

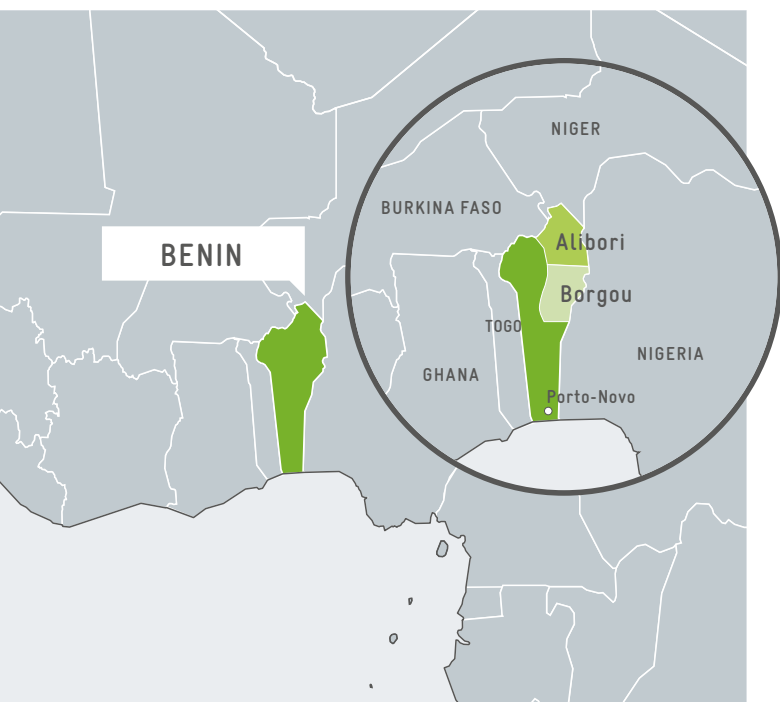


Global Programme Responsible Land Policy Good Practice

BENIN: SYSTEMATIC CLUSTER APPROACH (SCA)

Programme

THE GLOBAL PROGRAMME RESPONSIBLE LAND POLICY (GPRLP) IS PART OF THE SPECIAL INITIATIVE 'ONE WORLD, NO HUNGER' OF THE GERMAN FEDERAL MINISTRY FOR ECONOMIC COOPERATION AND DEVELOPMENT (BMZ), WHICH AIMS TO REDUCE EXTREME POVERTY AND HUNGER.



The programme is implemented by the *Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH* in countries across Africa, Asia and South America. Its main objective is to secure access to land as a major prerequisite for poverty and hunger reduction in rural areas, especially for women, marginalized groups and indigenous peoples.

THE GLOBAL PROGRAMME IS IMPLEMENTED ALONG THREE FIELDS OF ACTION:

- Improving procedures to secure land ownership and user rights for the rural population
- Strengthening civil society
- Improving the framework conditions for responsible agricultural investments

In Benin, the country module 'Promoting Responsible Land Policy' (*Promotion d'une Politique Foncière Responsable; ProPFR*) aims to improve access to land for the rural population – specifically, women and socially marginalized groups (young people, pastoralists and migrants) – in the Departments of Borgou and Alibori in Northern Benin. Customary rights are formalized and the institutional framework is strengthened to improve the likelihood of a fair and responsible applied land policy.

In order to better address the needs of the target group, ProPFR developed an innovative approach in 2018-2019 to respond to the need to secure land use as well as ownership rights through a single mechanism: the Systematic Cluster Approach (SCA – in French, *Approche Systématique Groupée; ASG*).

Starting point

IN 2016, ProPFR STARTED TO IMPLEMENT ITS FIRST PHASE, securing land rights in rural areas in line with the strategy provided by the Rural Cadastral Plan (*Plan Foncier Rural*; PFR) as outlined in the national land law of 2013. The PFR includes both the record of topographic data as well as rights holders to provide the legal (and digital) basis for land registration processes. These efforts led to the issuance of 27 PFRs in three years. During the same period, three other land governance projects, implementing PFRs with similar limited output, were active: Fi-Agri of the German KfW, PFL supported by the International Cooperation Agency of the Association of Netherlands Municipalities (VNG) and PADAC of the French Agency for Development Cooperation (*Agence Française de Développement*; AFD).

ALL FOUR PROJECTS EXPERIENCED THE SAME MAJOR CHALLENGES:

- PFRs are costly and time-consuming
- PFRs do not automatically lead to applications for land titles
- Land use rights (often most relevant for the marginalized populations) are not recognized or registered

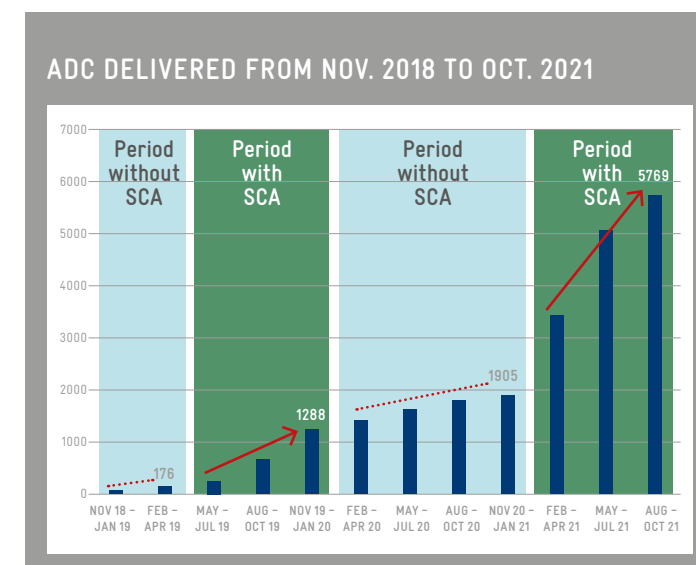
These experiences also highlighted the main shortcomings that had been identified, including the substantial disadvantage of women and marginalized groups as well as undocumented land transactions.

In 2017, a new window of opportunity opened, as the new *Code Foncier et Domainial* (CFD) land law came into force, fostering customary ownership rights via a proactive land policy and strengthening existing decentralized land administration services. With this new legislation, local mayors were henceforth able to issue certificates of customary ownership (*Attestations de Détention Coutumières*; ADCs). These ADCs became a second valuable tool besides the existing PFR to increase the tenure security of rural households. ProPFR saw this as an opportunity to adapt its operational strategy of securing land tenure for households.

However, after six months of implementation from November 2018 to April 2019, it was clear that the legislator’s desire for greater decentralization was being hampered by a lack of resources and capacities in the communes and in the land offices of the town halls. The monthly average of seven ADCs delivered per commune was much lower than initially expected.

As the *Recensement National de l’Agriculture* (RNA, 2021, p. 29) calculated, at this rate, it would take 134 years to secure the 90,000 agricultural plots of the communes in Borgou. Moreover, the secondary rights, particularly land use rights – which often affect the most vulnerable people (e.g., landless farmers) – remain unregistered.

A search for innovation was needed to address this issue and to transform a legislative opportunity into an administrative success, coherent with the concept of the Continuum of Land Rights ([↗ Approach](#)).



Positive changes

ProPFR AND ITS PARTNERS DEVELOPED THE SCA AS A RESPONSE. The major advantage of this approach is that it enables an efficient way to secure land ownership and land use rights for smallholders, women and vulnerable groups. In three years (2019-2021), 11,300 households were secured thanks to a PFR and 14,000 households secured their rights through the SCA. A cost comparison of both approaches showed that a PFR costs EUR 48 per household, whereas the SCA costs only EUR 16.50 per household. This means that SCAs are three times more financially efficient than PFRs. SCAs are also economically more viable, as communes can self-finance the personnel required for these land administration processes.

The official recognition of clustered land parcels and the systematization of secondary tenure rights increased the number of issued standard lease

contracts (*Contract Types, CT*) by a factor of 10 (from three to 30 per month per commune), while ADCs increased by a factor of eight (from eight to 65 per month per commune).

Another major impact was the shift from PFRs to ADCs is observed in terms of impacts on gender. Statistics show that PFRs have an average plot size of 30 ha, while ADC plot sizes are less than 10 ha. This indicates that the availability of ADC makes it easier for men, husbands or clans to formally register parts of the larger plots as an ADC in the name of women. This is underlined by the fact that among the 11,300 households secured by PFRs, only 320 households (2.8%) are registered under a woman's name, compared with 2,700 out of 14,000 householders (19.3%) secured via ADCs. The SCA approach focusing on ADCs thus leads to a seven-fold increase in land registration for women.



Register for use rights

Approach

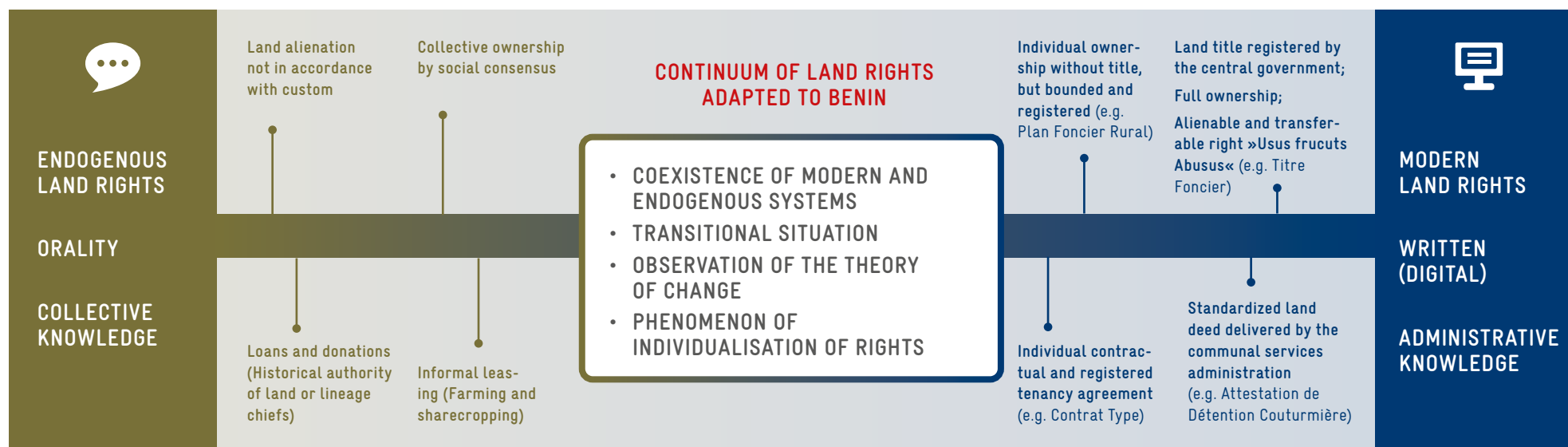
THE ProPFR RESPONDED TO THE MULTIPLE CHALLENGES EXPERIENCED in the early implementation phase by developing a technical and administrative innovation, the SCA. The 'systematic' dimension derives from the fact that both ADC (property rights) and CT (user rights) are registered at the same time.

In practice, the mayor of a town will not issue an ADC (especially for those larger than 5-10 ha) if the ADC application is not accompanied by a CT application. The SVGFs (*Section Villageoise de Gestion*

Foncière) in the village are responsible for compiling the application files in their notebooks and in the registers ([↗ register for use rights](#)). The 'cluster' dimension of this approach is the fact that land tenure services of the town hall only process requests for field data collection, once they are sure that a pool of at least five ADC applications in a given perimeter are submitted.

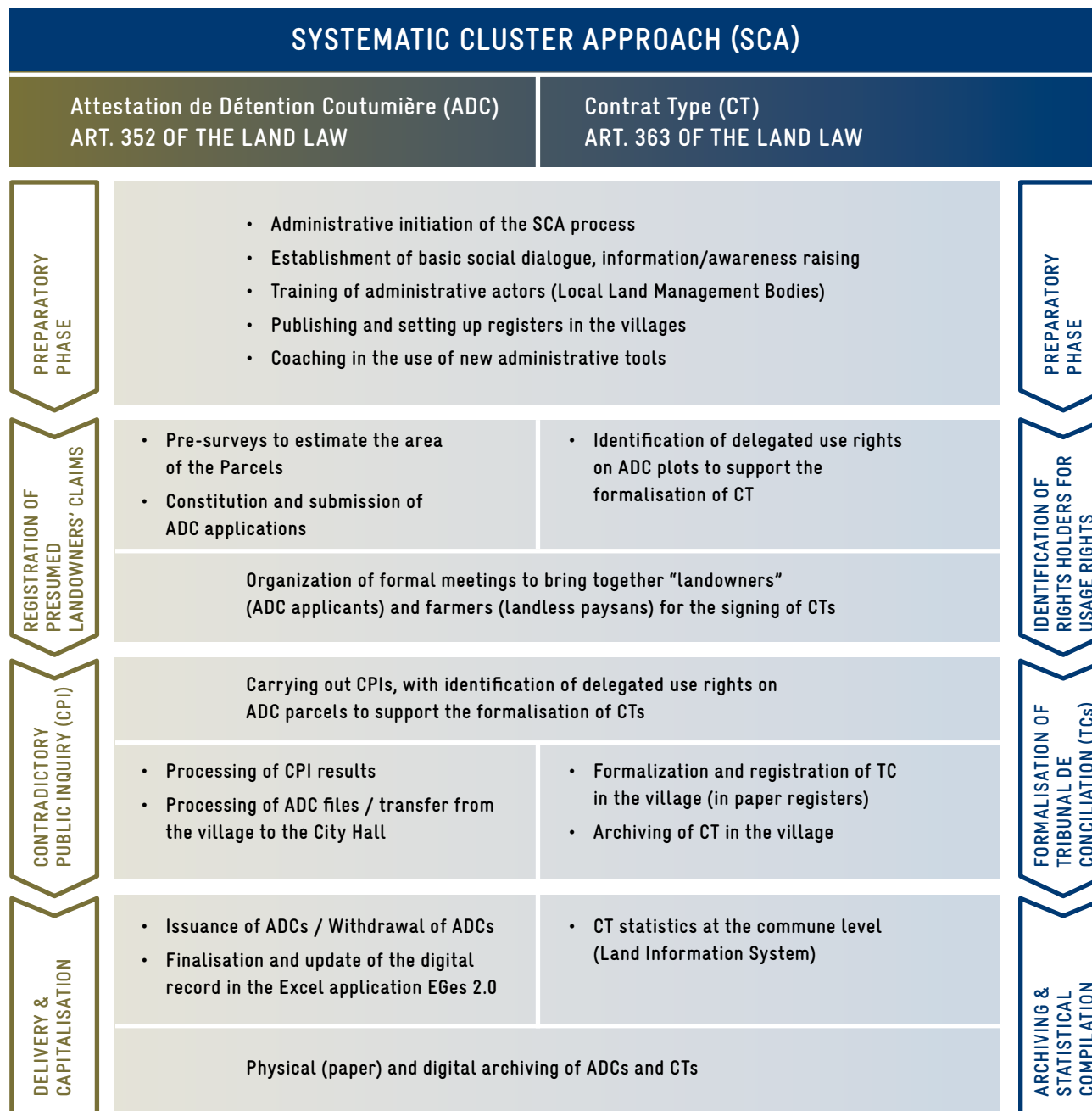
The SCA was based on the model of the Continuum of Land Rights developed by the Global Land Tool Network (GLTN) to reflect the diversity of rights and

tenure arrangements in practice and promotes the official recognition of different tenure/right types for various levels of security for landholders at a particular time. The model was adapted to the realities in Benin inspired by the new Land Law of 2017. The ADC is part of a bundle of land tenure security instruments to ultimately obtain a certificate of ownership. This instrument needs to be complemented by other provisions that secure delegated secondary rights (land use rights), including lease contracts (CT).



Approach

Technically, the SCA combines the ADC as the major tool for securing customary ownership of land with the lease contract (CT) to formalize land use rights.



Flow of SCA activities

Approach

IN PRACTICE, the SCA focuses on changes in both people's mindsets (e.g., positive discrimination for women to facilitate their access to a SCA) and administrative regulations in land management.

To foster sustainability in land administration, ProPFR is currently developing a new tool, the *Système d'Information Foncière* (SIF). This is a dynamic digital database designed to register changes in ownership and use of communal land. It is closely linked to the SCA processes and is fully compatible with EGES 2.0.



KEY ELEMENTS OF SCA ARE:



Comprehensive awareness-raising in the communes on the importance of tenure security, rights and responsibilities, and the land law. Examples of campaigns are run on community radios and by field teams using image boxes (*boîte à images*) as a key tool designed by ProPFR.



Capacity-building for land offices in the social and technical processes of land administration.



Provision of technical equipment like computers, scanners, GPS, smartphones and the registration management software (*Enregistrement Gestion, EGes*) developed by ProPFR in Microsoft Excel format.



Fieldwork for the actual registration processes through a consortium, including local civil society organizations, the association of the eight Borgou mayors (Association pour le Développement des Communes du Borgou; ADECOB) and a consultancy firm. This involves collection of household requests, transmission of information and mobilization of the population for issuing of a *Enquêtes Publiques Contradictoires*. These are contradictory surveys gather the landlord and neighbours to collect official data on the parcel.

For replication

BASED ON THE RECOMMENDATION OF THE NATIONAL AGENCY FOR LAND AND PROPERTY

(*Agence Nationale du Domaine et du Foncier*; ANDF), ProPFR and its partners have intensified the dialogue with the National Association of Communes of Benin (*l'Association Nationale des Communes du Bénin*;

ANCB) so that SCA can be institutionalized in rural communes across Benin having ANCB in the lead role. The non-governmental organization Synergie Paysanne (SYNPA), along with Swiss cooperation, is replicating the SCA in 11 communes in Benin.

TO REPLICATE THIS APPROACH SUCCESSFULLY, THE FOLLOWING PRECONDITIONS NEED TO BE IN PLACE:

- Inclusion of a sensitization campaign at all stages
- Mobilization of all relevant stakeholders in the development processes
- Support for obtaining equipment like bench, cupboards, boots, cutters, notebooks, and developing capacities amongst the village land management offices (SVGF)
- Support for institutional dialogues
- Provision of equipment to city halls (scanner, computer, printer, GPS, software, smartphones)

MAJOR CORNERSTONES



[Read the full article](#)



Further information



➤ [Website ACADÉMIE DU FONCIER](#)

➤ [YouTube channel of ProPFR](#)

➤ [Website of the Nationale
des Communes du Bénin](#)



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Registered offices

Bonn and Eschborn, Germany

Department Rural Development, Agriculture

Friedrich Ebert Allee 36 + 40

53113 Bonn, Germany

T +49 228 44 60-0

F +49 228 44 60-17 66

E GlobalvorhabenLand@giz.de

I www.giz.de/responsiblelandpolicy

Responsible:

Dr. Klaus ACKERMANN

klaus.ackermann@giz.de

Authors:

Dr. Bruno O'HEIX, Inoussa GUININ ASSO and Harald RETTNER

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