

Millennium Challenge Corporation – a new actor on the African land policy scene

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1. Abstract

Founded to reward states which excel in good governance and adopt policies for growth and poverty reduction, intending a more efficient use of development funds, MCC became soon an important player in the arena of international organisations. Field operations do only difficultly meet the expectations raised: administrative barriers are extremely high, procedures are heavy and do sharply contrast with the light technical concepts of the Corporation. This will be shown in the domain of land policies. MCC literally ignores all the discussion in this complex area of development policy that took place in the last decades and subscribes without distinction to a surpassed conception of land registration. At the same time this shows that the discussion on land policies needs further empirical and conceptual foundation.

2. Introduction

This presentation takes up two contributions made to former ISCO conferences discussing issues of land policies and their effects on land improvement (Stamm 1998a; Stamm 2001). Extensive empirical research had led to the result that in large parts of the West-African Savannah regions with rain-fed agriculture customary regimes of land tenure did not form an obstacle to common forms of land improvement, such as soil fertilising and erosion control (Bruce/Migot-Adholla 1994, Stamm 1998). On and on, these findings were confirmed by further research (de Zeeuw 1997; Sawadogo/Stamm 2000; Brasselle et al. 2002; Stamm et al. 2003). Their policy implications were not ambiguous: “If we return to our findings (...), they cast doubt on the wisdom and cost-effectiveness of large-scale, systematic programs of compulsory titling for smallholders in rain fed agriculture.” (Bruce/Migot-Adholla 1994:261) Disregarding these recommendations, development organisations directed more and more their interventions to the field of land policy which they identify as a major constraint to poverty reduction in rural areas. One of the most powerful actors is the American Millennium Challenge Corporation (MCC), acting through national agencies in the respective countries, especially created to this end, the Millennium Challenge Accounts (MCA). Its approaches to land reform, which are close to those practised by the World Bank, shall be analysed in the following.

MCC was founded in January 2004 by the Bush administration, as a parallel organisation to USAID, with the objectives to ‘reduce global poverty through the promotion of sustainable economic growth.’ Key principles are : ‘Reducing poverty through economic growth’; ‘Good policies matter’; ‘Operate as partners’; ‘Focus on results’ (www.mcc.gov, accessed 13. 11.2007) – obviously commonplaces, which no development organisation worldwide would contest. The reasons for creating one more structure might be political ones: to demonstrate the will and efforts of the Bush administration to fight against poverty, and to rely on slim management structures, in sharp contrast to the often criticised oversized development bureaucracies. Unfortunately, also MCC uses heavy administrative procedures.

Till this day (Jan. 2008), 15 compacts have been signed, 8 thereof with African countries: Benin, Cape Verde, Ghana, Lesotho, Madagascar, Mali, Morocco, Mozambique.

3. Presentation of project data and objectives

To address issues of land policies, I will focus on the compact concluded with Benin (available on: www.mcc.gov). It provides assistance in four different areas, one of them being the Access to Land Project. Intended to produce more than 80.000 land certificates, using a strongly simplified version of the PFR method (Plan Foncier Rural, see Stamm 2000), the project will cover some 300 villages in 40 communes dissipated all over the national territory. The financial volume of the project amounts to roughly 36 Mio USD.

In the compact concluded with the government of Benin, its objectives are defined as follows:

¹ The views expressed in this contribution reflect the author’s personal opinion and do not engage his employing institution.

“The Land Project will encourage investment in urban and rural land. A new policy framework will enable a progressive transition between customary and administrative land management to markets and a title registration system. With lower transactions costs and fewer disputes, the climate for investment, productivity and finance will be improved. The Land Project will strengthen women’s land rights under the law and, more importantly, work to ensure the new family code is practiced widely. In Cotonou, Porto-Novo and Parakou, the three main cities in Benin, up to 30,000 properties currently under administrative certificates will have titles. In twenty four selected rural communes, as many as 83,000 families in 300 villages will receive a certificate, which can be subsequently turned into a land title. “

In order to achieve these objectives, the following activities are planned to be executed:

“(ii) Expansion of formal land rights in rural areas.

Consistent with existing standards and guidelines, expand the creation of rural land plans, land tenure certificates and local land management capacity:

(1) For each rural commune meeting the site selection criteria and chosen by MCA-Benin for participation, (A) conduct of information campaigns, (B) assessment of the socio-economic and land tenure conditions of villages in the area and (C) prepare village profiles including documentation of any location-specific land tenure terms and norms;

(2) Based on the conclusions reached in paragraph (1) above and the application of the more general site selection criteria to the villages within each commune, final selection of villages for implementing the PFR process;

(3) For selected villages, production of land use and tenure maps (the PFR) using a participatory method and submission of the plan for public review and comment; and

(4) Based on the PFR, issuance of rural land use certificates and facilitation of formal, written records of subordinate land rights such as tenancies using improved approaches (e.g., standard lease template).

(iii) Facilitation of voluntary, “on-demand” conversion of rural land certificates into land titles.

Conversion of rural land certificates to land titles through an efficient, affordable process. Priority will be given to villages that already have a PFR in place.”

4. Discussion and results

The following elements of the conception sketched in the former paragraph shall be emphasized. The analytical approach hints sharply at existing or supposed deficiencies in local land tenure regulations – it shall be reminded that empirical research on the issue in question presents a by far more differentiated image of this subject. Thus, the urgency to intervene in the land policy field is demonstrated. Having justified the necessity for action, its local frame is formed by choosing the test villages, 300 in number. The consecrated principles of technical cooperation, namely the voluntary and participatory character of all operations, cannot fail to be evoked in this context, even if the language of the relevant law (Loi 2007-03 portant régime foncier rural en République du Bénin, Art. 105) is postulating in quite a different tonality: “Il est institué pour chaque village un plan foncier rural. Les autorités administratives locales sont chargées de promouvoir l’adhésion des populations à cette institution.” It must also be noticed that a former attempt to institutionalize Rural Land Plans in Côte d’Ivoire was based on a compulsory regulation.

Contrary to the original PFR concept, not all rights held on a plot of land will be recorded. The projected time schedule is not sufficient to allow for such a comprehensive operation. The registration process risks to be limited to those rights, which may be subject to the later delivery of a land certificate, namely rights of land management, i.e. rights of disposition over land, quasi-property. The same reductionist evolution, from an initial certain idea to register *all* rights on land to the exclusive delivery of certificates of property, was already to be observed in Côte d’Ivoire (Chauveau 2003). These certificates based on the PFR method are considered, as shown above in sect. (iii.) of the planned activities, as a preliminary to full land titles. All necessary legal and technical dispositions are taken to transform them further in this direction.

The whole operation is based, as several times mentioned above, on the PFR methodology, PFR meaning at the same time the output, plans and rights register, and the procedure to elaborate them. Some final remarks are intended to enhance a better understanding of this instrumental concept. PFR takes up and

combines geodetical instruments (aerial photographs forming the basis of village land maps) and the results of anthropological research on local land tenure systems, which characterized them as forming bundles of different rights, held by different persons or groups, on one and the same piece of natural resources, p. e. plot of land. The idea now was to create on the one side a village map showing all fields in a village, and to establish on the other side a register, related to the mapped plots, which identifies all rights of all right holders on these plots, independent of their origins and their nature. Obviously, the exercise is highly sophisticated and time-consuming. As a consequence, the method risks to be more and more reduced and simplified. Urged by the planned output of 300 PFR in a given period, void of the indispensable accompanying research, there is a real danger that the result will be a 'light' version of the Rural Land Plans, a mere intermediate step on the way to full land titles. 'Management' or 'disposition' rights (droits de gestion) will be recorded; all the other, and first of all shared rights, risk to be neglected.

To conclude: If presently prevailing concepts were not based on erroneous theoretical and empirical assumptions, and if the pressure to produce a high capital outflow (as an indicator for project results) were not so great, a more subtle approach to land policies could be imagined. Such a program could comprise elements of the PFR method in localities, where there is a real need for them, instead of implementing them, as in Benin, on a country-wide scale. Additionally, it could take up the pragmatic orientation prevailing in the land law of the Republic of Niger. There, all land rights, independent of their origin and form, are declared recognized and protected by the law.

5. References

- Brasselle, A.-S., Gaspart, F., Platteau, J.-P., 2002. Land tenure security and investment incentives: puzzling evidence from Burkina Faso. *J. of Dev. Economics*, 67: 373-418.
- Bruce, J W., Migot-Adholla, S. E. (Eds.), 1994. *Searching for Land Tenure Security in Africa*. Kendall/Hunt, Dubuque, Iowa.
- Chauveau, J.-P., 2003. *Plans fonciers ruraux: Conditions de pertinence des systèmes d'identification et d'enregistrement des droits coutumiers*. IIED, London (Issue Paper No. 122).
- De Zeeuw, F., 1997. Borrowing of Land, Security of Tenure and Sustainable Land Use in Burkina Faso. *Development and Change*, 28: 583-595.
- Sawadogo, J.-P., Stamm, V., 2000. Local perceptions of indigenous land tenure systems. *JMAS* 38: 279-294.
- Stamm, V., 1998. *Structures et politiques foncières en Afrique de l'Ouest*. L'Harmattan, Paris
- Stamm, V., 1998a. Are there land tenure constraints to the conservation of soil fertility? In: H.P. Blume, H. Eger, E. Fleischhauer, A. Hebel, C. Reij, K.G. Steiner (Eds.), *Towards sustainable land use: furthering cooperation between people and institutions*. Catena, Reiskirchen (*Advances in GeoEcology* 31), Vol. 2, pp. 1499-1504.
- Stamm, V., 2000. *Plan Foncier Rural en Côte d'Ivoire*. IIED, London (Issue Paper No. 91).
- Stamm, V., 2001. Intensification Patterns in West African Agriculture. *Zeitschrift für Wirtschaftsgeographie*, 45: 54-63.
- Stamm, V., Sawadogo, J.-P., Ouédraogo, S. R., Ouédraogo, D., 2003. Micro-policies on land tenure in three villages in Bam province, Burkina Faso. IIED, London (Issue Paper No. 124).