

OUR LAND IS OUR LIFE

**A Study of Policies and Frameworks regarding Land Use,
Land Rights, Governance, Management and Ownership**



TOGO | 2022



WHEN SPIDERS
UNITE THEIR WEBS,
THEY TIE A LION!

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Acronyms & Abbreviations

ADHD	Rural self-promotion for sustainable human development
ADT-Togo	Friends of the Earth Togo
AFSA	Alliance for Food Sovereignty in Africa
ANDF	Agence Nationale du Domaine et du Foncier
CADHP	African Commission on Human and Peoples' Rights
CER	Regional Economic Communities
CGLTE	Convergence des Luttres pour la Terre l'Eau et les semences (Convergence of Struggles for Land, Water and Seeds)
CIRFD	Commission Interministérielle de la Réforme Foncière et Domaniale (Interministerial Commission for Land and Property Reform)
CLD	Framework and guidelines on land policies in Africa
CoGeF	Commission de Gestion Foncière
CTOP	Coordination Togolaise des Organisations Paysannes et de Producteurs Agricoles (Togolese Coordination of Farmers' and Agricultural Producers' Organisations)
FAO	Food and Agriculture Organization of the United Nations
FDF	Fonds de Dédommagement Foncier
FG	Guarantee Fund
INSEED	Institut National de la Statistique et des Etudes Economiques et Démographiques (National Institute for Statistics and Economic and Demographic Studies)
KAS	Konrad-Adenauer-Stiftung
MCA-Togo	Millennium Challenge Account-Togo
MCC USA	Millennium Challenge Corporation- United States of America
MDG	Millennium Development Goals
OC	Confessional organizations
OD	Development objective
OSC	Civil Society Organisations
RAPDA-Togo	African Network for the Right to Food

RENAFAT	National Network of Women Farmers of Togo
SGFQ	Section de Gestion Foncière de Quartier
SNE	National Commitment Strategy
SOFT	Synergy of Land Organisations in Togo
SVGF	Village Land Management Section
UA	African Union
UNDAF	United Nations Development Assistance Framework
VGGT	Voluntary Guidelines on the Responsible Governance of Tenure
ZAAP	Planned Agricultural Development Zone



Executive Summary

This study is part of a broader African awareness-raising campaign that involves collaboration between African civil society organizations (CSOs) and faith-based organizations (FBOs). The lead organization spearheading this initiative is the Alliance for Food Sovereignty in Africa (AFSA), which works closely with key stakeholders within the “Our Land is Our Life” platform.

The study was conducted in Togo, focusing on land use, land rights, governance, management, and ownership. The study aimed to understand the policies and frameworks related to land in Togo, evaluate their impact on land users’ rights, assess large-scale land acquisitions by investors, examine the implementation of international guidelines on land governance, analyze stakeholders in land policy, identify policy barriers to land rights, and provide recommendations for safeguarding land rights.

The study found multiple land governance mechanisms and frameworks in Togo, including an information-based mechanism for land sales through traditional chiefs, governance

through a paralegal committee, the participatory approach, the exclusion of women, and the lease system. However, there is limited awareness of gender equality in land access. Large-scale land acquisitions by investors are a growing concern, and Togo has made efforts to align with international guidelines on land governance.

The main findings indicate the existence of various land governance mechanisms in Togo, including traditional chief-led sales and paralegal committees. The Code Foncier et Domanial introduced innovations in governance, but awareness about gender equality in land rights is low, especially in rural areas. There is growing concern about large-scale land acquisitions by investors. Although Togo is aligning with global land governance standards, political hurdles persist, such as delayed regulations and insufficient feedback mechanisms.

Recommendations:

State: Swiftly adopt implementing decrees for the Code Foncier et Domanial, enhance its

dissemination, advocate for gender equality in land rights, translate land laws into local languages, allocate resources for the Land Tenure and Property Code dissemination, and establish a dialogue framework for the Code's application.

CSOs: Simplify land and property codes for comprehension, conduct activities on land rights, and promote the publication of key texts.

Religious Groups: Engage with legal provisions, understand Togo's customary land practices, and form dedicated units for collaborative land-related actions.

This research is instrumental in shaping policies that protect land rights, encourage gender equality, and tackle the challenges of large land purchases in Togo.





Introduction

This study is part of an African advocacy campaign based on collaboration between African civil society organizations (CSOs) and faith-based organizations (FBOs). The Alliance for Food Sovereignty in Africa (AFSA) leads this process in collaboration with the main actors of the “Our Land is Our Life” platform. The collaborative approach aims to develop a common analysis, positioning and advocacy campaign on land rights and agroecology. The lobbying and advocacy work will be evidence-based, informed by rigorous research and policy analysis. Policy advocacy at the national level will be linked to related sub-regional (RECs), regional (AU) and international advocacy work, strengthening alliances at all levels.

AFSA’s work on land issues is firmly anchored in the objective of transitioning to agroecology, the basis for food sovereignty in Africa. For AFSA, there can be no food sovereignty without secure access to land and natural resources. While AFSA strongly supports work to tackle land grabbing directly, it is also keen to influence and advocate for inclusive and equitable land governance policies and practices. This parallels AFSA’s

dual approach of challenging and resisting the industrialization of African food systems while recognizing the need to offer a credible alternative – agroecology.

¹According to MISEREOR’s 2020 report on large-scale land acquisitions in Africa, land loss severely impacts livelihoods, leading to a loss of agricultural production and other land-based sources of income and thus reducing food security. The report also notes that a significant proportion of acquired land is destined for industrial production of staple food crops and biofuels, weakening agricultural biodiversity – the basis of climate resilience and a healthy, balanced diet.

This new wave of “land grabbing” has been associated with multiple human rights violations and social injustices, as thousands of communities have been forcibly evicted and left destitute. Weak land governance in Africa is also associated with persistent poverty, food insecurity, inequality, conflict and land degradation. Women are particularly vulnerable because of their lower social status as land

¹ MISEREOR, 2020. Draft report. *What are the effects of large-scale land acquisitions in Africa on certain economic and social indicators?*

Greater political pressure must be brought to bear at all levels to accelerate the adoption of progressive policies to strengthen community land rights. Governments must enshrine in law and guarantee in practice the rights of indigenous

fisheries and forests. Women must be guaranteed the opportunity to make their voices heard, both within and outside their communities, on land rights, land governance and large-scale land acquisitions.





Objectives of the Study

General objective

The aim was to conduct a documentary study of national land governance policies based on existing research.

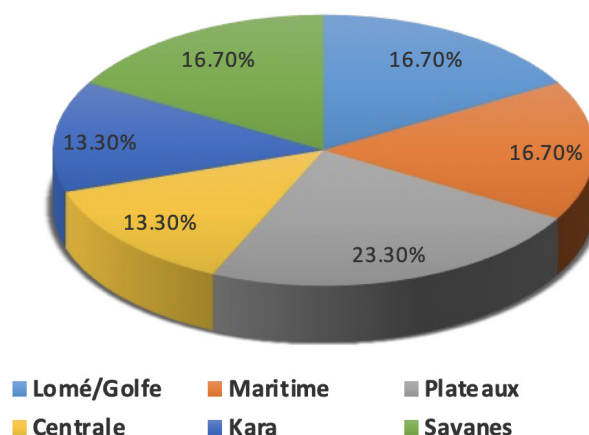
Specific objectives

- Understand customary and statutory land policies, mechanisms and governance frameworks at national level, with particular attention to peasants' rights, women's rights and food sovereignty;
- Assess the impact of current governance frameworks on land users, in particular family farmers, indigenous peoples, women and young people, in terms of human rights, land rights, access to and control over land, protection of customary land rights, protection against large-scale land acquisitions, community participation in land policy development and land-related decisions;
- Assess the scale of large-scale land acquisitions by national and international investors and their impact on land users;
- Assess the extent to which the progressive guidelines of the United Nations, the AU and the RECs on land governance are being implemented at the national level, for example, the GTT, the F&G, the UNDAF and the ACHPR;
- Provide an analysis of the stakeholders who are the main actors in the policy;
- Identify policy barriers to land rights and opportunities for policy advocacy;
- Provide recommendations to inform the strategy for defending land rights, including the identification of policy spaces, entry points and opportunities for advocacy, as well as the actors best placed to defend these rights;
- Identify the key elements of a charter of land rights for women and young people.

Study Results

Geographical location of respondents

The survey was conducted nationwide. Thus, 23.3% of respondents reached by the data collection mission reside in the Plateaux region, compared with 13.3% in the Central and Kara regions. Greater Lomé, the Maritime and Savanes regions each accounted for 16.7% of respondents. This regional coverage made it possible to gather information on the situation in each zone at the national level.



Main activities and gender of respondents

Data analysis shows that 53.3% of respondents were women, compared with 46.7% men. Respondents of all genders included producers (56.7%), processors (13.3%), cereal collectors (13.3%) and producer-processors (16.7%). It is

clear that producers are more affected by the study, as they are more concerned by land issues and especially by large-scale land acquisition by international or national investors. Therefore, their analyses and opinions are of threefold interest as they address the legal, economic and social aspects. The following table summarises the main activities of the respondents by gender.

Table 1. Breakdown of respondents by gender and activity

Profession/Activities	Gender (%)		
	Female	Male	Total
Producer	30	26,7	56,7
Transformer	6,7	6,7	13,3
Cereal collector	6,7	6,7	13,3
Producer - Processor	10	6,7	16,7
TOTAL	53,3	46,7	100

Customary and statutory land policies, governance mechanisms, and frameworks

The study identified five land governance mechanisms and frameworks based on the data collected from local respondents. These were the information-based mechanism for land sales through traditional chiefs (46.7%), governance through a paralegal committee (23.3%), the participatory approach (10.0%), the exclusion of women (13.3%) and the lease system (6.7%).

Regarding customary and regulatory provisions relating to land management, the data reveal three ways of managing land. These are management by local authorities (chiefdoms) and landowners (66.7%), internal family management (10%), and management by modern courts (10%).

Clearly, in Togo, customary and regulatory provisions relating to land management are fundamentally based on the intervention of traditional local authorities. The existing provisions are presented in the table below.

Customary land management arrangements and local mechanisms

Governance mechanisms and frameworks at the local level	Customary and regulatory provisions relating to land management (%)				
	No provisions: landlords take the law into their own hands	Land management by local authorities and owners	Modern court management	Family management	TOTAL
Traditional chiefs are informed of land sales	10	26,7	10	0	46,7
Paralegal Management Committee	0	13,3	0	10	23,3
A participatory approach	3,3	6,7	0	0	10
Exclusion of women	0	13,3	0	0	13,3
Lease system is too high	0	6,7	0	0	6,7
TOTAL	13,3	66,7	10	10	100

Source: Survey data and consultant's calculation, April 2021

Regarding state actors, they have emphasized that the Land Code addresses land disputes at the local level through traditional chiefs. Comments from local authorities clearly indicate that in the past, the head of the family held the right to manage land within the family. For instance, in Vogan town, the family head would convene meetings with the eldest family members to discuss land matters. In cases of family land disputes, the canton chief would mediate and determine responsibility.

Presently, the resolution of these land disputes falls under the jurisdiction of the courts. However, it's worth noting that the parties involved in land disputes are generally more content with the previous system than with the current one. A traditional chief supports this view, stating, "The old provisions were respected. However, with judges handling land issues, respect has dwindled. All it takes is one party to bribe the judges and they'll prevail. Consequently, unresolved problems persist, and people seek alternative means for justice." This statement underscores the complexities in customary land management. In many local communities, the chief continues to assert that both individual and women's rights are often disregarded: "Frequently, men attempt to control family land and pressure their sisters to leave the family home. In some cases, the eldest son takes control of the land and starts selling it without considering his siblings."

Individual interviews with international institutions reveal that the FAO in Togo isn't directly involved in land tenure but recognizes its importance for effective actions. In 2018, they initiated work on land tenure, supported by funding that facilitated a workshop on land governance. Subsequently, they aimed to further engage in the dissemination of the Voluntary Guidelines for Responsible Land Governance and explore how the forthcoming Land and Property Code could incorporate these guidelines. Additionally, the NGO ADHD received support for developing an information tool for rural areas, and there were efforts to bolster the implementation of ZAAPs established by the Ministry of Agriculture to

secure land. The FAO has also been involved in advocating for customary law that guarantees women the same land rights as men in terms of access and ownership.

Through interviews with civil society organizations focused on land issues, the Convergence Globales des Luttes pour la Terre et l'Eau (CGLTE) (Global Convergence of Struggles for Land and Water) discovered that customary land policies encompass community rules and processes that govern the behaviour of community members and outsiders. These rules and processes are developed and implemented by the community following generally accepted decision-making procedures and institutions. Customary land law dictates how communities own, use, and manage their land and natural resources, though its recognition in modern law can vary. Another stakeholder notes that there is no formal statutory land policy in Togo, and customary land policies are oral, differing from one locality to another.

Impact of current governance frameworks on land users' rights

Current governance frameworks for land user rights in Togo

Aware of the importance of land, the government has put in place technical and legal structures and standards to ensure proper land management in Togo.

Speaking of standards, we have at our disposal a set of legal texts including, among others: (i) Order no. 12 of 6 February 1974 establishing the land and property regime; (ii) Decree no. 67-228 of 24/10/1967 on town planning and building permits in built-up areas; (iii) Decree No. 55-582 of 20 May 1955 on the protection of forests in the African territories under the jurisdiction of the Minister of Overseas France; (iv) Decree of 24 August 1926 establishing the method of ascertaining indigenous land rights in Togo, (v) Law No. 2018-005 of 14 June 2018 on the Land

and Property Code. The following provisions derive from the Land and Property Code of 2018.

To manage the land issue, a decree has created an Inter-ministerial Commission for Land and Property Reform (CIRFD) and a specific type of technical and scientific public establishment with legal personality and financial autonomy called the National Agency for Land and Property (ANDF). ANDF is placed under the technical supervision of the ministry responsible for land and property affairs and under the financial supervision of the ministry responsible for finance. The Agency is responsible for securing and coordinating land and property management at the national level. It is also responsible for implementing State policies, strategies, programmes and projects relating to land and property.

A land registry has also been set up to manage all the administrative and technical documents describing land ownership. The land register is an essential guarantor of land ownership. By its very nature, it cannot result in the loss or conferring of property rights. The land register is the computerized unitary system of technical, fiscal and legal records for all land on national territory. The sheet corresponding to a landed property is subject to publication on the spot. Its

extract is deposited at the Agency's head office and in each town hall.

Each commune has a consultative body called the Commission de Gestion Foncière (CoGeF), which assists the mayor in managing land issues. In rural areas, the CoGeF has branches called Section Villageoise de Gestion Foncière (SVGF), and in urban areas, the CoGeF has branches called Section de Gestion Foncière de Quartier (SGFQ).

Impact of current governance frameworks on women's and peasants' rights

In Togo, although the Land and Property Code enshrines women's access to land on an equal footing with men, most people are unaware of this new provision, particularly in rural areas.

This situation is corroborated by field data, analysis of which shows that, in 83.3% of cases, land policies do not respect women's rights. As in the case of women, farmers' rights are not respected in land policies in Togo either (80%). Details of the distribution of respondents according to respect for women's and peasants' rights are summarised in the table below.

Table 3 Distribution of respondents according to respect for women's and farmers' rights

Designation	Respect for women's and farmers' rights in land policies (%)			
	Yes	No	More or less	Total
Respect for farmers' rights	6,7	80	13,3	100
Respect for women's rights	10	83,3	6,7	100
Respect for the right to food safety	10	73,3	16,7	100

The table also shows that the right to food sovereignty is not respected in Togo. For 73.3% of respondents, the right to food sovereignty is not a reality in the country. Only 10% of Togolese interviewed said that food sovereignty was respected. This state of affairs is attributable

to people's lack of knowledge of the texts in force and to the delay in issuing the decrees implementing the texts.

Title 8 of the Land Tenure and Property Code allows progress to be made in terms of land policies, but it has to be said that only three (3) of

the eighteen (18) application decrees (which are planned) have been issued as they are currently part of the State's priorities. These concern the protection of public land, the development of rural land and the one-stop land office. In the agricultural sector, a number of measures have been taken in addition to the application of the Land and Property Code. Rural lease contracts have been administered on ZAAP sites to identify farmers and secure properties.

Support from international institutions for land users in Togo

Several international institutions are actively supporting the Togolese government's efforts to enhance land management. These institutions include the FAO, the Konrad-Adenauer-Stiftung (KAS), and the Millennium Challenge Corporation (MCC).

The FAO places a strong emphasis on gender considerations throughout its initiatives. For instance, as part of its efforts to disseminate the Land and Property Code, the FAO organized a workshop that brought together traditional chiefs and stakeholders from the Ministry of Territorial Administration. During this workshop, there was an extensive discussion on women's access to land.

Furthermore, the FAO undertook a project focused on the right to food. This project involved establishing a network of journalists advocating for the right to food and setting up consultation frameworks in all regions. This project spanned from 1 October 2013 to 31 December 2015.

Another area of support aimed to address an indicator concerning the proportion of women, specifically for MDG5.A.2. The objective was to determine the proportion of countries with a legal framework, including customary law, that guarantees women the same rights as men regarding access to ownership and/or control of land. To achieve this, an expert was recruited and worked for two months alongside the Ministries of Agriculture, Urban Planning, Justice, Human

Rights, and INSEED, with funding from the FAO.

Additionally, FAO headquarters provided support to train parliamentarians on land tenure and formulated a roadmap for this purpose. The FAO also promotes the interests of smallholders, with criteria that consider producers working on no more than 0.5 hectares of land.

Under the sub-regional project "One World Without Hunger - Women's Land Rights in West Africa," the Konrad Adenauer Stiftung (KAS) has undertaken various activities in Togo to inform, raise awareness, and train stakeholders involved in land management. These efforts are aimed at supporting the implementation of the Land and Property Code and have benefited community members in rural areas.

As part of this project, KAS conducted a baseline study and organized awareness-raising meetings for local traditional and administrative authorities in the maritime and Kara regions. These activities have equipped local authorities to contribute to the enforcement of provisions related to women's access to land within their communities.

To date, the Konrad Adenauer awareness campaign has reached ten newly created communes, including Bas Mono 1, Bas Mono 2, Lacs 3, Lacs 4, Vo 3, Vo 4, Yoto 2, Yoto 3, Zio 2, and Zio 3. Using simplified messages about the Land and Property Code in local languages, a mobile caravan visited these areas. This approach allowed for outreach to a significant portion of the population without the need for gatherings, especially during the COVID-19 pandemic. Furthermore, audio messages were broadcast on local radio stations in these localities to remind people of women's land access rights despite the ongoing pandemic.

Lastly, the Millennium Challenge Corporation (MCC-USA) has provided financial support to the Millennium Challenge Account - Togo, which has endorsed its Threshold program. This program is intended to finance reforms in the areas of Information and Communication Technologies (ICTs) and land tenure as they relate to agriculture.



Large-scale land acquisitions by national and international investors and their impact on land users

Large-scale land acquisition is not a new phenomenon. For years there have been processes of domination by the rulers in the form of appropriation of mineral wealth, soil, certain plants and natural resources. These processes were based on the use of force, even if alliances between the conquerors and certain dominant groups could facilitate control of the land. For the time being, there has been no impact on farmers' activities, as the implementing decrees have not yet been issued.

The following table presents the data analysed for three separate variables. Firstly, it gives the population's perception of the scale of the phenomenon of large-scale land acquisition. Secondly, it lists the impacts of large-scale acquisitions, and thirdly, it presents the actors allied with women and young producers in land-related actions in Togo.

Analysis of the impact of large-scale land acquisition

Designations	Workforce	Rate (%)
Perception of the scale of large-scale land acquisitions		
Nil, non-existent phenomenon	1	3,3
Small scale	3	10,0
Average size	8	26,7
Worrying scale	9	30,0
Extent varies by region	9	30,0
Total	30	100,0
The impact of large-scale land acquisitions on business activities		
No impact	2	6,7
Production shutdown	14	46,7
Job losses	6	20,0
Economic downturn	3	10,0
Soil degradation	5	16,7
Total	30	100,0
Players who can help women and young producers as allies		
State actors	8	26,7
Traditional chiefs	3	10,0
CSOs/NGOs	10	33,3
Local players	8	26,7
International institutions	1	3,3
Total	30	100,0

Source: Survey data and consultant's calculation, April 2021

The results reveal that 30% of the population believe that the phenomenon of large-scale land acquisition by national and international investors is taking on a worrying scale. Similarly, 30% say that large-scale land acquisition remains worrying and varies from region to region. Almost 60% of the population believe that land grabbing in Togo is on the increase.

Two actors are responsible for large-scale land acquisitions: international investors (in the

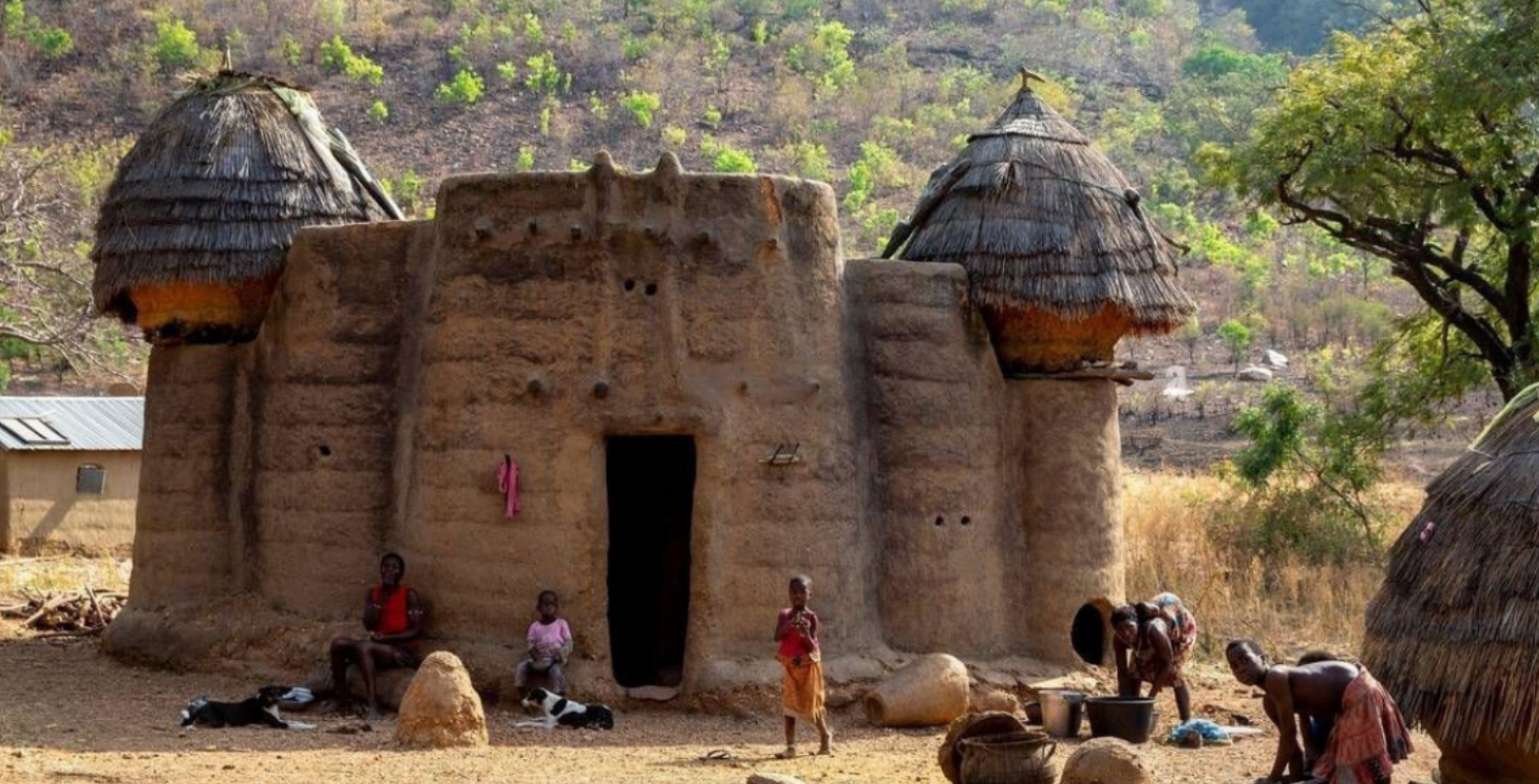
case of mining operations) and national land speculators. Although the Togolese land code does not allow foreigners to buy land unless they have special authorization, several foreigners in Togo have large landholdings through the back door. What's more, several Togolese are involved in land trading. They buy several hectares, ranging from 500 to 2,000 hectares, from local authorities with a view to reselling them years later when their market value is higher.

These land speculators have often robbed communities of their productive land. This practice of land grabbing has an impact on the production activities of communities, especially women and young producers.

Large-scale land acquisitions are stopping or slowing down production activities (46.7%), causing producers and sharecroppers to lose

their jobs because they no longer have land to grow crops (20%), degrading the soil (16.7%) and contributing to a decline in the economic activities of women and young producers (10%). Civil society organizations (33.3%), state actors (26.7%), local actors and traditional chiefs (26.7%) and international institutions (3.3%) are the allies of young people and women in tackling this land issue.





Implementation of UN, AU and RECS Guidelines

The AU Declaration on Land Tenure Problems and Challenges in Africa calls upon the Regional Economic Communities (RECs) to periodically host regional platforms. These platforms aim to facilitate the exchange of experiences, lessons learned, and best practices related to the formulation, implementation, and monitoring of land tenure policies. These policies are based on the experiences of Member States.

By endorsing this declaration on land issues, the African Heads of State and Government made a commitment to enhance the security of land tenure, especially for women who require special attention. They also pledged to ensure that land laws promote equitable access to land and related resources.

In Togo, the application of these principles can be observed in specific articles of the Land and Property Code. These articles include article 6, which involves the government in defining the national land policy with input from various stakeholders, particularly rural populations,

women, youth, and vulnerable groups. Article 8 underscores the role of the State and local authorities as guarantors of the general interest, while article 12 states that the State holds the national territory. These provisions are found in Title 1, Subtitle 1 (Subtitle I: Characteristics, Purpose, Scope, and Land Tenure System).

A visual guide has been created to illustrate how the Land and Property Code, adopted by the National Assembly on 5 June, 2018, incorporates the ten principles of the Voluntary Guidelines as “fundamental options.” This guide offers practical advice for rural stakeholders and local authorities within a decentralization framework to utilize these instruments in recognizing and securing customary land rights. The guide was developed in collaboration with the Togolese NGO Autopromotion Rurale pour un Développement Humain Durable (ADHD), the International Land Coalition, and the Ministry of Town and Country Planning, Housing, and Public Hygiene, which oversees land issues. Its objective is to create

synergy and a strategy for the wide dissemination and implementation of the Voluntary Guidelines and the Land and Property Code in Togo.

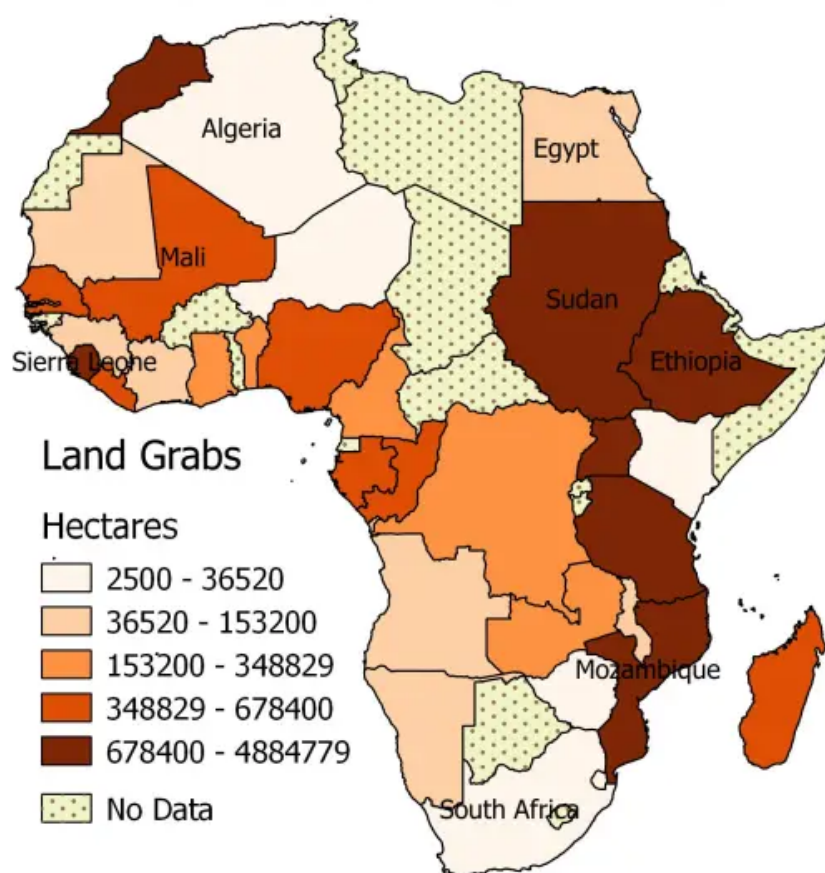
In the Ministry of Agriculture, the approach to disseminating the Land Tenure and Property Code involves identifying, raising awareness about, and developing rural lease contracts. The land policy in Togo serves as a comprehensive framework for land management, outlining the country's vision for land use and land development options.

Togo's drafting and implementation of the Land Tenure and Property Code demonstrate the country's commitment to following the progressive measures and guidelines of the United Nations and the AU in terms of land governance. This commitment has been in effect since the implementation of the National Commitment Strategy 2013-2017, which aligns with relevant laws and international treaties

ratified by the country. The strategy also incorporates new norms and standards, including the Framework and Guidelines on Land Policies in Africa (CLD) and the Voluntary Guidelines for Responsible Governance of Tenure of Land, Fisheries, and Forests in the Context of National Food Security (VGGT). Furthermore, it aligns with the Millennium Development Goals (MDGs) with the aim of meeting Togo's commitments by 2015 and emphasizes gender considerations, particularly in addressing access to land for women and other vulnerable groups.

In the context of the Voluntary Guidelines for Responsible Governance of Land Tenure Systems, capacity-building workshops are being conducted for national trainers. These workshops aim to enhance land governance at the village level using the visual guide developed by the NGO ADHD.

Land Grabs in Africa



data source: <http://www.grain.org/article/entries/4479-grain-releases-data-set-with-over-400-global-land-grabs> (GRAINS)



Stakeholder Analysis: The Main Players in Land Policy

In Togo, the land and property code currently in force takes account of various stakeholders. It is important to stress that efforts to strengthen the communication and networking capacities of local communities and women's groups are needed to help them mobilize resources to support themselves, learn from each other and empower the various stakeholders in the management of the land issue in Togo. NGOs, legal aid agencies and donors need to increase direct support to communities and provide them with the tools they use to secure their land rights. Although the land and property code adopted and promulgated provides for the rights of producers and women to be respected in order to ensure food security, it has to be said that these rights are not yet fully known or respected.

Details of the stakeholders working in the land sector and their roles are summarised in the table below.



Main players in land tenure policy in Togo and their roles

Type of player	Players involved	Roles
Institutional players	Inter-ministerial commission for land and property reform (CIRFD)	It prepares all draft legislation and regulations relating to land and property policy in urban and rural areas in application of this Code; It is consulted on major land and property issues; It is responsible for monitoring the application of land and property legislation in force.
	National Land and Property Agency (ANDF)	Its mission is to secure and coordinate land and property management at national level. It is also responsible for implementing State policies, strategies, programmes and projects relating to land and property.
	Compensation Fund Land (FDF)	Its mission is to strengthen and simplify access to land for the State and local authorities as part of their development policies and for their various public utility needs. This fund provides compensation in the event of expropriation in the public interest.
	Guarantee Fund (FG)	It is responsible for repairing any fault, omission or error committed by the land registrar or any government official when registering a property in the land register.
	Land registry	It manages all the administrative and technical documents describing the property; The land register is an essential guarantee of land ownership; The land registry has three essential functions: technical, fiscal and legal; The technical function of the land register is to identify the property and its technical attributes, in particular its surface area, coordinates and existing buildings; The tax function of the land register is achieved by identifying the attributes that are used to value property, such as category of use, purpose, nature, physical characteristics and the correct establishment of the tax base; The legal function of the land register is to identify the owner and the legal status of the property.

Institutional players	The State and local authorities	Ensure equitable access to land for all stakeholders, individuals and legal entities under public and private law; Securing rights in rem in immovable property established or acquired by custom ; Organise effective legal recognition of people's legitimate local or customary land rights; Combat land speculation in urban, peri-urban and rural areas and promote the effective use of land for the well-being of the population; Ensuring the sustainable use of land in the interests of present and future generations; Combating the uncontrolled and abusive subdivision of land; Generally ensure the protection of national interests and the preservation of the national land heritage; Ensure that men and women have equal access to land.
	Mayor	Inform the population of any intention by a third party to register land; post the information at the town hall and at the residence of the chef canton ; broadcast widely on radio stations and through town criers in the area concerned; Combat land speculation and promote the effective use of land for the well-being of the population; Secure real property rights established or acquired by customary means.
	Village chief	Help settle any disputes that may arise with the support of the SVGF on the spot and out of court; Ensure fair access to land for all stakeholders; To attend joint demarcation operations when invited to do so.
	Commission de Gestion Foncière (CoGeF)	It assists the mayor in managing land issues.
	Village Land Management Section (SVGF)	It assists the village chief in managing land issues.
	Neighbourhood Land Management Section (SGFQ)	It assists the district chief in managing land issues.
Civil society organizations (non-exhaustive list)	WILDAF - TOGO	Lobbying and advocacy for legal and legislative reform; Strengthening women's capacity to influence decisions so that women's specific needs and concerns are taken into account in development policies, programmes and projects. Advocacy for the promotion of women's right of access to land.
	GF2D	Raising women's awareness of their rights; Training and legal assistance for women and civic education for women.
	NGO GERAD	Implementation of the CVJR's recommendations, including the land issue in Togo

	APMED (Action Protection Mère et Enfant pour le Développement)	Raising awareness of women's rights; Mobilize women and young people to take an interest in land and become aware of their rights Implementation of the CVJR's recommendations, including the land issue in Togo.
	GAUSEN-DIP Groupe d'Appui aux Unités Socio-économiques Nouvelles pour un Développement Intégré des Populations (Support Group for New Socio-economic Units for Integrated Population Development)	Strengthening women's productive capacity through advocacy for sustainable access to land and their empowerment.
	NGO FADI (Femme Action pour un Développement Intégral)	Lobbying traditional chiefs in Bassar to ban customary land tenure rules and principles prohibiting women from owning land.
	NGO RAFIA	Raising awareness of women's right to land.
	NGO CDD (Communication for Sustainable Development)	Communicating and raising awareness among the population, especially women, of the processes involved in accessing exploitable land at local level.
	Togolese Red Cross	Raising awareness of land issues among men and women ; Advocacy and awareness-raising for women's access to land.
	NGO Flowering	Promotion of economic, social and cultural rights: Information, awareness-raising and training on these rights (right to adequate food, land rights, right to drinking water, education, health, property, employment).
	Synergy of Civil Society Organisations in Land Tenure in Togo (SOFT)	Influencing at national level the process of formulating and implementing land reform in Togo with a view to guaranteeing equitable access to land for all citizens.
Mixed structures	NES platform (National Engagement Strategy)	Influence at national level the process of formulating and implementing land reform in Togo with a view to guaranteeing equitable access to land for all citizens
Private individuals	Lineage communities	Participate in defining the specific rules for rural land management laid down in this code in accordance with the general interest, the laws and regulations of the Republic and the communal by-laws in force.
	Individual buyers/owners	

Source: Consultant survey data, April 2021



Political Obstacles to Land Rights and Opportunities for Policy Advocacy

Political obstacles to land rights

The first obstacle to the implementation of land policies is the slowness in enacting the texts implementing the land and property code, in particular the delay in creating the Agency

Nationale du Domaine et du Foncier (ANDF) and the committees responsible for disseminating and applying the texts of the land and property code. The following table provides a summary of community participation in the development of land policies.

Community participation in land policy development

Community participation in land policy development and decision-making	Percentage (%)
Traditional chiefs	16,7
Landowners	3,3
Traditional chiefs and landowners	30
The whole community	26,7
No one from the community	23,3
Total	100

Source: Survey data and consultant's calculation, April 2021

The table shows that only 26.7% of cases involved the entire community in drawing up land policies. This low rate corroborates the non-participation of the grassroots community in the development of land policies. This situation shows that the participatory approach is selective and clearly demonstrates that participation in the development of land policies is not inclusive.

The obstacles encountered by women, producers and young people with regard to land rights are manifold. Details are given in the table below.

Obstacles to land rights

Obstacles to land rights	Percentage (%)
No obstacles	10
Discrimination against women	13,3
High cost	13,3
Multiple sales	30
Land in dispute not related to the sale	20
Lack of knowledge of land rights	13,3
Total	100

Source: Survey data and consultant's calculation, April 2021

The table shows multiple sales (30%), disputes unrelated to the sale (20%), ignorance of land law (13.3%) and discrimination against women (13.3%).

In rural areas, women who are members of landowning communities or families and who, for one reason or another, live with their paternal families need to exploit the land, which is considered to be a source of wealth for the whole family, in order to earn an income just like men.

However, traditional considerations and principles in rural areas are an obstacle to women inheriting land. In all five regions of the country, the reasons put forward by communities and traditional authorities are similar and can be summarised as follows:

- Land is an inalienable asset and women, by virtue of their status (social: marriage), could disseminate land assets outside the patrilineal family if they were given a right of ownership over the data in use;
- In traditional society, title to land was reserved exclusively for male heads of household. Women were naturally unable to guarantee the (paternal) lineage, and therefore could not enjoy the same rights as men, who had to ensure the descendants of the (paternal) family;
- A female child is not considered to belong entirely to her family of origin, because she will be brought to join her husband and assimilate almost entirely into his family. Once with her husband, she is granted the right to use the land of her new family but is deprived of the right of ownership, knowing that she can be repudiated at any time and take with her all the property acquired with her husband, including the land.

In short, it should be emphasized that custom and tradition, which to a large extent continue to serve as a reference in the allocation of land resources, do not confer any property rights on women that would enable them to bequeath the inheritance to their offspring. In almost all the villages we visited, women are automatically excluded from inheriting land resources on the death of their fathers, unless their fathers, during his lifetime, took care to share the land with both sons and daughters.

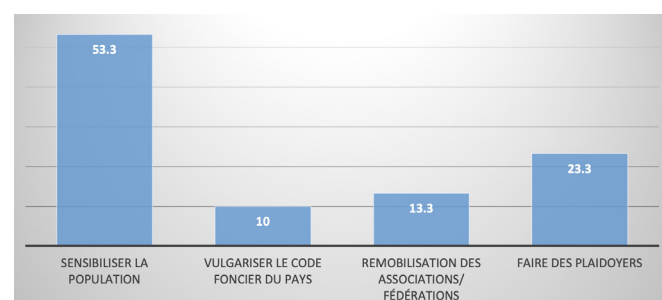
Defending Land Rights Policies

Nowadays, women, young people and producers have access to land inheritance in certain areas, encouraged by a change in mentality towards the recognition of women's rights as a result of actions to promote gender equity.

Equal access to land for men and women through inheritance, for example, is an important element to take into account, according to traditional chiefs. As for civil society organizations, their activities to raise awareness among communities of their land rights, to disseminate the land law so that it can be appropriated by communities and to support communities in claiming their land rights need to be strengthened and supported. In addition, customary realities, national laws and the conformity of the content of a charter on land rights must be taken into account.

Apart from these avenues, the people interviewed listed strategies to be adopted to protect their land rights. Most of these strategies involved the creation of consultation frameworks. The details are summarised in the figure below.

Figure 1 Strategies for defending land rights



Source: Survey data and consultant's calculation, April 2021

This shows that the strategies to be adopted to protect the land rights of women, young people and producers in Togo include increasing public awareness of land rights (53.3%), organizing advocacy campaigns (23.3%), remobilizing associations (13.3%) and disseminating the country's Land Tenure Code (10%). These strategies should be implemented in a coordinated, comprehensive and multilateral manner.



Key Elements of a Land Rights Charter for Women and Young People

Analysis of the survey data clearly shows that the elements to be taken into account in drawing up a charter of land rights that takes into account the cause of young people and women can be summed up in the following five (5) points: (i) focusing on women's access to land (43.3%), urging the State to impose a strict ban on large-scale land acquisitions (33.3%), (iii) solving the problem of women inheriting land (10.0%) and (iv) strengthening the media (10.0%) and finally (v) supporting women's entrepreneurship through access to land (3.3%). The details are summarised in the table below.

Ideas for defending land rights and drawing up the charter (%)

Factors to be taken into account	Yes	No	Total
Emphasizing women's access to land	36,7	6,7	43,3
Solving the problem of women inheriting land	3,3	6,7	10,
Supporting women entrepreneurs to gain access to land	0	3,3	3,3
Strict state ban on large-scale acquisition	26,7	6,7	33,3
Strengthening media coverage	10	0,	10,
TOTAL	76,7%	23,3%	100

Source: Survey data and consultant's calculation, April 2021



Conclusions and Recommendations

Conclusion

The purpose of the study on land use, land rights, governance, management, and ownership policies and frameworks is to analyze national land governance policies based on existing research. To achieve this, a participatory approach was employed throughout the study. In addition to utilizing secondary data from the literature, reliable data and information were gathered through interviews with specific stakeholders using interview guides and surveys.

The analysis of this data and information reveals that customary and regulatory provisions concerning land management are grounded in the involvement of traditional local authorities, as stipulated in the Land and Property Code. However, the significant scale of large-scale land acquisitions is becoming a concerning trend, leading to the displacement of farmers from their arable land. This phenomenon exacerbates rural poverty and significantly contributes to

rural outmigration and immigration, as rural populations lose access to their fields when they are sold by family collectives, often without the consensus of all members.

Nonetheless, the Land Tenure and Property Code provides for local agreements that can enhance the management and conservation of community and lineage land. Additionally, Article 675 of the new Land and Property Code underscores the role of traditional authorities in resolving land disputes.

On the ground, women, young individuals, and producers encounter various obstacles regarding land rights. These challenges encompass conflicts and disputes related to agricultural land access through inheritance, the sale of family land by household heads, limited awareness of land laws, and gender-based discrimination. The slow implementation of Land Code provisions in dispute resolution could be considered one of the primary factors contributing to land issues.

Key elements to consider when drafting a land charter that accounts for the rights of young people and women include focusing on women's land access, women's inheritance rights, prohibiting large-scale land acquisitions, enhancing media information dissemination, and promoting women's entrepreneurship through land access.

Regarding civil society organizations (CSOs), there is a need to raise community awareness about their land rights, disseminate land laws to empower communities, and provide support for communities in asserting their land rights.

Recommendations:

To the State:

- Accelerate the adoption of application decrees for the CFD.
- Ensure that comprehensive information is provided to all stakeholders involved in the land sector.
- Continue the dissemination efforts of the Land Tenure Code and ongoing initiatives.
- Promote the understanding that men and women have equal rights and dignity.
- Translate the CFD into Togo's two national languages.
- Translate the Land Code into simplified French.
- Mobilize necessary resources for the dissemination of the Land Tenure and Property Code.
- Establish a multi-stakeholder dialogue framework to support the implementation of the Land Code.

For Civil Society Organizations (CSOs):

- Translate the Land and Property Code into simplified French.
- Organize social mobilization initiatives on land and community rights.
- Raise awareness about constitutional and CTPF texts.

Religious Denominations:

- Take a more active role in understanding legal provisions.
- Gain better knowledge of customary land practices and standards in Togo.
- Establish local and inter-faith units dedicated to land issues to facilitate coordinated and synergistic actions.

Appendices

Appendix 1: List of documents examined

- African Charter on Human and Peoples' Rights.
- Constitution of 14 October 1992 amended by Act no. 2002- 029 of 31 December 2002.
- Convention on the Elimination of All Forms of Discrimination against Women.
- CROUSSE B., LE BRIS E., LE ROY E. (2004): Espaces disputés en Afrique Noire, Pratiques foncières locales, KARTHALA, 1986.
- Decree no. 55-581 of 20 May 1955 on the reorganization of land and property in Cameroon and Togo, promulgated in Togo by decree no. 561-55/C of 14 June 1955.
- DGPF, (2004), Analysis of the gender situation in Togo
- DGPF/URD, (1999), Population, Development and Gender Approach in Togo.
- DJERI-ALASSANI (B. K.) et TCHAKEI (E): Rapport du Togo in "Droits, Forêts et Développement Durable", Université Francophone, Actualité Scientifique, AUPELF-UREF, Bruylant, 1996, PP. 265-291.
- ECOWAS (2003), Plan d'action 2003-2005 relatif à la politique du genre de la CEDEAO.
- FAO (2005), Study on Gender and Agriculture.
- Land and Property Code Law n°2018-005 of 14 June 2018
- National Spatial Planning Policy, (2009)
- Order no. 12 of 6 February 1974 on land reform.
- Ordinance no. 80-16 of 31 January 1980 on the Individual and Family Code. Law on the Individual and Family Code 2012 and 2014
- Poverty Reduction Strategy Paper, (2009).
- Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.
- SOME Bôbakebé(2002), Impact de la "propriété foncière" des migrants sur la gestion des ressources naturelles : cas de Dibièn dans la Province de TUI, PhD thesis, Department of Sociology, University of Ouagadougou.
- UNFPA/DGPF (2004), Evaluation of the implementation of the Beijing Global Platform for Action. Beijing+10
- WILDAF/ FeDDAF, EU, April, (2004): Effectivité des droits des femmes en Afrique de l'Ouest: Quelles responsabilités pour les acteurs judiciaires? Cas du : Benin, Burkina Faso, Ghana, Mali, Nigeria, Senegal and Togo.

Appendix 2: List of people consulted

N°	Full name	Contacts	Regions
Producers and processors			
1	GNANDJA Dammbe	90 03 25 96	SAVANES
2	NAM Djikoutike	90 75 26 85	
3	BOURAIMA aliratou	90 27 82 26	
4	AMADOU Souglnoma	98 57 58 34	
5	YACOUBOU Abel	91 15 29 54	
6	SOBA Kiliya	90 50 84 81	KARA
7	TOSSIM Edith	91 66 78 33	
8	BIDJADA Mazamaesso	90 77 77 63	
9	SERTCHI Kpébou	90 07 50 62	
10	BOUKPESSI Kondi	91 71 74 98	CENTRALE
11	AGBERE Barietou	90 92 82 73	
12	BEDEKIZI Mazamaesso	91 80 12 01	
13	KPAKPABIA Bronkom	91 99 06 71	
14	AMETEPE Marie	91 56 55 89	TRAYS
15	FIABI Esther	90 75 66 62	
16	KAVEGUE Daniel	97 18 82 43	
17	KUMESSI Yao	91 83 80 40	
18	MAWUVI A.	92 50 21 43	
19	ADJA Kokou	90 81 41 14	
20	YAOVI Abia	93 88 19 42	
21	TETEKPO Asupi	90 38 90 83	MARITIME
22	ATADJI Kayi	98 98 97 98	
23	EBAH Kokou	90 29 47 06	
24	EKOUE-SOVON Yawa	70 02 94 01	
25	KPOTOGBE Fogan	98 29 56 01	

26	AZIABA Kayissan	90 35 37 20	LOME-GOLFE
27	GDEDZE kwami Kouma	90 95 77 35	
28	KODZO Komi	90 14 97 76	
29	TOFFA Kékéli	90 02 70 33	
30	KPEMISSI Solim	91 94 55 65	
Civil society organizations			
31	DJINADJA Frederic	90 69 30 03	ADHD/SOFT
32	QUENUM Claire	90 02 45 50	Flowering/SOFT
33	AZIAMANYO Toussaint	91 06 23 46	CGLTE
International institutions			
34	TABE Gnandi	90 27 29 69	FAO
35	ATCHOGLO Ruth		
36	GBLODZRO Maurice	91 52 27 84	KAS
State actors			
37	TOBI Kossigan	90 96 56 20	Ministry of Agriculture, Livestock and Rural Development
Traditional authorities			
38	Togbui KALIPE IV		Chieftaincy of Vogan

About AFSA

Established in 2011, the Alliance for Food Sovereignty in Africa (AFSA) is a robust coalition of civil society organisations dedicated to advancing the causes of food sovereignty and agroecology across the African continent. Our alliance comprises African food producer networks, African CSO networks, indigenous people's organisations, faith-based organisations, women and youth groups, consumer movements, and international organisations aligned with AFSA's mission. AFSA is a network of networks with 38 member organisations actively engaged in 50 African countries, reaching around 200 million individuals.

Our Vision

To see Africa developed in harmony with nature, harnessing its traditional knowledge and systems, and her people controlling natural and other resources and related decisions.

Our Focus

- **Climate:** We promote agroecology for climate adaptation and mitigation in Africa, advocating for research-based policy integration.
- **Seeds:** We aim to support farmer-managed seed systems and influence seed policies to ensure reliable and affordable local seeds.
- **Land:** We empower member networks, particularly women, to advocate for land rights and counter corporate control over African land and resources.
- **Citizens:** We work to increase citizen access to agroecologically produced food in Africa, mobilising and educating citizens to participate in diverse food systems.

Our Activities

Policy advocacy, Capacity building, Evidence compilation, and Raising public awareness.

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