LAND REFORM FOR REDUCING POVERTY AND ACHIEVING SUSTAINABLE DEVELOPMENT GOALS IN BENIN

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INTRODUCTION

Since 2013, the adoption of the Land Code has contributed to improve the access to land ownership in the Republic of Benin with a new framework.

Since 2013, Land Code has unified, harmonized and simplified land and property legislation and implemented new appropriate provisions.
INTRODUCTION

- It has provided practical answers to the concerns of all actors (public authorities, populations, professionals, ...)

- Access to land ownership in urban, peri-urban and rural areas is framed and better organized
GENERAL OVERVIEW OF LAND AND DOMANIAL LAW
1.1. Principles and Guidelines

- The Land Code clearly repositioned the State which took over the management of land and property.

- The State guarantees the right of ownership whether public or private, acquired in accordance with the laws and regulations and custom.
1.1. Principles and Guidelines

- The State and the Municipalities can expropriate any holder of land rights for public utility by means of just and prior compensation (art 210 à 259)
1.1. Principles and Guidelines (art 14 CFD)

- Any moral or physical person of Beninese nationality can acquire land.
- Any foreigner in Benin native of other country where the principle of reciprocity is required.
- Any foreigner in Benin can enter into leases.
1.2. Peculiarities in rural areas

(art 14 CFD)

- In rural areas, only Beninese citizens can acquire rural land
## 1.2. Peculiarities in rural areas
(art 361 CFD)

<table>
<thead>
<tr>
<th>Area</th>
<th>Approval</th>
<th>Notice</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-2ha</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>2-20ha</td>
<td>Land Management Committee</td>
<td>Municipal Council</td>
</tr>
<tr>
<td>20-100ha</td>
<td>Municipal Council</td>
<td>ANDF</td>
</tr>
<tr>
<td>100-500ha</td>
<td>Municipal Council and ANDF</td>
<td>Minister in charge of Land</td>
</tr>
<tr>
<td>500-1000ha</td>
<td>Municipal Council and ANDF, then Minister in charge of Land</td>
<td>Council of Ministers</td>
</tr>
</tbody>
</table>

Anyway, you cannot acquire more than 1000 ha

The acquirer of a rural plot must submit a development plan which he must execute under penalty of sanction (art 367)

ANDF has the right of preemption (art 362)
1.3. Development Conditions

- The defect or the insufficiency of development during 5 years is established after investigation of the Mayor.
- The owner is required to carry out his project, if not the right of exploitation is attributed to another.
1.4. Types of operating contracts

- Lease
- Amodiation
- Emphyteutic lease
- Building lease
- Lease to plantation
INSTITUTIONAL FRAMEWORK
2.1. ANDF, a new one-stop land office

- New institutional framework for the conduct of land and public policy

- Land law creates ANDF as a major player in both urban and rural land management (art 418)
ANDF Organisation

ANDF

Administration Council
(13 members)

Board of Directors

GENERAL DIRECTION

MUNICIPAL OFFICE OF LAND
2.2. Others bodies

- Land Advisory Council \((\text{art} \ 424)\)
  - Framework for the exchange and consultation of all the actors concerned for the success of land reform
  - Settlement of court decisions
2.2. Others bodies

- Land Management Committees at municipal level (*art 427*)
  - Framework for the exchange and consultation of all the actors concerned at the local level
  - Necessary in the operationalization
2.2. Others bodies

- Village Land Management Sections (art 428)
  - Framework for the exchange at local level as under common tree of the village to talk about common interest subjects
  - Necessary to do public investigations
2.2. Others bodies

- Property Damage Fund
  - Strengthen and simplify the access of the State and the Municipalities to land in the context of their development policies and for various purposes of public utility
  - Settlement of court decisions
  - ANDF is working on its operationalization
ACTIVITIES IN PROGRESS
### 3.1. Record of confirmation of land rights and registrations

<table>
<thead>
<tr>
<th>Type of file</th>
<th>Quantities</th>
<th>Registration</th>
<th>Value in Euros</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inherited files</td>
<td>12 661</td>
<td>296</td>
<td>8 111 408</td>
</tr>
<tr>
<td>Files received by ANDF from 01/06/2016 to 30/04/2017</td>
<td>1 830</td>
<td>655</td>
<td>34 237 360</td>
</tr>
<tr>
<td><strong>Total in 30/04/2017</strong></td>
<td><strong>14 491</strong></td>
<td><strong>951</strong></td>
<td><strong>42 348 768</strong></td>
</tr>
</tbody>
</table>
3.2. Land Registration

- The first part concerns the digitization of existing Land Certificates (around 45,000)
- The second part concerns the integration in the data of the applicants' files for the issuance of the Land Certificates
3.2. Land Registration

- In order to obtain a Land Certificate, a certificate of resettlement must be issued in the subdivision area, and a certificate of customary detention must be kept in the unfenced area.
Unfenced area:

Certificate of customary detention

Subdivision area:

Certificate of resettlement

Failing this, the tax notices for the last 3 years
3.2. Land Registration

- The deliverance period is 120 days and the cost is reduced (around 450 € for a plot of 500m²)
- The cadastre is established and is in progress
All of its reforms contribute to securing the land to have favorable areas for infrastructure development and also agriculture to contribute to poverty reduction.
CONCLUSION

The securing of land, the management of land transactions and the obligation to exploit rural land are conducive to investment promotion, agricultural production for food security, good planning and poverty reduction.
THANKS FOR YOUR ATTENTION !!!