



Women and Land in Benin

a local approach to improve women's access to land and their land rights

The land tenure system for women in the region of Couffo in Benin is troublesome as they experience serious problems when it comes to secured access to land. Women play an important role in agricultural production, dividing their time between their husbands' land in the mornings and their own in the afternoons. But saying "their own" is actually a misnomer as the land is most often either provided by their husband, rented or entrusted in sharecropping. This leaves women vulnerable to be deprived of the access to land. With the support of the PFL Project, women in Dogbo and Klouékanmè are making steps to claim and secure their land rights.

'Using the land plot that I inherited from my late father allowed me to have an income to school my children who are now at the university, as well as to acquire other land plots.'

A woman from Tokpota (Municipality of Dogbo).

Working hard for little reward

Women play an important role in agricultural production in rural Benin. Often, they are invested both in the

agricultural production on their husband's land as well as their own. On their land plots, women cultivate corn, tomatoes, paprika, leaves of crinclin, beans, peanuts, soy, okra, sweet potatoes, and onions. Revenues from the sale of these products are generally managed by the women themselves. They decide on the use of the land they work on as well as on the use of resources gained from their work. With the income they tend to buy food and contribute to the schooling costs of their children. However, in most of the cases, women are vulnerable to lose their lands and forthcoming profit overnight. Whilst they were already facing an unfavourable situation to fully enjoy their land rights, the land situation has worsened in recent years due to increasing land pressure, notably in the South of the country. There are several factors that particularly hamper women's access to land rights. Even though legally speaking, the situation of women has improved in Benin over the past years, the place that society assigns to women as well as the habits and customs prevent them from claiming their rights. Furthermore, legal contradictions between the (application of) customary and formal law subvert the land rights of women notably. An example can be given on the

legal provisions for inheritance rights. The Family Code establishes that customary law is not applied in cases of inheritance (Art. 1030). However, the Rural Land Tenure Code does recognise customary law with regards to inheritance of land (Art.7). The inheritance practices of rural communities are discriminatory towards women. According to the customary laws women cannot inherit property nor land. ¹In practice, this means that in most cases when the husband dies, his family will take control of property and land and decide on inheritance. ²The widow is then expected to re-join her family. ³Despite the legal framework guaranteeing the right of women to inherit property and land, customary law still dominates in rural areas.⁴

“My mom bought a parcel in our dad’s name according to custom before we were born. Today the sale is disputed by the seller itself. We went to see the village chief who pointed us to the land committee (SVGF) installed in the village and who deals with these disputes. [...] If there was no such committee in the village, we would have lost the plot.”

Houédétéhoué of the village of Akouègbadja in the municipality of Klouékanmè

Most women have access to land through a “user right”, meaning land is provided via their husband, rented, or entrusted in sharecropping. At the start of the PFL project, 12% of the land was owned by women. The practice of land transaction, which is in rural areas still often insecure for both sexes, however showcases the particular disadvantaged position of women. The purchase of land by women is usually done with assistance of their husbands. Husbands are the ones who help localising the perfect plots, they arrange for the administrative steps and pay in the name of their wives. According to the custom, the name of the husband shall be attached to the land. More often than not, these land transactions are hardly formalised, but remain informal agreements between individuals. This increases the risk of questioning the property rights on these plots. This questioning can be done by the seller or in some cases the inheritors of the husband, being his family or children.

The situation created is notably precarious for women as they have no visible appearance in the process, there is no formal trace to tie them to the land, and they have less of a voice within the community, caused by social norms, but also the mere fact they are less familiar with their rights and administrative processes. The most urgent needs expressed by women are therefore related to the formalisation of land transactions and the security of their operational rights.

Women are increasingly claiming their rights and with success

With the support of the Local Land Management Project (PFL), women in the municipalities of Klouékanmè and Dogbo are now successively claiming their land rights and securing their access to land. To curb the trend described above, the PFL project invested notable attention to facilitate secured access of women to land and property and user rights. Remarkable results have been achieved via awareness raising, formalisation of property rights, formalisation of owner rights, encouraging municipalities to serve as a role model and strengthening of the local land institutions.



One of these results follows the operation to demarcate and register individual property rights, where after we note an increase from 12% to 20% of plots recorded as ownership in name of women. This increase is the result of, one the one hand, ensuring the active participation of women in these operations to obtain property land

¹ CEDAW (2012) Consideration of reports submitted by State parties under article 19 of the Convention on the Elimination of All Forms of Discrimination against Women – Fourth Periodic Reports of States Parties: Benin

² Ministère de la Famille et de la Solidarité Nationale (2009), Politique Nationale de Promotion du Genre au Bénin, République du Bénin

³ Idem.

⁴ CEDAW (2013), Concluding Observations on the Fourth Periodic Report of Benin

rights in their own name, whereas before their lands were put in name of their husbands, who had taken care of the formalities previously. Secondly, awareness raising translated into (more) women buying and inheriting land now formally registered in their name, because both women and men know and acknowledge land rights of women. Here is a good example of a father. He decided to put some of his land already in the name of both his sons and daughters, as a way of dividing the heritage during his lifetime. And thereby thus avoiding the division of heritable land to be decided by others after his death. Such examples inspired others. This constitutes a remarkable achievement, as such operations behold the risk of further aggravating women's land rights if not appropriately guided.

"What problems occurred regarding your land plot?

My mother purchased a land plot, witnessed by her father and the former chief of the village, 45 years ago. I was sharecropping the land in order to survive.

With the arrival of the surveyors for topographic surveys and the demarcation launched by PFL in the village, the vendor of the land challenges the sale, on the pretext that it was a guarantee that my mother made to him in exchange for the plot and not the sale.

After being arrested by the village chief and agents of the town hall, I went to see the village chief, he did not answer. The children of the former vendor, support their father and try to take the plot of land away from me, despite that the authorities have clarified that the papers attest that it was indeed a sale and not a guarantee.

*What did the project (PFL) do for you to resolve it?
Thanks to PFL, the demarcation is done and the land plot belongs to me."*

A woman from the village of Akouègbadja, within the municipality of Klouékanmè

Furthermore, the project unlocked the pathway to formalise user rights within the municipal administration. By the end of the municipalities of Dogbo and Klouékanmè have registered 325 user rights in their registers, while another 2799 contracts were still under review at the closing date of the project. Moreover, both municipalities themselves have adopted the same procedure to benefit of the agricultural production of women's associations. It is the shared intention of the project and the municipalities that private landowners will follow this example.

None of this would have been realised nor sustainable without the support to the local land management institutions, notably the municipal department for land management, the municipal committee on land management (CoGEF) and the village and town level committees (SVGF/SUGF). With the training and coaching provided, these different organs have been able to adequately and sustainably give direction and guidance to these processes to the benefit of secured land rights (property and user rights) of both men and women.



Woman receiving a land title in one of the PFL villages

Some more work needs to be done

The above examples portray that important steps in securing land rights for women in Benin with assistance from the PFL project. But are we done? The PFL project unfortunately is, but plenty can be done still. In order to consolidate and build upon the results to date, we have identified several crucial steps that need to be taken forward.

Support to access credits

In order to enhance the number of secured land plots by women, some support is required for developing mechanisms to access financial and non-financial services, so that women have easy access to agricultural credit for the purchase of basic materials. The financial and non-financial actors recognize the opportunities presented by the CFD to favour development, without enhancing their credit risks. Municipalities also have a role to play in facilitating access to financial and non-financial services in favour of women.

Valid identity papers

According to the law, every person with physical or moral Beninese nationality can acquire property or land in the Republic of Benin. However, according to the customs, men are bound to their land and inscribed into the civil registry, but women are not, as they used to move to the land of their husband upon marriage. Consequently, in the villages PFL covered with its land operations, there are only few women who own valid identity papers to claim their rights. Municipalities should therefore take the necessary arrangements so that women who are not in possession of such papers can still obtain them at a lower price. This will allow them to put their property rights into practise more easily.

Women friendly (local) policies

Having local policies in place that taken into account the diversity of voices within society, including those of women, are a stimulus for the position of women to have (equal) access to land rights. As such, it is important to continue to strengthen the capacities of those involved in the planning and implementing of such policies to be able to develop gender sensitive approaches, notably locally elected, civil servants and gender focal points. In addition, increased attention must be given to improve awareness about the rights of women, their land rights and the importance of their contribution to the well-being of families.



⁵ Act on Private and State-owned Land guarantees, Art.14

Projet d'Appui à la Gestion Foncière Locale

Financed by the Embassy of the Netherlands in Benin, the project named "Projet d'Appui à la Gestion Foncière Locale" (PFL – Project supporting local land management) has been implemented by VNG International, in a consortium with LID Management, the municipalities of Dogbo and Klouékanmè, and the National Association of Municipalities in Benin (ANCB) during the period of 2015 until 2018. The project experimented and operationalised the new legal framework for land management in two municipalities, Klouékanmè and Dogbo, following the adoption of the new Land Code (CFD) in 2013. In other words, the project has constituted a "living lab" for the interaction between new and existing institutions on land management at local level and the development, update and management of land (tenure) security tools to be used by these organisations to provide for secured access to land for women and men, both via property and secondary rights. Via the ANCB, the tools and approaches proven most effective to operationalise the CFD are shared with the other 75 municipalities of the country. In addition, PFL's experiments provided input for the national dialogue on land management. As such, the ANCB played an important role in the amendment of the CFD in August 2017 to enhance the applicability of the law to the local realities.

VNG International

VNG International is the international agency for development cooperation of the Association of Netherlands Municipalities (VNG). At VNG International we are experts in strengthening democratic local government in developing countries and countries in transition. Local governments play a key role in the provision of basic services including water, waste management, health care and housing. They have a profound impact on areas such as safety, food security, rule of law and women's rights. This is how our projects contribute in a sustainable way to better futures for people, communities and countries.

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