

## INTRODUCTION

**Plea for the right to use rural land through the Land and Property Code in Benin:** a means of protecting unnamed farmers and fighting poverty in rural areas.

Benin is a west-Africa developing country with approximately 112,622 km<sup>2</sup>, and estimated population of 10 million. Since the beginning of the 2000s Benin has undertaken a legislative reform applicable to private relations in the wider perspective of citizens' access to modern positive standards consistent with the Constitution and international commitments.

The beginning of this process is related to the search of ways and means to stimulate economic activities and to fight poverty. Within this context, the Benin Parliament (National Assembly) adopted, in its session of January 14, 2013, law 2013-001 on Land and Property Code in the Republic of Benin, which was promulgated on 14 August of the same year.

The examination of some disposals of this law suggests that the Benin State, by promulgating this new law, celebrates a new dawn by the consecration of another right as important as the right of property: **land-use rights (agriculture based activities)**.

The plea for land-use rights emerges at the expense of the ownership right in Benin, because of innovations contained in certain provisions (disposals) of the law 2013-01 of 14 August 2013 on the Land and Property code in the Republic of Benin. The aim of the legislator is to regulate land transactions in villages, secure the properties of small producers and the rights of delegated use for vulnerable groups, including landless women and young people, and to strengthen social cohesion and contribute to food security and poverty reduction. This direction required by the Code was achieved through the promotion of a local autonomy of rural land management and the consecration of a principle of refusal of hoarding of rural land in Benin. The examination of the news with regard to the consecration of a new right to exploit the subject of this communication will therefore be made in two parts:

***I- Promotion of local autonomy in rural land management;***

***II- The refusal of rural land hoarding in Benin.***

## **I- The promotion of local autonomy in rural land management to facilitate rural land access by delegation of usage rights**

By taking the option of administrative decentralization, Benin has chosen a form of management founded on the principle of subsidiarity. With this choice, certain competences which previously fell within the competence of the central State are in the hands of the municipalities or communes. Today, land does not escape this logic. Land management based on the decentralization law of 1999<sup>1</sup> and the Land and Property Code of 2013<sup>2</sup> grant important prerogatives to the municipality or the commune as a local executive. While the decentralization law has the merit of setting up a Commission for Land and Environmental Affairs “(CADE)” and the Department for Land and Environmental Affairs “(SADE)”, the Land and Property Code reinforces this structural architecture through the implementation of other structures.

Among the main innovations of the Code are those concerning the structural framework for land management in Benin.

After having set up a Land and Estate National Agency “(ANDF)”, the code created a set of structures at the local level. These are mainly the Land and Estate Communal Offices “(BCDF)” and the municipal stewards on one hand, and on the other hand, as a national consultative structure, local structures to assist Mayors in the management of land issues. In fact the local structures are foreseen under Article 427 of the Code, "It is created in each commune, an advisory body (structure) called the Land Management Board “(CoGeF)”. It assists the Mayor in the management of land issues. Article 428 of the same law stipulates that: "In rural areas, the Commune Commission has the so-called Village Land Management Section “(SVGF)”. The land and Property Code strengthens the legitimacy of the members of these structures by specifying the quality of some of them. To this end, it states in Article 429 that: "locally elected representatives, including the head of the district, the head of the village or a town quarter, are ex officio members of local Land management structures. Similarly, within the “CoGeF” as well as the “SVGF”, there are community representatives who possess an in-depth knowledge in land matters, which are elected by community leaders (collège des notables), development associations,

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<sup>1</sup>Law 97-029 of 15 January 1999 on the organization of municipalities in the Republic of Benin

<sup>2</sup>Law n ° 2013-01 of August 14, 2013 on land and land code in the Republic of Benin

professional organizations in the agricultural sector including herder organizations and, Womens'<sup>3</sup>.

It is important to emphasize that in order to maintain inclusiveness, the Land and Property Code required representatives to be elected in the General Assembly of the various basic groups or associations.

While the influence of "ANDF" and its decentralized structures is notorious for citizens' access to property rights, the consultative bodies (non executive structures), especially those at the local level, have an impact on the exercise of usage rights. The creation of local structures has proven to be a key factor for assisting local populations in facilitating usage of rural lands (especially for those that do not formally own land).

"I rented a plot of land of 10 cantins (about 3240 m<sup>2</sup> or 0.3ha) from an old man for food production. After two years and during the main production season, one of the landlord's sons came back from Nigeria and said he wanted to recover the field. I objected, on behalf of the oral agreement between his father and myself. I had already paid the rent and made investments in the land. He said he would later return half of the money paid but the field should be released in the following days. It became a quarrel, and though I was right and people testified, the young man vandalized the field and harvested the ripe crops.

MONTCHO Jean, Agonkanmè village, Commune of Lokossa.

This institutional architecture at the local level contributes to facilitate access to rural land for those requiring it. If there are legally two modes of access to rural land: (i) the permanent transfer of ownership and, (ii) the transfer by delegation of user rights; the latter will receive our full attention in the context of this paper due to its importance for vulnerable or marginalized groups and the fight against food insecurity.

In order to secure rural land-usage rights (without necessarily owning the land), the Beninese legislator, through Law No. 2013-01 of 14 August 2013 establishing the Land and Property Code in the Republic of Benin, gave Legal basis for the

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<sup>3</sup> Arts. 6 and 27, Decree No. 2015-017 of 29 January 2015 on the assignment, organization and functioning of the land management commission of the commune and the village management section of land management.

delegation of usage rights. It makes Village Land Management Sections credible institutions for the transfer of rural land covered or not covered by the rural land plan. The right of use as a dismemberment of the right of ownership gives to the holder the right to use land and to receive the fruits thereof within the limits of his needs and those of his family<sup>4</sup>. The legislator went a long way in his concern to ensure food security by confirming in article 49 of the land and domain code that this confers the user, the right to use immovable property and to perceive the fruits within the limits of his needs and those of his family. Accordingly, establishes the right of use by convention.

The Land and Property Code recognizes therefore that being the owner is not sufficient to have the right to use one's property. In this respect, to assume the operation of delegation usage rights, the Benin legislator took care to indicate the structure in presence of which the agreements must be concluded. Under Article 360, paragraph 3, of the Land and Property Code, the transfer must be the subject of a written contract concluded in presence of the Village Land Management Section (structure foreseen under Article 305 of the code). This contract must be based on the rural land certificate corresponding to the plot of land concerned if the village where it is located has already been the subject of the establishment of a rural land plan as provided for by the code. In line with this logic, Article 363 stipulates that: "Rural lands still subject to customary rules may be subject to delegated rights of use commonly accepted by local custom.

However, the delegation must be established in writing with the presence of witnesses. This document specifies the agreement of the parties on the conditions for the granting and enjoyment of delegated rights of use as defined in Article 7 of this Code.

In all cases, consultation of the Village Land Management Section is required in localities where it exists, in fear of nullity of the act of transfer of usage rights. It is

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<sup>4</sup> Art7 CFD

clear from these various provisions that, to be valid, agreements concluded must respect the following steps<sup>5</sup>:

- 1- Ensure the free consent of the co-contractors on the nature and content of the contract. The persons concerned by the formalization of a contract must agree on the following points: its nature (loan, renting, and lease), duration (fixed or indeterminate duration; for fixed contracts define the duration), its period (the beginning and the end of the contract) and the rights and obligations of the contractors (what does the contract authorize them to do and what are they prohibited from doing?).
- 2- Invite the parties to define their witnesses. Each contractor must choose two witnesses who must have a good knowledge of the plot of land subject to the contract; including the land rights exercised over the plot and their holders.
- 3- Write the contract. The Village Land Management Section (SVGF) completes the contract forms according to the agreement of the parties.
- 4- Have the contract signed. The SVGF invites parties and their witnesses to sign copies of the contract, which are five (transferor, acquirer, SVGF and local governments). Before signing, the SVGF must read out loud the contract which is translated into local languages.
- 5- Record the contract. Once signed, the contract is recorded in the register of transactions and transfers held at village level by the SVGF. The whole of this procedure established at the local / village level suggests a clear will of the State to make effective and credible the decentralization of land management in Benin.

The SVGF is the local structure of the “CoGeF” which constitutes the key land management structure at communal level. Among its functions, established under Article 5 of Decree 2015-017, the CoGeF, prior to the mayor authorizing land use rights, advises on lands which are not developed or inadequately developed and can also give advice on the possibilities for rural land development. By creating an institutional framework favorable to local autonomous land management, the Benin

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<sup>5</sup> This procedure is drawn from work of SNV-Benin. Governance of rural land in Benin. The civil society engages, 2014, P.40

Land and Property Code supports a rural right that stimulates the agricultural usage of rural land. This is what justifies the refusal of rural land hoarding.

It is important to emphasize that first experiences in the formalization of delegation of user rights agreements began in Benin 20 years before in the context of the implementation of natural resources management projects financed by the World Bank, the French Agency for Development and the German Cooperation.

Through these agreements, agricultural migrants from the Commune of Abomey and settled in the Commune of Ouèssè, particularly in the Gbanlin district, have access to agricultural land which has enabled them to carry out their activities safely and to support themselves and their families as recommended by the Land and Property Code.

In the commune of Klouékanmè there have also been recorded cases of written contracts allowing landless peasants to enjoy for a fixed period agricultural land belonging to the alleged owners or landowners.

While the idea of establishing conventions at the local level to facilitate the usage and development of rural land was already under way through experimental mechanisms in government projects, a consecration in the law was reinforced by the provisions (disposals) which refuse rural land hoarding.

## **II- The refusal of rural land hoarding in Benin: a means of encouraging easy access to land**

Land is the basis for agricultural development: there is no agriculture without land. The land market has emerged and since then it has prospered with the characteristic of land being a safe haven for investments. It is one of the few economic assets that, over time, increase in value thanks to a speculative bubble and economic development. This phenomenon excludes a large segment of the poor population from the economic fabric by depriving them of the means of production that is land. History has shown, positively and negatively, in Africa and elsewhere that there is no development without land rights that brings both legal certainty and social peace<sup>6</sup>. Also, economic and political causes explain that the

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control of the land on which the agricultural activity is carried out must not necessarily imply its ownership. This was understood by the Beninese legislator who, guiding by the adoption and promulgation of the new land legislation, **specified a set of provisions in favour of usage rights**. The demonstration of the above follow two directions:

1) *The first direction: Land and Property Code provisions*

2) *The second direction: implementation of the law through projects / programs.*

### **1) The first direction: Land and Property Code provisions**

The rural rights generated by the new law do not seek to deny private property but impose the usage of land for the sake of food security or even the national economy. The spirit of the law erects rural land to the rank of a good of service of the general interest by the establishment of the means of its control and access. The aim of this legal system is to promote the usage and development of the vast majority of rural lands. This is achieved through the consecration of provisions that ensure the development of rural land independently of the right of ownership by imposing a penalty. Indeed, the law obliges owners or holders of customary rights of rural land other than the State and the territorial collectivities to develop the land, except in cases where the quality of the soil requires a momentary rest, the duration of which may not be greater than five years<sup>7</sup>.

The following items are deemed undeveloped<sup>8</sup>:

- Concessions which have become final, where the conditions laid down in the specifications annexed to the grant decree are not fulfilled;
- isolated plots of land which have remained in un-used for five consecutive years without the introduction of fertilizing plants or any other means of fertilization;
- plots of land set aside for more than five years.

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<sup>7</sup> Read the article 367 and article 5 subparagraph 2 and 12 subparagraph 1 of the decree 2015-014 of January 29th, 2015 on the conditions and procedures of land use or utilization

<sup>8</sup> Art 369 CFD

Agricultural enterprises or isolated plots of land bearing perennial crops whose yields are considerably lower than those usually obtained in the locality are considered to be in a poor state of production.

For example, a right holder who is not using his land, even though it does not require a fallow periods, will be approached by the municipal authority (CoGeF) for the purpose of issuing an administrative permit to exploit the same land. Those which are not developed give rise to a sanction by the owner: they "may be subject to agricultural or pastoral development by any natural or legal person who so requests"<sup>9</sup>.

The legislator has gone far in providing for the payment of a fine by the right holder on land not or insufficiently developed. To this end, the landlord is obliged to introduce on land not or insufficiently developed fertilizing plants or any other means of fertilization in order to regenerate the quality of the said lands under penalty of a fine of which the amount is fixed by the communal council or municipality concerned<sup>10</sup>.

To facilitate compulsory use of land, a procedure is developed in the Land and Property Code to enable landless people to enjoy or take profit of this opportunity to get land available for them . This procedure is detailed in Decree No. 2015-014 of 29 January 2015 laying down the terms and conditions for the development of rural land. The procedure is as follows:

- Written application for allowing the operation of an undeveloped plot of land addressed to the Mayor;
- Referral to the "CoGeF" for investigation by the Mayor;
- Transmission of the investigation report to the Mayor;
- Deliberation of the municipal council;
- Issuing the order declaring the lack of development;

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<sup>9</sup> Read article 368 disposals of CFD

<sup>10</sup> Art 367 CFD

- Notification of the Mayor's order to the alleged owner and publication thereof for two months by posting to the town hall, by public criers and by announcement on the local radio in localities where it exists;
- Issuing the authorization order to exploit in case of silence presumed proprietor and after opinion of the Land Management Commission of the municipality.
- Conclusion in presence of the Village Land Management Section under the auspices of the Communal Land Management Board of a lease between the beneficiary of the operating license and the owner or holder of acquired rights.

These provisions, which were already in Law 2007-03 of 16 October 2007 on rural land tenure in the Republic of Benin, repealed by the Land and Property Code, have already been tested in the commune of Dassa-Zoumé by the Sustainable Agriculture Development Network “(REDAD)” as part of the implementation of a World Bank-fund initiative.

By requiring the development of rural land in Benin, the Benin State aims to stop the acquisition of agricultural land for hoarding purposes. Hoarding of agricultural land deprives many landholders under customary rights and makes them "landless" thus depriving them from land which is their main survival tool. To remedy this, the legislator decided to put an end to the practice of using rural land as a bank by refusing the hoarding of rural lands. However, obeying the norms on transfers and other changes in land rights and duties, this refusal of land hoarding conforms to national legislation and regulations, taking into account the international context. De facto, recourse to land expropriation should only take place when the acquisition of rights over land, fisheries or forests is necessary for public utility purposes<sup>11</sup>. On the basis of this assumption, the State should clearly define the concept of public utility in law in order to make judicial review possible. They should also ensure that all actions are in conformity with national and international law and take due account of voluntary commitments made under applicable regional and international instruments.

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<sup>11</sup> Refer to voluntary directives for a responsible governance of land and domain management system applicable to lands, fishing and forests in the context of national alimentary security, FAO, Roma, 2012. P28

In addition, the possible refusal should include the right of all legitimate holders of legitimate land rights, especially vulnerable and marginalized groups, by acquiring only the minimum resources and by prompt and fair compensation in accordance with national law. It is precisely at this level that some major innovations take place with the sole aim of protecting the national land heritage.

As regards the delegation of usage rights, the legislation not only organizes relations between individuals, but also deals with the relations between legal entities governed by public law (the State and local authorities) and individuals by establishing State concessions.

Indeed, the concession for a plot of land belonging to the State or the commune is the administrative act by which the administrative authority, the owner of the estate to which the plot of land belongs, assigns it to a private person, physical or moral, for the latter to develop it in accordance with the terms set out in the concession contract or in a specification annexed thereto, for a specified period, subject to the payment of an annual fee. It may also relate to the public domain.

Decree No. 2015-012 of 29 January 2015 laying down the terms and conditions for the allocation, development and resumption of private public concessions in rural areas described the procedure as follows:

- Request for the concession addressed to the Minister in charge of Land and Property, in the case of land belonging to the State's private rural estate or addressed to the Mayor of the municipality or commune when the land belongs to the private rural estate of the territorial community;
- Allocation of the request to the Ministry of Agriculture, to the appropriate services or structures for their opinion
- Submission of the report containing the favorable opinion;
- Approval or deliberation of the municipal council
- Publication or broadcasting for a period of two months, of the results in the forms prescribed by the decree;

- Conclusion of the provisional concession contract by decree of the Mayor, after deliberation by the municipal or communal council or by joint decree of the ministers in charge of Land and Property and Agriculture.

One of the innovations of the Land and Property Code is the exclusivity reserved for the Beninese in the purchase of land in rural areas. This characteristic linked to nationality is well regulated in such a way that the State seeks to avoid the constitution of large reserves in the hands of an individual, to promote their development and protect of small-scale farmers even without title of ownership. It is the way the code holds the virtues of sustainable agricultural development. In fact, any purchase of rural land must be accompanied by a “development project for agricultural, fishery, pastoral, forestry, social, industrial, artisanal or environmental purposes in accordance with the provisions of Articles 368 and of this Code or in general relating to a project of general interest”<sup>12</sup>.

In addition, “Every development project must ensure sustainable agriculture, respect the ecological balance, preserve the environment and contribute to ensuring food security for the benefit of present and future generations”<sup>13</sup>. While adhering to a principle of compulsory development, the provisions of the Benin land code also respect the values very important to the international community as a result of new challenges facing the planet. Thus, the Benin State, the owner of the national territory, remains a main regulator of the land markets<sup>14</sup>. All acquisitions must be approved by a public authority on the basis of the area concerned. This necessary agreement is based on two elements:

- any purchase of rural land must, whatever the surface, be approved by the municipal or communal council, which, however, will imply that requires knowledge and understanding of the Code to be shared with the villagers;

- no purchase of rural land can cover more than 1000 ha, although farmers' organizations already consider this ceiling too high.

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<sup>12</sup> See article 361 disposals

<sup>13</sup> See op.cit

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Depending on the area, the purchase must obtain the agreement of a public authority that goes from the municipal or communal council (between 2 and 20 ha) up to a decree in council of ministers (between 500 and 1000 ha).

In short, Benin's rural land is freed of certain obstacles (lack of institutions at local level, hoarding for speculative purposes, lack of development). This legal framework for the purchase of land improved by the establishment of local land management institutions is encrusted in a possibility of making contract. This is the meaning to be given to the spirit of consecration of rural land as the object of a legal relationship between individuals through agreements (contracts). This consecration, which is reflected in the rules governing the delegation of rural land usage belonging to a private person in the Republic of Benin, is specified in the provisions of articles 354 (2), 359, 362, 363 and 364 of the Land and Property Code:

- Any delegation of usage rights must be documented in writing;
- The writing which states the delegation must specify the agreement of the transferor and the beneficiary on the conditions of assignment and enjoyment of the delegated rights of use;
- Any usage rights transfer act concluded without consulting the "SVGF" in the localities where it exists is nil and empty;
- Any assignment act of the delegation contract by the tenant without the prior written agreement of the owner or the holder of the land is prohibited;
- Any owner or holder of customary land rights may not withdraw his land from a beneficiary of a delegation contract of use right before the end of the term contained in the contract except in the event of non-fulfillment of the contractual obligations on the part of the beneficiary. By way of illustration of this relationship, Article 354 provides that:
- Usage rights may be granted for the purpose of exploitation in an indirect manner by customary holders for the benefit of persons who so request.

These rights, recognized or formalized in writing, are registered with the "SVGF" concerned. Copies are sent to the "CoGeF" and to the communal board for confirmation of land rights.

Any beneficiary of a land rental or lease in a continuous and peaceful manner for at least ten years shall not lose his rights before maturity of the land he operates without any valid reason. The valid reason is:

- non-observance of the contractual clauses by the tenant;
- the taking back of the land for the purpose of exploitation by the owner or one of his beneficiaries.

Any beneficiary of a land rental or lease agreement may not be removed without cause from the land they operates before maturity.

In case of unfounded eviction, the user will receive an eviction indemnity set by the competent judge.

This framework makes the development of the land through contracting possible. This generates hope for easy access to rural land for marginalized or vulnerable groups. The Agriculture Investment Fund (FI-Agri) of the Ministry of Agriculture, Livestock and Fisheries, financed by the German Financial Cooperation in some intervention communes in North Benin, is experimenting with certain provisions of this new law through the establishment of Rural Land Plans "(Plans Foncier Ruraux - PFR)"<sup>15</sup>. This is a test for the implementation of the Land and Property Code in Benin.

## **2) The second direction: the implementation of legal provisions through projects / programs**

The premises of land development through contracting in northern Benin: as part of the poverty reduction policy, Benin adopted the rural land plan (PFR) as a means of securing land tenure and promoting investment in rural areas. In view of this purpose of tenure security, investment planning and promotion, the objective is based on an analysis of the situation prevailing in 1993. According to the authors of the Agriculture Investment Fund (FI-Agri) evaluation report , the implementation of the PFR stems from the observation that "land insecurity ... further reduces the

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<sup>15</sup>It should be noted with the Land and Domain Code that the PFR is a "document inventorying the rural lands with registration of the rights attached to them and their holders, in order to meet the individual and collective needs for security of land, Planning and investment ". See Article 7

income of the rural population ... affecting in particular agricultural production ..."<sup>16</sup>. The experimentation of the PFR, carried out since 1993 through various projects / programs, has encouraged initiatives throughout the national territory<sup>17</sup>. The introduction of rural land plan (PFR in french) in villages has generated renewed interest in land development through formalization contracts. For the FI-Agri experiment, in addition to the contracts formalized generally in the intervention municipalities or communes (refer to table N ° 1), the initiative to create an agricultural village in Bassila is fairly illustrative.

The support of the German cooperation to the Republic of Benin in the rural land sector through the implementation of a Program for the Promotion of Agriculture (ProAgri) and an Agriculture Investment Fund (FI-Agri) took into account the promotion of contracts for the exploitation of rural land through the implementation of rural land plans in 89 villages of the departments of Atacora and Donga. , Recognized as an area of high agricultural production and host to migrants in search of fertile land, the survey conducted among the vulnerable strata in the zone of intervention reveals a rising evolution of the contracts for rural land usage thanks to “PFR” establishment operations.

**Table 1: “PFR” - Point of establishment of operating contracts, number of villages, parcels, area**

DEPARTMENTS	COMMUNES	NUMBER OF VILLAGES	PARCELS PER COMMUNE	AREA (Ha) PER COMMUNE	AREA(Ha) PER DEPARTMENT	NUMBER OF SIGNED CONTRACTS
<b>DONGA</b>	<b>Bassila</b>	20	169	146.749	<b>163.284</b>	<b>87</b>
	<b>Ouaké</b>	20	848	16.535		<b>576</b>

<sup>16</sup> Gunther and Dossou-Yovo, evaluation report of FI-ProAgri, P.14 et seq.

<sup>17</sup> Till today, at least five projects / programs whose financing has been negotiated and obtained by Benin through bilateral or multilateral agreements, concluded through intergovernmental agreements, are involved in rural land security, namely:

- the Investment Fund - Agriculture (FI-Agriculture) which, among other interventions, realizes 110 PFR and updates almost 100 in the departments of Atacora and Donga under funding from the German Cooperation through the KFW;
- the Project for the Promotion of a Responsible Land Policy (ProPFR), which carries out 40 PFR and updates 34 formerly in the department of Borgou with funding from the German Ministry of Development Cooperation through the GIZ;
- the Project to Support Agricultural Infrastructures in the Ouémé Valley, financed by the African Development Fund, which carries out LICs in its area of intervention;
- the Agricultural Development Support Project (PADAC) financed by the Agence Française de Développement (AFD) and which plans to implement LICs in the communes of this department;
- the Project to Support Livestock Production and Reinforce Resilience in the Alibori, Borgou and Hills Departments (PAPVIRE-ABC), financed by the African Development Bank, which also plans to implement LICs in its intervention zone.

In addition to these interventions, there is the one in progress in the Couffo department where the Local Land Project (PFL) carries out LICs with funding from the Dutch Embassy.

All these interventions are part of the logic of promoting agricultural development through the securing of land, the main factor of production in

<b>ATACORA</b>	<b>Boukomb</b>	19	1.963	17.800	<b>74.400</b>	<b>978</b>
	<b>é</b>					
	<b>Péhunco</b>	11	298	40.850		Not available
	<b>Tanguiéta</b>	11	300	15.750		175
<b>Total</b>		<b>89</b>	<b>3.578</b>	<b>237.684</b>	<b>237.684</b>	<b>1816</b>

**N.B:** One contract is per parcel.

The formalization of land transactions can be successful in our villages because many people here are farmers, and beneficiaries of loans from their grandparents having settled a long time ago. Some owners even live in other villages. These contracts which will confirm that the owners and the large number of tenants, guarantee the security of the latter and promote the sustainable use of rural land.

N'WEMOU Daniel, village chief of Dissapoli, Boukombé.

### **3- Valorization of rural land plans through contracting: Commune of Bassila applies the provisions of the code to the benefit of landless rural youth.**

Having benefitted from twenty rural land plans with the Investment Fund of the Ministry of Agriculture, local elected representatives of the municipality of Bassila, decided to create an agricultural plateau of fifty hectares. Indeed, the village of SALMANGA renowned for its fertile land was chosen to accommodate the installation of 20 rural and landless youth as part of this special initiative to fight food insecurity and poverty in rural areas. Thus, by means of contracts for the formalization of land tenure agreements, some twenty young people who did not have freehold land were able to access the arable land for the first time to ensure food supply and furthermore income.

Furthermore, interviews with the beneficiaries revealed that, one of the rural landless young people, was hoping to extend their cultivable area through contracts for the use of rural land.

Finally, the Benin Code provides a fairly balanced model in the Voluntary Guidelines for Governance Responsible for Land, Fisheries and Forestry Tenure " Land is both a necessity and an obvious" the essential being to " cultivate the land, not to 'own it' ". Organized around a private property right that is highly controlled and respects the interests of small farmers, preserves natural resources and does not make everything

depend on a state owning or managing the national estate, Law 2013-01 of 14 August 2013 on Land and Property Code in the Republic of Benin is a voice for a model of protection of the occupants without a title of ownership in order to socio-economic development respectful of the environment.

All these activities are not carried out without difficulty.

First, the alleged owners or holders of customary land rights have long been reluctant to delegate usage rights.

For some, the beneficiaries of usage rights transform this into a definitive transfer and cause trials that persist and that they sometimes end up winning. For others, bad faith beneficiaries develop perennial crops without the knowledge of the alleged owners to eventually prove their ownership.

Second, SVGF members are not sufficiently equipped to support the parties in formalizing their contracts.

In the light of these various difficulties, it is advisable to propose a few measures in order to ensure that the effectiveness of the rule of law prevails. These measures include 8but are not limited to):

- popularize national legal texts such as the Land and Property Code and its implementing decrees;
- popularize the Voluntary Guidelines for Responsible Governance of Land, Fishing and Forest Tenure and build the capacity of local land management structures;
- improve formalization practices based on traditional practices
- make decision-makers aware of responsible land governance.