on land rights, modes of land acquisition, incidence of land conflict, perceptions of tenure security and expectation of land registration, disaggregated by gender and socio-economic status. The endline data will be collected in 2022.

1. Introduction

Increasing investment in farming and livestock systems is essential for improving food security, climate change adaptation and poverty reduction, but can be constrained by tenure insecurity. The GIZ implemented Global Project on Responsible Land Policy (GPRLP), funded by BMZ under the “One World, no Hunger” special initiative, supports the improvement and application of the national land policy and recognition of all forms of security of rights to land and natural resources, with a particular focus on (vulnerable) farmers and pastoralists. One of the GPRLP country modules, *Promotion d’une Politique Foncière Responsable (ProPFR)*, is implemented in Benin and works to strengthen tenure security on customary lands by expanding the registration of these rights, particularly for vulnerable groups. Since 2016, ProPFR works on individual and collective rights, both ownership and “secondary” rights, and is active in 330 villages in the Borgou department in the North-East of Benin.

Benin introduced a new legal and institutional framework in 2013¹ that expanded provisions for the registration of presumptive rights² under customary tenure. In addition to the already existing Rural Landholding Plan (*Plan Foncier Rural, PFR*), the law introduces the Customary Property Certificate (*Attestation de Détention Coutumière* or *ADC*) that can be used as a main documentation in

the process of Land Title (*Titre Foncier, TF*) acquisition. Since August 2017 (following a revision of the 2013 law), mayors can issue ADCs, which strengthens decentralized land management. Land titles are issued by the National Land Agency (*Agence Nationale du Domaine et du Foncier, ANDF*).

ProPFR is developing implementation modalities for four land registration instruments included in the law: Rural Landholding Plan (*PFR*); Certificate of Customary Possession (*ADC*); land lease contracts (*Contrats Types, CT*); and formal local agreements for using the commons (*Conventions locales*). The PFR demarcation and registration procedure is implemented at the village level, is systematic as it covers every agricultural and residential plot, and it can be used for issuing a land title (TF) by the ANDF (see also Lavigne Delville, 2019). The ADC, however, is a sporadic approach as started upon the request of an individual landholder. In order to speed up the approval process and reduce costs for individual land holders (in a pro-poor approach), ProPFR is developing the “Cluster Systematic Approach” (CSA), which pools ADC requests within a radius of less than 5 km, including at least 5 parcels or a surface of at least 300 ha. The ADC and TF produced will be integrated in the national land cadastre, which the government has been gradually introducing since 2018.

¹ The 2013 “Code Foncier et Domaniale” (CFD – Loi No 2013-01) and subsequent amendments, introduced a single and unified land ownership certificate, the “Titre Foncier” (TF) to be issued by a newly created agency (“Agence Nationale du Domaine et du Foncier”, ANDF), Ministry of Economy and Finance (MEF).

² Other instruments in the CFD that can be used as evidence of presumptive rights are the relocation certificate (for sub-divisions) and a property tax receipt. However, the Certificate of Rural Lands (Certificat Foncier Rural, CFR) that used to be issued in the past for PFRs (but discontinued in 2017), sales contracts, settlement permits (permis d’occupation) and other administrative land related documents are no longer recognized as evidence of rights.

2. Impact evaluation methodology



Identification of natural landmarks marking the boundaries of the village of Guessou-Bani during participatory mapping

In partnership with the World Bank’s Development Economics Research Group, ProPFR is conducting an impact evaluation of one of the land registration instruments tested by the project: the PFR. The evaluation will analyse and quantify the impact of land security through administrative legal registration on perceptions of tenure security, agricultural productivity and food security, disaggregated by gender and other target groups like migrant farmers and pastoralists.

Given their similarities, some parallels may be drawn from the PFR results to the potential impacts of ADCs.

The impact evaluation design and questions are derived from the theory of change used to design the ProPFR project, as shown in Annex 1. The theory of change presents the expected outputs (red), outcomes (light green) and impacts (dark green) of the registration, derived from the inputs (dark blue) and activities (light blue) and possible channels of change at play. To distinguish effects of the land registration from other changes, data are collected both in “treatment” villages where the project is working and in “control” villages with similar characteristics but without any land registration supported by the project (neither PFR nor ADC). ProPFR has divided the 27 “treatment” villages in 9 clusters that

differ in distance to roads and forests and type of land conflicts.

The data will be collected in two rounds. Baseline data were collected before the start of the land registration. Endline data will be collected at least two growing seasons after completing the registration process. Baseline data collection took place in April and May 2018 and included 2,968 households in 53 villages in the Borgou by the *Institut National de la Statistique et de l’Analyse Economique* (INSAE), after which ProPFR started implementation. Interviews were conducted with household representatives to collect data on household members, their employment and sources of income, possession of durable goods, housing conditions, tenure and land use of agricultural and non-agricultural plots, land transfers (inheritance, gifts, rental, sales, land losses), perceptions of tenure security, crop maintenance, input use, yields and use of credit, and food security. Women and young men were interviewed separately to collect data on their individual farming activities, land use and land ownership. End line data collection is planned for 2022. The research methodology, survey instruments and raw data are available on

Baseline data collection included **2,968 households** in 53 villages in the Borgou

<https://microdata.worldbank.org/index.php/catalog/3850>.

3. Selected findings baseline 2018

3.1 Land tenure systems

Household head gender	Male	Female
Non-agricultural plot		
Plot has a document	6.0 %	8.8 %
Mode of Acquisition		
Inheritance	38.5 %	43.4 %
Gift	29.3 %	25.6 %
First occupation	24.9 %	16.8 %
Purchase	5.5 %	8.6 %
Loan/rental	1.1 %	0.3 %
Other	0.9 %	5.3 %
Agricultural plot		
Plot has a document	0.9 %	0.5 %
Mode of Acquisition		
Inheritance	40.1 %	38.4 %
Gift	30.5 %	35.3 %
First occupation	24.4 %	11.8 %
Purchase	0.4 %	0.0 %
Loan/rental	4.2 %	8.8 %
Other	0.5 %	5.8 %

Table 1: Mode of land acquisition for non-agricultural and agricultural plots

The final sample for the baseline consists of 2,968 households. Households with a female head make up 12.7% of the sample; 14.8% of the households' heads come from outside Borgou. The main ethnic groups are the Bariba and the Peulh.

Maize is the most common crop grown, complemented with sorghum and cotton in the north of the Borgou, and yams and manioc in the south. An estimated 21% of plots have the boundaries marked. This percentage is higher in villages close to Parakou (35%) and for plots closer to the homestead.

Land is held under customary tenure systems. Most households (94.4%) acquired their land either through inheritance, first occupation or as a gift from other family members (see Table 1). Generally, when land is donated, not all rights are transferred with landowners often retaining the right to land alienation, tree planting and harvesting of fruit trees. For female headed households, however, most of their land was acquired through inheritance or donation. Land acquisition differs between autochthone and migrant households³ with the latter receiving almost half of their plots either as gifts or on loan. Land markets are not well developed in the Borgou. Land purchase is rare and more frequent for residential plots (6.7%) than for agricultural plots (1.2%). Another 4.4% of all plots are on loan, sharecropped, obtained by marriage, etc.

Most women interviewed reported having user rights only: 46% of these female farmers reported that they can use the plot for an indefinite period but 31% of women have certainty for the current season only. The lack of tenure security is particularly reflected in women's response to whether they could keep land in the case of widowhood or divorce. In such cases, 89% stated they would not be able to keep any of the land and 73% expected to also lose the house. Most women interviewed (93.3%)⁴ do not expect to inherit land.

Another group with weaker land rights are young unmarried men,⁵ although our findings suggest they have better access to land and feel more secure than women. Most young men (72.6%) expect to inherit agricultural land. Land conflicts and disputes are common. At baseline, a conflict situation was reported for 23% of agricultural plots. While most conflicts have been resolved (65%), female headed households are 15 percentage points less likely to have found a resolution to the conflict. Migrant households reported significantly more conflicts than non-migrant households (38% migrants versus 23% among non-migrants). Most frequent are disputes between farmers and herders (53%), followed by boundary contestation and infringement (35%).

³ Migrant households are defined as originating from outside the department of Borgou.

⁴ Most women interviewed had the status of wife, only 12.7% were heading their household.

⁵ Aged between 18–35 years.

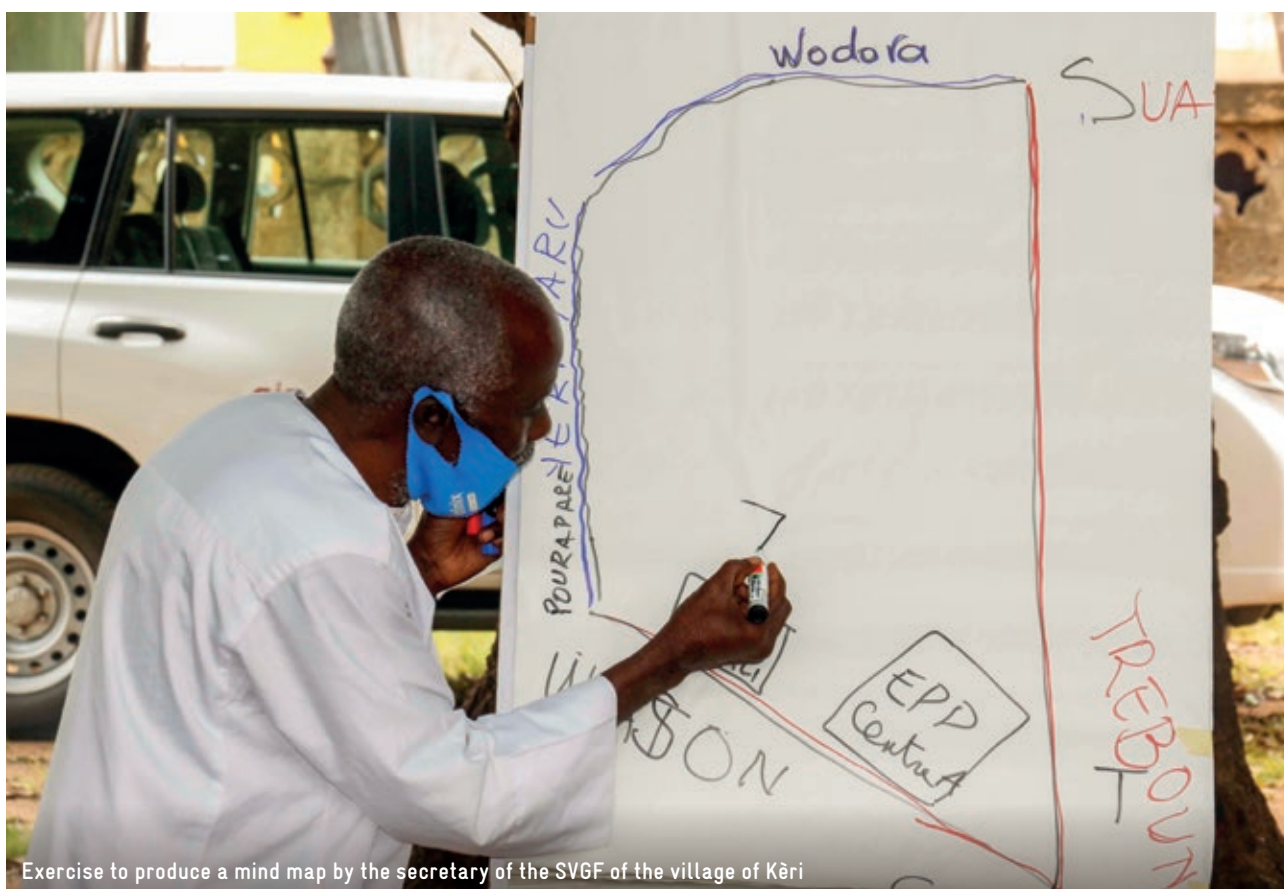
Despite a low level of documentation of rights, overall, most respondents (87%) report to feel secure about their rights to land (perceive no risk at all or unlikely to lose access⁶). Migration status affects this perception of tenure security with around 40% of migrants not perceiving any risk at all to lose land versus 59% among non-migrants. Most respondents without ownership rights over the land they work (71%), also report high levels of perceived tenure security (no risk or unlikely to lose the land). The 5% of households that have previously experienced the loss of a land parcel, report higher levels of perceptions of insecurity.

For 7.6% of the plots in the sample, respondents fear that their current rights will be lost within the next five years. They mentioned the risk of infringement, occupation of the plot by someone else, reallocation of the plot by the owner, or a conflict over the land. Some expressed fear that migrants may refuse to return land assigned to them on a temporary basis.

3.2 Interest in and expectations about land registration

At baseline, few households possess documents as evidence of their rights to the land. Available documents are mostly limited to a sales contract⁷ (“*convention de vente*” for 0.9% of agricultural plots and 6.2% of non-agricultural plots). Such documentation is more common among migrant households (15.6% of migrant households versus 4.7% non-migrant households) and for the more well-off households.

Respondents are interested in acquiring land documents and prepared to pay for these (88% for non-agricultural land). Migrants are even more eager (95% of migrants versus 86% in non-migrant households).



Exercise to produce a mind map by the secretary of the SVGF of the village of Kèri

6 Perception of tenure security was estimated by asking respondents, whether they expect to retain access/ownership rights to their plots in 5 years from the time of interview.

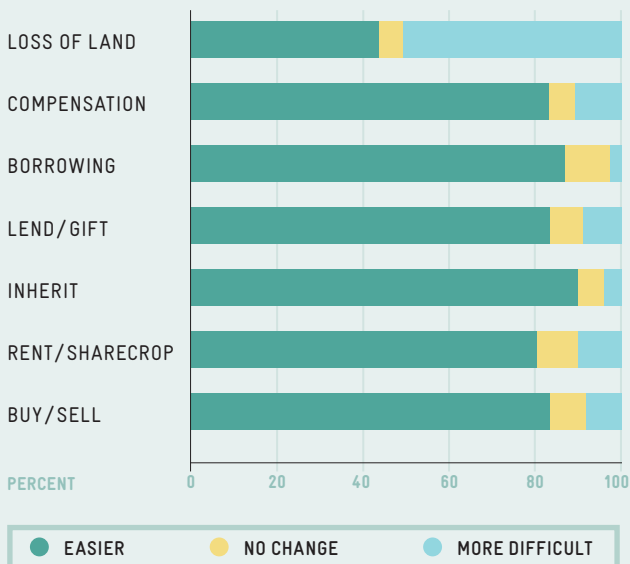
7 No longer recognized by law as evidence of rights – see footnote 2.

Regarding customary land registration, most respondents (90%) believe that landowners in particular would benefit and strengthen their tenure security (see Figure 1). Most (80%) also expect that land transactions like inheriting, selling, borrowing, lending, renting, share cropping or gifting, will become more secure. They also expected a better negotiation position on compensation for land expropriated by government.

Respondents also expect that most tenants, women with user rights, migrants and herders will benefit from registration of customary lands. However, it is important to note that some respondents fear that pastoralists (20%), migrants (20%), tenants (15%) and women (5%) will not benefit from customary land registration and have less tenure security afterwards, due to disputes over these rights or reallocation by the owner.

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Ease of actions if register land



Effect on property rights if register land

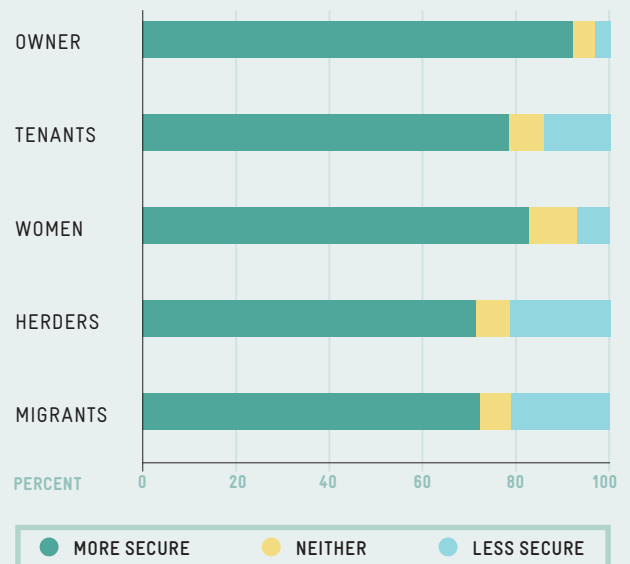


Figure 1: Household expectations of customary land registration

4. Conclusions and next steps



Validation of the provisional map of the PFR of the village of Boro

The baseline study, conducted by the independent Center for Evaluation and Development (C4ED), provides a clear and instructive overview of the status by plot of land tenure, land disputes and perceptions of tenure security, as well as land use and agricultural practices, in the Borgou department. The data are disaggregated by gender and show also differences between local districts and according to socio-economic status of the households (see Barton et al, 2019 and <https://microdata.worldbank.org/index.php/catalog/3850>). The data also provides insights in the expectations of transforming customary rights into formally registered rights, according to tenure status (landowners, tenants, sharecroppers or users), and socio-economic position (migrants, pastoralist). The end-line will measure the effect of land registration on tenure security, as well as impact on productivity, poverty reduction and food security.

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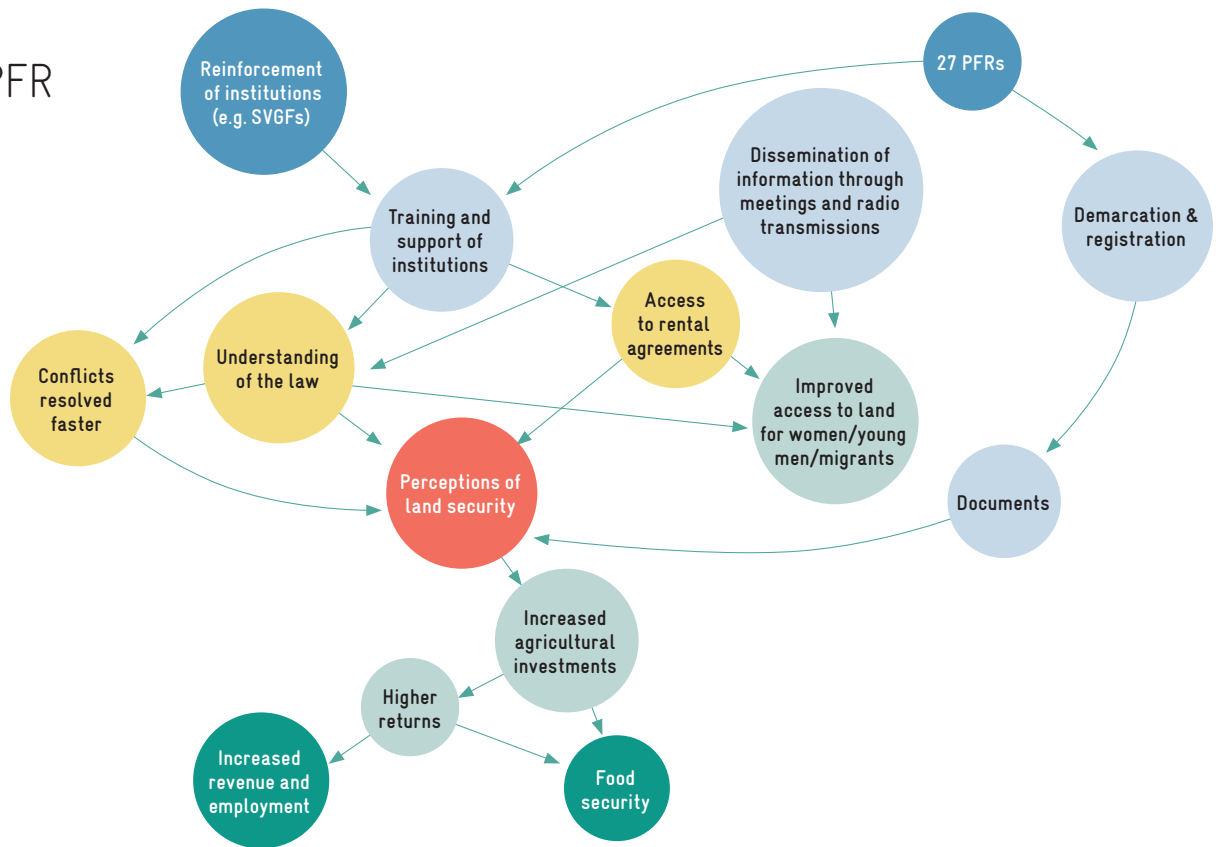
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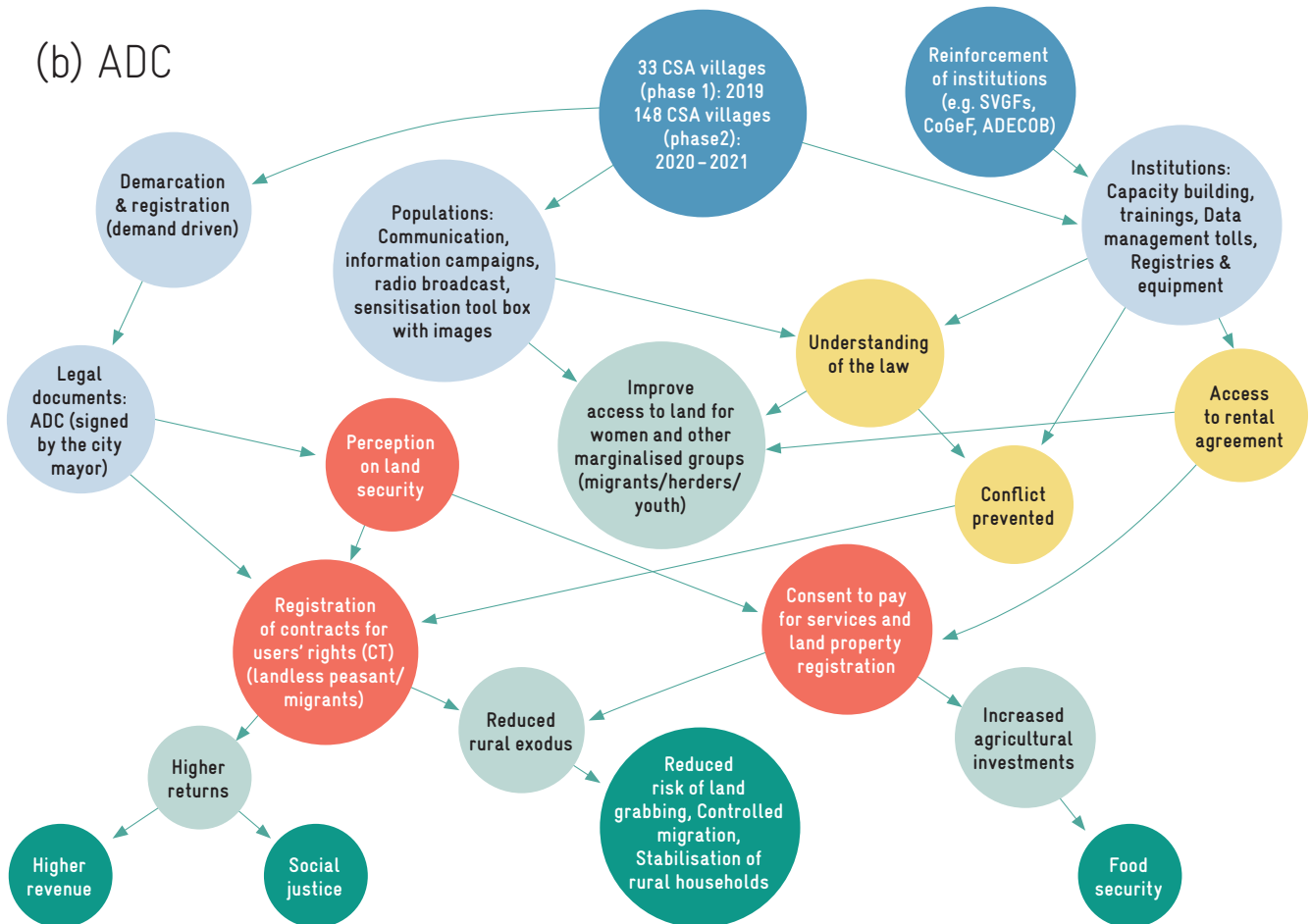
Questionnaires and raw data will be available at <https://microdata.worldbank.org/index.php/catalog/3850>

Annex 1: Applied Theory of Change

(a) PFR



(b) ADC



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