

Upscaling Land Administration in Benin Towards National Coverage Balancing Between Time, Quality and Costs

Steven MEKKING, the Netherlands, Victorien Dossa KOUGBLENOU, Benin, Martinus VRANKEN, the Netherlands, Fabrice Gilles KOSSOU, Benin, Christelle VAN DEN BERG, the Netherlands

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SUMMARY

This case study describes how the land administration agency in Benin (l'Agence du Domain et du Foncier / ANDF), supported by a project financed from Dutch development aid (le Projet de Modernisation de l'Administration Foncière / PMAF), has found solutions to accelerate the introduction of a national land administration. It explains how ANDF and PMAF searched for a proper balance between speed, cost and quality, the dilemma to which this led and how both partners dealt with this dilemma. It explains why it was necessary, alongside the existing title system with a property right guaranteed by the Benin state, to introduce a new “fit for purpose” deed system which entails a presumable property right and how the proper balance could be found between time and quality within the scope of the project budget. The case study pays special attention to dealing with tension that can exist between the political focus in the country in which an externally financed land administration project is started and the conditions that bind the financier to the project.

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1. BACKGROUND

The Republic of Benin is a French-speaking developing country in West Africa. In terms of the Human Development Index (HDI), its position is 163 of the 189, 30th rank in Africa (UNDP, 2019). The legal foundation under the land administration in Benin is the 2013 Land Administration Act (Code Foncier Domanial, 2013) that replaced different previous land laws. The execution of the land administration in Benin is assigned to the l'Agence Nationale du Domaine et du Foncier (ANDF), founded in 2016. With the introduction of the Code Foncier Domanial and the establishment of ANDF, Benin has decided upon a centralised land administration, with the objective of recording the entire national territory in one central land administration system. With that, ANDF faces a major challenge, given that currently, of the estimated seven million cadastral plots of land, only 50,000 plots have a land title (Titre Foncier) and are registered in the ANDF central database in accordance with the requirements of new land administration law. In addition, approximately 30% of Benin's territory has been registered in a decentralised manner by municipalities. On the one hand, through operations to draw up urban land registers for taxation and urban planning carried out by private surveyors, and, on the other hand, through projects involved in food security in rural areas. These decentralised registrations of land rights, however, are often still in analogue format and are not up-to-date, with a few exceptions.

The government of Benin recognises the importance of realising a proper land administration. The 2016-2021 Benin Révélé government action programme (PAG 2016) includes the realisation of a national digital cadastre as an action line, where this is mainly viewed as a means for promoting economic development.

In order to expedite the implementation of the national land administration in Benin, the Dutch Embassy in Benin has made ten million euros available to enable a consortium of three parties (MDF Training and Consultancy, VNG International and Kadaster International) to develop a national land administration, in partnership with ANDF, that is available, functional and sustainable and that contributes effectively to the legal certainty regarding landownership of a growing number of people: the Projet de Modernisation de l'Administration Foncière (PMAF, Project for the Modernisation of the Land Administration).

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2. THE LAND ADMINISTRATION PROBLEM AND THE ENVISIONED SOLUTION

2.1. The legal foundation of the land administration

With the introduction of the Land Administration Act in 2013 (Code Foncier Domaniale, 2013), Benin has decided upon a very high level of legal certainty: provision of land titles (Titre Foncier) that grant a practically indisputable property right to the natural person or legal entity stated on the title. This property right guaranteed by the state can only be cancelled through the expropriation procedure described in the law. In all other cases it endures, even if it turns out later that the land title had been acquired fraudulently (in that case, the state pays damage compensation to the victim). The Act also stipulates that each transfer of the property right, for example, upon purchase or inheritance, is only valid when the plot has a title and when the transaction is confirmed by means of a notarial deed registered in the land administration. The Land Administration Act stipulates that ANDF is responsible for issuing land titles and maintaining the national land administration. The Act also establishes the basic structure of the work process for the application for and issuance of a title, the establishment of additional rights and restrictions and the registration of transactions. This is subject to legal time periods. For example, ANDF is required to issue a title within 120 days after an accepted application, provided no formal objections have been submitted against the title application. These objections have a suspensive effect.

With the introduction of guaranteed proprietary right and a legally established, uniform, issuance and maintenance process, the Benin state wants to end the prevailing uncertainty regarding real estate transactions that arose due to a wide variety of unclear procedures that were susceptible to official randomness and fraudulent practices, such as multiple sales of the same plot of land and sales by parties other than the legitimate owner. In order to facilitate the transition to the land title system, the Act establishes a transition period. This period originally ran from 2013 through 2018, but an interim review of the Act extended this period through 2023 (Loi 2017-15).

2.2. The difference between the legal target and daily practice

By setting a legal framework and establishing a centralised government body, Benin has decided upon a formal legal approach in order to realise a uniform land administration system that covers the entire country. Except for the legal transition period, no further specific measures have been taken in order to ease the transition to the legally prescribed title system. The following assumptions implicitly provide the support that this approach will deliver the envisioned legal certainty to Benin:

1. That the Land Administration Act compels all landowners, of their own accord, to apply for a title within a foreseeable period of time.
2. That these title applications and resulting transactions generate a stream of revenue such that ANDF can provide its services in each municipality of Benin.

Seven years after introduction of the Act in 2013, it is clear that these assumptions will not be satisfied. The legal certainty has increased, but its effect is limited since the transition to titles

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is progressing slower than expected. There are currently about 50,000 titles recorded in the central land administration system. These regard, for a large part, conversions of titles granted that still have legal force. A few thousand new titles are added here each year. It is clear that this process will not succeed in registering a substantial portion of the Benin territory in the land administration by 2023, the end of the transition period. The majority of the estimated five million plots of land will then still be without title.

The reason for the slow increase in the number of titles is associated with the costs. Reference point for the determination of the price for the new land title was the situation before the introduction of the 2013 Land Administration Act, when it cost a lot of time and money in order to obtain an official confirmation of landownership. The application process could take many years, where it was uncertain for the applicant all that time whether the desired certainty would be obtained (Economic Development & Institution, 2019). The introduction of the guaranteed lead time of 120 days and a fixed price of 200 US dollars for the application of a land title has provided the government of Benin with a significant improvement. This improvement, however, is not for everyone. With a poverty line of \$1.90 a day in purchasing power parity (Worldbank, 2020), the price is still too high for most of the population. Also because the ANDF rate is only part of the purchase cost. An applicant must also pay for obtaining (municipal) source documents and measurements by certified private surveyors, as a result of which the total costs are a multiple of the ANDF rate.

The lag in the volume of titles can lead to a negative spiral. Before the introduction of the Land Administration Act, it was possible to formalise real estate transactions at municipal level by recording them in municipal property registers. This decentralised system was inefficient and susceptible to fraud and corruption, but it provided a stable source of income to the municipalities and surveyors involved. In order to give them the opportunity to adapt, it has been agreed that this method can be continued during the transition period. Because the vulnerable groups that have the most interest in the legal certainty of the new titles cannot pay for them and many well-established parties benefit from the continuation of the old method and they are also allowed to do so during the transition period, there are, in practice, few incentives to comply with the new law. Parties are also not yet convinced of the enforceability of the title system. Benin has a history of decades of unsuccessful land reforms (Economic Development & Institution, 2019) and a large informal economy of almost 60% of GDP (IMF 2018) because rules are often not enforced. These past experiences lead to a wait and see attitude. The fact that the transition period has already been extended once and a new extension appears necessary, feeds the sepsis.

The lagging title flow has the negative effect that less money is coming in than expected. This leads to delays in the plans to open an ANDF office in each municipality. As a result, ANDF is less visible and increases the distance to the potential users, which reinforces the negative spiral and increases the likelihood that the increase in the necessary legal certainty envisioned by the legislator will not be achieved.

2.3.The tested solution in order to still achieve the envisioned effect

2.3.1. The initial hypothesis

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The major benefit of the title system is the high degree of legal certainty and a sound recording through the mandatory registration of notarial deeds. Benin has also prepared well for the implementation of this system. The procedures and methods for issuing titles and the registration of transactions have been legally secured and translated into implementation rules and work procedures. The ANDF personnel have been trained to apply the instructions and an IT system has been developed that supports the work process. Initially, this seemed to be a solid foundation, provided that it would succeed in increasing the number of titles by lowering the threshold for obtaining the first title. The system could then maintain itself because each buyer understands that he/she runs too great a risk if he/she does not have the title put in his/her name by ANDF and there are also fewer financial thresholds since there is no unit price for settling most transactions, but a rate based on the value of the plot of land (currently this is usually 0.3% of the current market value).

In this context, there is a need for an approach that is cost and time efficient for the initial establishment of the land administration. Such an approach was developed in the so-called Fit For Purpose Land Administration. This approach entails a land administration that has been designed to achieve “tenure security for all” within a relatively short time, with relatively low costs and applied within the legal, spatial and institutional framework. Fit For Purpose Land Administration was jointly developed by FIG and the World Bank. The concepts and guidelines were first published in 2014 (Enemark et al, 2014) and 2015 (Enemark et al, 2015). This analysis led to the following hypothesis to have the envisioned system operate: *That it is possible with a “fit for purpose” approach to provide a title to all of the plots of land in a village or district in a limited time for little money so that each legitimate landowner can acquire that first land title affordably, or possibly even “free of charge”.*

2.3.2. The adjustments resulting from the practical test

In order to test whether the hypothesis stated in the previous paragraph is valid, PMAF and ANDF tested a “fit for purpose” approach in four municipalities across Benin to issue initial land titles by area faster and cheaper.

In the three months of the test period, a total of 2,349 plots of land with a total surface area of 3,500 hectares were collected in the four geographically dispersed test areas. The test proved that a fit for purpose approach can achieve high production at a relatively low cost. The average cost for the test area was 17 euros per collected hectare. However, the test also showed that the high production and relatively low price are only feasible if the original hypothesis of a title as end result is relinquished and a lower level of legal certainty is tolerated where the ownership is not established as absolute right but as a verified presumption of ownership. In contrast to the property right supported by a title, this presumed ownership recorded in the national land administration is not absolute, but can be disputed. It is applicable until a legal procedure decides otherwise. The introduction of the possibility for later correction provides space for a less formal, faster and cheaper approach that better aligns with the political goal of quickly achieving a land registration that covers the entire country. This modified assumption made it possible to apply the following cost-reducing and speed-increasing measures:

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- Allow testimonies as a basis for establishing the presumed ownership that will be confirmed by means of a one-time inspection open to the public in the village. This is a break with the current practice where owners must always present a document when applying for a title in order to demonstrate their presumed ownership. Working with testimonies is efficient but could lead to institutionalised land grabbing in specific cases, such as with unresolved estates. This risk is manageable because any victims can still rectify it later. This is not possible with a title.
- Accepting a measurement accuracy of a metre, rather than aiming for precision in terms of centimetres. This lower accuracy allows the use of simple measurement equipment and software that can be operated after limited training. As a result, fewer expensive certified land surveyors are required. These surveyors only have to be hired when a higher geometric quality is necessary, for example, when realising city expansion plans. When issuing a title, such inaccuracy would be unacceptable because the stated surface area of the plot has legal meaning and therefore cannot change later. That is why, with a title, the highest surveying standards must be satisfied immediately.
- Engaging the local land administration committees to resolve disputes through mediation. The law in Benin regulates that each village and each municipality must have a land administration committee. This committee consists of residents with authority who are familiar with the local situation and who can therefore mediate when there are conflicts regarding ownership or the plot borders. In order to have this function, the committee members must be trained and receive remuneration for their effort, but this is cheaper than hiring external mediators. This informal mediation is not possible in the title process, where conflicts are directed straight to the court and a title plot is recorded in the registration only when the court has passed judgment. The alternative approach when the mediation is unsuccessful is to register the plot of land as a conflict plot in the land administration system, which does not delay the collection process and allows potential buyers and other stakeholders to see that there is a conflict as long as the case is still in court.
- Accelerating the measurement process by having the residents themselves mark their borders in advance with marker stones. Before this step occurs, the local land administration committee was reinforced so that they can assist in the demarcation of the borders and can already immediately mediate, if necessary, when conflict situations arise. The project also provides materials and instruction so that the population itself can produce the marker stones on site. When all of the plots of land have been demarcated, the plot boundaries are clear and the measurement teams only have to measure the coordinates and verify whether both neighbours are in agreement. This verification can take place asynchronously. When both neighbours separately indicate the same stone as border, it can be assumed that they are in agreement. This preparatory step prevents the measurement teams from having to wait until both owners are on site and they are in agreement where the border is located exactly. The latter in particular can take a great deal of time in rural areas.

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3. FROM TEST TO PRACTICE: THE DILEMMA WHEN UPSCALING

After completing the practice test, ANDF and PMAF knew that the current title system would never succeed in quickly achieving a land administration that covers the entire country at a reasonable cost, but that an alternative form of legal certainty would be more “fit for purpose”. The version of registering a presumed ownership, outlined in the previous paragraph, meant the introduction of a “deed-based system” along with the existing “title-based” system. By deciding upon a different ratio between quality and cost, it is indeed possible to achieve a basic level of legal certainty in the short-term that is affordable for everyone. By positioning it as an addition, rather than a replacement, degradation of quality could be an issue. After all, the protection provided by a title remains and those who require this high level of legal certainty can still apply later for a title for their plot.

Although we had a shared vision about the solution, tension arose between ANDF and PMAF when a decision had to be made about how to best use the project budget for upscaling. Which activities had to be emphasised in order to put into motion the necessary change in the system? This area of tension can be visualised using the “nine strategic pathways” from the Integrated Geospatial Information Framework (UN-GGIM, 2018). The figure below shows the ANDF focus with the black rectangle and black arrow and the PMAF focus with the white rectangle and the white arrow.

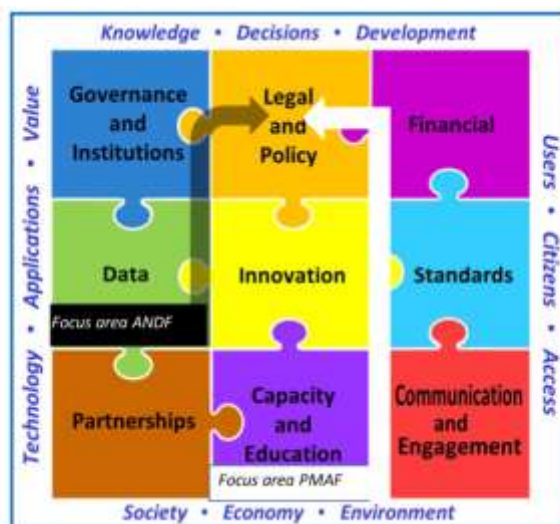


Figure 1: ANDF focus and PMAF focus shown on the “nine strategic pathways”.

ANDF is under heavy pressure from the political parties that want to see visible results. You are visible when your land administration database can be opened via the internet and more registered plots can be displayed for more municipalities. Therefore, ANDF had two priorities after the test:

1. Upscale the approach developed in the test as quickly as possible in order to collect as much data as possible in as many municipalities as possible.
2. Develop a digital cadastre with which the data collected in the field can be displayed.

ANDF was considerably focused on the data portion in the nine areas because this was viewed as a means to influence the institutional and policy areas, where ANDF had a particular interest in being viewed as a relevant institution by the political decision-makers. This was necessary because due to the lagging titles, the initial support for ANDF's central role in constructing a national cadastre threatened to disappear. Against the triangle of time, money and quality, ANDF clearly placed the emphasis on time, meaning quick data collection in order to quickly fill the national digital cadastre.

The pressure on PMAF was different. The financial sponsor of the parties who signed as consortium for the project is not ANDF or the Benin government, but the Dutch embassy. It is contractually established what PMAF must deliver. The emphasis in the contract with the embassy is on capacity building as a means of achieving sustainable results. Thus, the challenge for PMAF was not how much data as possible can be collected as quickly as possible, but mainly how ANDF and the other partners in the chain could acquire the capabilities to be able to maintain the land administration in the longer term. The nine areas of the "nine strategic pathways" emphasised the capacity building and education. But although the focus was there, the consortium first assumed that for a sustainable result, specific criteria had to be satisfied in all areas of the triangle before the data collection could be upscaled. An example of such criteria is that the new system based on presumable ownership is rooted in the law. Therefore, due to the contractual requirement of sustainable results, PMAF mainly emphasised the quality aspect in the triangle.

Thus, there was a conflicting vision about what was the best approach in order to achieve a "good" result in Benin:

- ANDF: quickly collect data on a large scale in order to show politically relevant results because otherwise the risk is too great that political parties set different priorities and no money and support become available to proceed in other areas.
- PMAF: first get everything in order before the data collection is scaled up because otherwise the risk is too great that the investments do not pay off because it turns out afterwards that the data cannot be kept up-to-date.

The dilemma was that both parties were right based on their guiding reasons (political and contractual). As a result, tension arose in the project because it was difficult to find a proper balance between quality and cost.

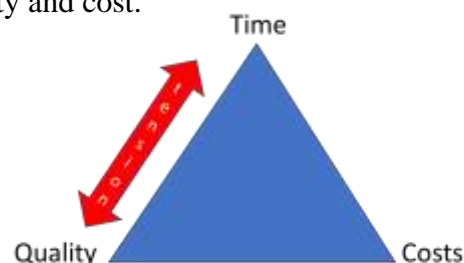


Figure 2: Tension in the "Iron Triangle"

Complicating the matter was that it was not possible to reduce the tension between time and quality by putting in extra money. The project budget was fixed and there were no possibilities to attract additional financing.

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4. THE WAY OUT OF THE DILEMMA: FIT FOR PURPOSE IN THE BENIN WAY

Securing the political support was ultimately viewed by both ANDF and PMAF as the most important priority. After all, without political support, it is not possible to adjust the laws and regulations that recognise the status of “presumed ownership” and too little funding will become available. Without additional financing, the construction and maintenance of a national land administration will not succeed. After all, even with accelerated construction, combined with the introduction of self-financing using cost-covering rates, there is always a start-up period in which the transaction volume is too low to cover all of the administration and operating costs. Thus, extra budget is always required. Both parties also shared the analysis that rapidly visible results, therefore a registration filled with data, are necessary in order to keep political parties interested, but that in the longer term, there is only societal gain for Benin if this data can also be kept up-to-date. The solution for this dilemma was found by developing a joint approach from the partnership between the ANDF and PMAF, with a balance between time and quality tailored for the Benin context: fit for purpose in the Benin way.

This approach consists of the following building blocks:

- Work together, as real partners. PMAF is ANDF’s partner and works with and for ANDF. The project is not an external unit with its own goals. Project goals and results must fit with ANDF’s goals, tasks and aspirations. After all, the project stops after four years, while ANDF will feel the effects of the choices made for many years afterwards. This partnership has been rendered permanent with the joint signing of a memorandum of understanding and a joint acquisition plan agreed to with the embassy that describes in general how the available investment funds will be used.
- The data will be used as driver. Data collection requires a lot of communication to create awareness and to mobilise the parties involved, not only in the district selected for collection but also in the municipality and the department under which it falls. Because it regards concrete action with impact on their area, the administrators, such as prefects and mayors, are easier to involve than in situations where only plans and concepts are shared. In addition, the collection and disclosure of data (cadastral plots of land) provides newsworthy events that can be utilised in a PR campaign to generate national attention for ANDF’s work.
- For the collection as well as the maintenance, innovative approaches have been developed by the PMAF experts in order to more quickly realise a national cadastre. These innovations have been translated into architectures, process descriptions and standards developed together with ANDF that set the framework since they become part of the outsourcing contracts for the data collection and the development of the supporting IT infrastructure. An important standard in this process is the Land Administration Domain Model (ISO 19152). Based on this standard, a LADM land profile was developed for Benin. In addition, a standard handbook for data collection was created.
- By collecting and disclosing data for production purposes, it can be proven that the proposed innovation approach also really works and that there is no need for theoretical ~~impediments. If, on the other hand, problems do arise because in practice, it is always~~

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different than what is thought in advance, then the impact of this is “tangible”, which helps when estimating the importance and urgency so that scarce time and money is not wasted on resolving minor issues that barely impact the project result to be achieved. Encountering problems in practice also makes discussions about the solution less abstract. The how and why can be better explained, which helps the decision-makers to make the difficult decisions.

- ANDF uses the middle layer of the “nine strategic pathways”, the collection of data and the development of innovative approaches and standards that set the framework, as the basis for getting policy makers to arrange the financial, legal and institutional criteria. In addition, the practical results will be used to substantiate the business case and arrive at concrete proposals. Discussions about budgets are easier when you not only say that you can do more with a “fit for purpose” approach at lower costs, but you can also prove that with production data. Because the standards, work methods and roles of the partners in the chain have been defined as part of the detailing and testing of the innovative approaches, it is appropriate to explain which institutional and legal adjustments are required and why this is urgent. Starting with the application in practice ensures that parties themselves experience the usefulness and necessity and that they get to work themselves to convince the sceptics in their own circle.
- From the partnership, PMAF contributes the knowledge and experience from similar projects in other countries. This is a form of education where external experts provide concepts and best practices that can be applied in Benin. These serve as inspiration and “proof” that issues can also be approached in a different way. Working from examples and practical cases focuses the discussions and leads to faster results than starting from a blank sheet of paper with the design.
- With the investment budget and the additional effort from local and foreign experts, PMAF also provides the additional capacity that is required to execute the transition. This additional capacity is necessary because the capacity of ANDF and other partners in the chain is aligned to the going concern, as a result of which the people do not have the time to work on all aspects of the transition project.
- PMAF fulfils a special role within the area of communication and engagement. The focus on quickly achieving results can create the risk that the interests of vulnerable groups come under pressure. In order to prevent this, an opposing force is organised from PMAF where interest groups for women, young people and other vulnerable groups are informed through separate communication channels about the planned data collection and they are enabled, using project money, to play an active role in the collection.

This approach can be shown in the nine strategic pathways as follows:

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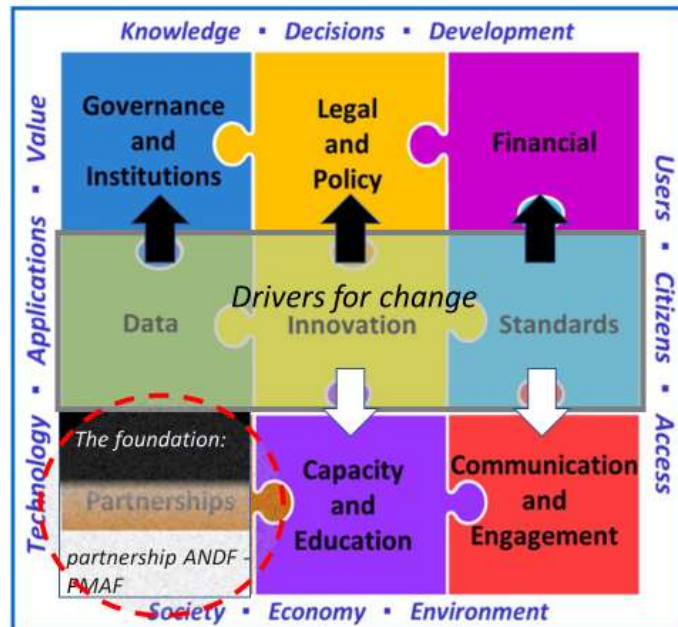


Figure 3: Adjusted ANDF and PMAF focus shown on the “nine strategic pathways”

From the foundation of the partnership, data, innovations and standards will be utilised as drivers of the change, where ANDF uses them to achieve the required conditions at the top layer, while PMAF uses them to introduce new ways of working at the partners in the chain and to ensure through information, monitoring and organising of “opposing force” that in the implementation, they continue to do right in the assumption of legal certainty for everyone. This ensures that the quality is not at the expense of speed and that gradually a sustainable level of legal certainty is realised from which all population groups benefit.

A specific point of attention in the partnership in terms of data and innovation is the development of a land administration information system based on international standards and best practices. The introduction of a “deed system” in addition to the existing “title system” also requires the necessary innovation in terms of IT. The most important innovation is the introduction of a data-centric architecture, where data and processes are decoupled. This decoupling enables the database to feed the digital cadastre from different sources, as a result of which faster coverage of the country can be realised. The use of LADM as an overarching standard, with a profile tailored to Benin’s needs, ensures that data from the different sources and with different levels of quality at plot level can be linked so that the user can always understand which level of legal certainty is provided.

The following figure (next page) shows in general how this architecture is constructed.

Architecture of the digital cadastre (Land administration information system)

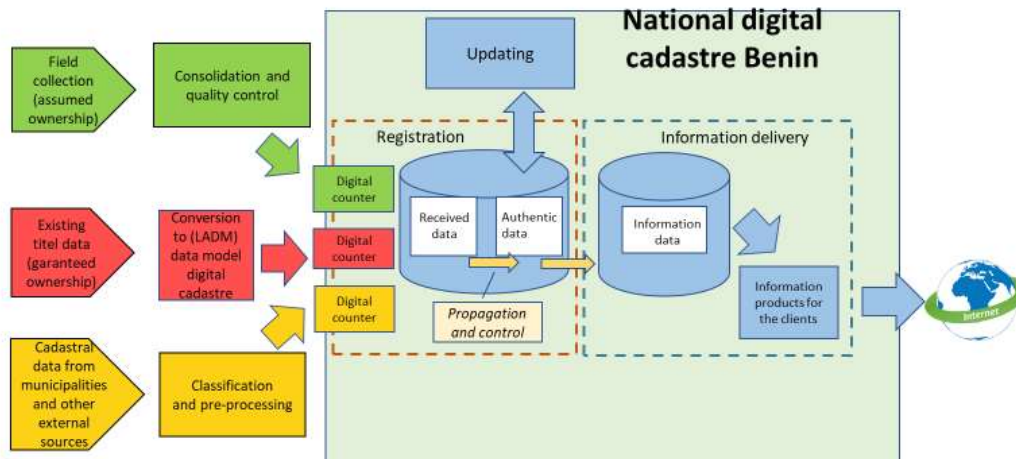


Figure 4: Architecture of the digital cadastre (Land Administration Information System)

The green flow regards data that is collected once for the construction of the national cadastre. This data regards plots of land measured in accordance with the agreed upon “fit for purpose” procedure with a verified presumption of ownership. This flow is a new arrangement, enabling the imposition of procedural and technical standards on the parties that are contracted for the collection, for example, that they must satisfy the LADM profile for Benin. This means that the delivered data does not have to be converted but only checked before it can be incorporated in the central database. The red flow regards data from the current title process. For this purpose, an information system with its own data model already exists. A conversion module allows the core data from this system to be converted into LADM-compliant data so that it can be incorporated in the central database. In so doing, the existing IT system does not need to be adjusted. Thus, the investment made continues to pay off and it relieves the ANDF organisation because the current work method for processing title applications and linking rights and restrictions to titles can continue. Furthermore, the decoupling also ensures that any delay in the construction of the digital cadastre does not adversely affect the realisation of the legal time periods for issuing the titles. After all, the IT system required for this purpose functions autonomously.

The yellow flow regards the reading in of cadastral data from external parties. This is mainly data from decentralised municipal cadastral administrations. This data is very diverse, which sets specific requirements for the conversion and control. For example, it may require that paper plans and registers be provided, which must first be digitised before they can be processed. It may also be necessary to adjust them geometrically again because, for example, they were collected in a local coordinate system. Because this conversion costs a lot of time and money, relatively speaking, an intake is always done first in order to determine whether the conversion of an external data source is worth the effort. In particular, in certain cases it is more efficient not to use the data source and to collect the data once again in the relevant area (so select the green input flow).

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5. WILL IT WORK AS EXPECTED? THE MOST IMPORTANT ASSUMPTIONS FOR THE FOLLOW-UP

The approach described above can promise the political parties that a digital cadastre covering the entire country can be realised in Benin in less than ten years, which provides each resident with a basic level of legal certainty and that stimulates the economic development. However, this promise is based on a number of assumptions that must be correct in order to fulfil the promise. These are explained below, where each assumption lists the measures that are taken in order to fulfil the expectation or to limit the damage when that is not possible:

- *A legal basis is realised in a timely manner*
The current law takes into account a digital cadastre and this is positioned as an essential guarantee for certainty about the ownership of land. The legislator has given this digital national cadastre a broader scope than just the disclosure of titles, where the exact content can be arranged by decree. The ANDF legal experts expect that the creation of this decree can introduce the alternative of a “presumption of ownership”, by registering it as such in “the cadastre”. Because a decree can be established relatively easily in Benin, it is possible to quickly give a legal basis to the collected “fit for purpose” plot data. Because this is such an important assumption, the project makes resources available in order to have external specialists conduct a legal analysis to independently determine what is required to legally anchor the required change. By giving this priority, ANDF and PMAF will know what else needs to occur in the legal area and whether there is sufficient time available in order to arrange it. With this knowledge, additional resources can be organised, if necessary, to adjust the legal framework or in the worst case, the data collection can be delayed until there is an adequate legal basis for use and maintenance.
- *A pricing model is introduced that offers affordable legal certainty for everyone.*
In order to not exclude any parties, the price for transactions must be adjusted to the ability of the Benin population to pay and be in proportion to the value of the plot of land involved in the transaction. Various solutions are available for this purpose, such as a rate based on the sale price or sliding scales based on the location and the surface area of the plot. It is mainly the role of PMAF to provide alternative business models and to show with good communication to the partners in the chain that a low rate combined with a large volume will benefit everyone. ANDF has an important political role to play here, because politics also must not drive maximisation of the proceeds but a system in which enhanced obligations are paired with reduced transaction costs so that everyone can satisfy the imposed obligations.
- *Adjust transactions to the needs and capabilities of the users.*
In addition to making transactions affordable, the users must also be able to perform them easily. This regards very practical things such as taking illiteracy into account and preventing long travel times because motorised transport is scarce and relatively expensive in rural areas. An important task here for the project is to provide efficient and simple procedures and to ensure that no process steps are added that make it unnecessarily more complicated for the users. In addition, ANDF must mobilise the political support

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that is needed in order to move parties, which have not yet embraced thinking from the user standpoint, in the right direction.

- *Certified surveyors can be used without driving up the cost.*
Currently, the intention is to grant the first instalment to the established surveyor agencies. This well-organised professional group views the project with much interest and obviously sees this as an opportunity to increase its revenue. Because the surveyor agencies have a lot of knowledge and experience and can mobilise a lot of “opposing force” if they should be passed over, it has been decided to first outsource the collection of data to them. The proposal request will provide the work method tested in TOP and the corresponding cost as a framework in order to stimulate sharp pricing. Because the collection of data will be put in the market in different instalments, other parties can also become involved later if necessary, should it prove that the framework is not effective.
- *The “tenure security” of women and other vulnerable groups is reinforced*
When recording property rights, it is important that this occurs with specific attention to vulnerable groups, including women and young people. This approach has been evaluated and developed further using the Gender Evaluation Criteria for Large-scale Land Tools (GLTN, 2010). The approach registers the ownership of men as well as women. In many cases, a usage right is granted for women’s access to land. In order to accelerate the data collection, the decision has been made to only record the property right and refrain from registering secondary usage rights. This issue was one of the difficult considerations between speed and quality. This choice was determined to be acceptable based on the assumption that when arranging the property right, landowners are more willing to grant long-term usage rights. They then no longer run the risk that a claim on the land can be placed through this use. This would still indirectly reinforce the legal certainty of women and young people, with the added effect that they are more willing to invest more in working the land, which will increase the food security in time. Because food security and inclusiveness are key policy priorities of the Dutch embassy (the formal sponsor of the project), it is important that it can be proven that this assumption is correct and that the position of vulnerable groups actually improves. Performance indicators have been established and a monitoring system has been set up in order to demonstrate this point.

6. Conclusion

This practical case shows that the balance between time, money and quality remains a struggle throughout the entire project period. The dilemma described also shows that there is no simple solution and that the choice depends considerably on the local conditions, where the political priorities ultimately settle the matter. After all, the political officials of a country are the ones who determine the “purpose” in a fit for purpose land administration approach. This is a reality that a project must be able to handle. ANDF and PMAF believe that “fit for purpose in the Benin way” is a good balance in the “iron triangle”. Whether that is actually the case will have to be proven in the remaining three years of the project.

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BIOGRAPHICAL NOTES



Steven MEKKING works as senior Advisor Strategy and Policy at Kadaster, the Netherlands Cadastre, Land Registry and Mapping Agency. For Kadaster International, the international branch of Kadaster, he has been involved in PMAF from the start of the project as advisor and project manager. From February 2019 to February 2020 he was a member of the local PMAF project team in Cotonou, Benin.

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Docteur Dossa Victorien KOUGBLENOU works since 2015 as Director General for the *l'Agence Nationale du Domain et du Foncier (ANDF)* under the Ministry of Finances in Benin. Dr KOUGBLENOU is legal land expert with considerable experience in land management. From 2007 – 2011 he was responsible for the land policy and land reform in Benin.



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