



“DISPLACED FOR COCONUT PALMS”

FORCED EVICTIONS FOR TOURISM AND COASTAL DEVELOPMENT IN
BENIN

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Cover photo: Avlékété beach looking towards the future Club Med.

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GLOSSARY

TERM	DESCRIPTION
ABE	Agence béninoise pour l'environnement [Benin Environment Agency]
ACHPR	African Commission on Human and Peoples' Rights
ANDF	Agence nationale du domaine et du foncier [National Property and Land Agency]
ANTP	Agence nationale de promotion des patrimoines et de développement du tourisme [National Agency for the Promotion of Heritage and Tourism Development]
BNP	Banque Nationale de Paris [National Bank of Paris]
BR	Bloc Républicain [Republican Group]
CBDH	Commission béninoise des droits de l'homme (Benin Human Rights Commission)
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CES	Cadre environnemental et social [Environmental and Social Framework]
CFD	Code foncier et domanial du Bénin [Benin Land and Property Code]
CNAD	Commission Nationale des Affaires Domaniales [National Commission for Property Affairs]
ESIA	Environmental and Social Impact Assessments
FCBE	Forces cauri pour un Bénin émergent [Cauri Forces for an Emerging Benin]
FDf	Fonds de dédommagement foncier [Land Compensation Fund]
ICRC	International Convention on the Rights of the Child
ICESCR	International Covenant on Economic, Social and Cultural Rights
IFC	International Finance Corporation
ODHP	Organisation pour la défense des droits de l'homme et des peuples [Organization for the Defence of Human and Peoples' Rights]
PAG	Programme d'action du gouvernement [Government Action Programme]
PAR	Plan d'action de réinstallation [Resettlement Action Plan]

TERM	DESCRIPTION
PRD	Parti du Renouveau Démocratique [Democratic Renewal Party]
UP	Union progressiste [Progressive Union]
UPR	Universal Periodic Review

1. EXECUTIVE SUMMARY

“We were displaced to plant coconut palms”

Person evicted from the Fiyégnon 1 neighbourhood.



This report analyses the forced evictions of several thousand people in Benin since 2021 in favor of four tourism and coastal development projects. It highlights the conditions under which these evictions have been carried out in terms of Beninese law and international human rights law, and sets out their consequences for the economic, social and cultural rights of those evicted.

Since the election of President Patrice Talon in 2016, tourism has been a development priority for the Beninese government. The government's action programme, entitled "Benin Revealed", aims to promote seaside and memorial tourism in particular.

From Cotonou, the economic capital, to Ouidah, an historic town famous for its role in the transatlantic slave trade, land has been expropriated and neighbourhoods and villages along the coast destroyed on either side of the *Route des Pêches* (Fishing Road), forcing their inhabitants to move elsewhere. These communities will be replaced by multinational hotel chains, landscaped beaches, tourist trails, a golf course, leisure areas, and more.

In order to gather information on the conditions under which these evictions and destruction took place and their consequences for the inhabitants, an Amnesty International delegation undertook two visits to six neighbourhoods and villages: Avlékété, Ahouandji, Djéffa, Djègbadji, Fiyégnon 1 and Xwladodji. It spoke in person and by phone to more than 100 people evicted for the four development projects highlighted in this report (the development of a marina at Djègbadji and a beach resort at Avlékété; the development of an administrative and commercial centre at Xwladodji; the planting of coconut palms at Fiyégnon 1), six local elected representatives, three representatives of Cotonou city hall, four representatives of the National Property and Land Agency (ANDF), two representatives of the Benin Human Rights Commission (CBDH) and five journalists.

In preparation for its first visit, the delegation also sent requests for meetings to the Ministries of Justice and Legislation, Foreign Affairs and Cooperation, and the President of the National Assembly, in order to present the conclusions of Amnesty International's report, published in July 2022 in preparation for Benin's Universal Periodic Review (UPR) in January 2023, and to discuss the organization's research into forced evictions in the country. These requests went unanswered. The Ministry of the Economy and Finance, the ANDF and Club Med responded to Amnesty International's requests for information and to the offer of a right of reply.

The Benin Environment Agency (ABE) did not provide Amnesty International with Resettlement Action Plans (PARs) for any of the four projects that resulted in evictions in this report, despite two requests to do so. The ANDF told Amnesty International that there had been no PARs for Fiyégnon 1 and Xwladodji but that PARs had been produced for Avlékété and Djègbadji, although they had not been sent to the organization. The lack of a PAR runs counter to the obligation to implement resettlement plans as set out in Decree 2017-332 of 6 July 2017 on the organization of environmental and social impact assessment procedures. While PARs have indeed been implemented in some cases, the lack of information on their availability or on the reasons for their unavailability constitutes a breach of the ABE's obligation to "inform the petitioner that the public body does not hold the document or information requested or that access to it cannot be given in whole or in part", as required by Law 2015-07 of 20 March 2015 on the Information and Communication Code.

In the absence of a retrievable PAR, the available information on the exact number of people evicted, and the procedure and measures taken by the Beninese authorities to comply with national and international law before, during and after the evictions is fragmentary and/or cannot be confirmed. The information and testimonies gathered by Amnesty International do, however, highlight the Beninese authorities' breaches of national law and of the obligations and principles of international human rights law, committed before, during and after the evictions. These include breaches of Benin's Constitution; the Benin Land and Property Code; General Comments 4 and 7 of the UN Committee on Economic, Social and Cultural Rights; the African Charter on Human and Peoples' Rights; and the UN Basic Principles and Guidelines on Development-Based Evictions and Displacement.

In the Djègbadji district of Ouidah, the authorities are building a "Marina" in the immediate vicinity of the *Porte du non-retour* (Door of No Return), the monument commemorating the deportation of slaves across the Atlantic. Completion is scheduled for 2024. According to the Environmental and Social Impact Assessment for this project, 234 people had to be evicted from the Djègbadji neighbourhood as part of a public interest expropriation of land. These evictions took place in the first four months of 2021. According to testimonies gathered by Amnesty International, those evicted were not given sufficient or reasonable notice of their eviction, nor were they given sufficient information about their proposed displacement. According to

a former resident of Djègbadji: “We were told they were going to come and demolish everything but they didn't tell us when.” Another former resident said: “I didn't see any official documentation concerning the eviction. The local authorities simply came and told the residents they had to leave. We were not given any information. Machines arrived on site three days before the demolition.” Several of the people evicted from Djègbadji were furthermore not paid compensation prior to the evictions, and several others believe that the compensation paid was neither sufficient nor fair. Finally, some people stated that they never received compensation because the administrative process was so complex and costly that they had simply given up.

At Avlékété, a village in a district of the same name in Ouidah commune, nestled between the ocean and the lagoon, work has begun on a project to develop a coastal resort. Fishermen were evicted in October 2021, and expropriation proceedings are underway with landowners as part of a procedure for a public interest expropriation. Censuses and consultations took place prior to the evictions but the census of fishermen (373 recorded) and their property was said, in some cases, to have been inadequate or biased. Moreover, some of the compensation payments were made only a few days prior to or even after the evictions, in contravention of Beninese and international law. According to the testimonies gathered, several women from polygamous households were unable to obtain compensation. The landowners, for their part, believe that the sums proposed by the authorities by way of compensation were underestimated. One member of a landowners' collective said: “My father owned around three hectares. A long time ago, one square metre was valued at 5,000 CFA francs (around €7.62). And yet they're offering us 1,000 CFA francs per square metre (around €1.50). This is not reasonable.” In Cotonou, the authorities have begun a project to establish a coconut plantation along the coast. For this, the Fiyégnon1 neighbourhood – which was located right on the seafront – was demolished on 13 September 2021. According to the “neighbourhood collective of elders of Fiyégnon 1”, 1,623 households, home to more than 3,000 residents, were evicted. Since the authorities considered this neighbourhood to be inhabited illegally, the former residents that Amnesty International met had received no compensation and were unable to assert any of the rights guaranteed under Beninese and international law in such a situation.

Several residents of Fiyégnon 1 told Amnesty International that they had not been warned that the eviction was going to take place nor of when it was going to happen. The testimonies gathered show that most of the residents had not even begun to move out and were at home when the site machinery arrived. The demolition of the dwellings at Fiyégnon 1 took place in the rain, partly at night and at the start of a new school year, undermining people's dignity and safety, and destroying their belongings. One evicted person described the demolition as follows: “People were running here, there and everywhere trying to collect their belongings. When it started to rain, we thought they would leave us to sort our things out. But they just went to get raincoats and came back. That day we wondered if we were truly Beninese citizens. Everything was destroyed. I wasn't even able to save my roof tiles. If you got in the way of the bulldozers, you would simply be crushed.”

Also in Cotonou, the authorities have been implementing a project to develop an administrative and commercial centre in Xwladodji, one of the city's oldest neighbourhoods on the seafront, close to the port. As in the case of Fiyégnon 1, the residents of Xwladodji were denied their rights under Beninese and international law on the grounds that they were occupying public land without title. The neighbourhood was demolished on 18 October 2021. The authorities said they had identified “368 households for compensation”, likely representing at least a thousand people. Residents were given two months' notice of the demolition but members of a neighbourhood collective regretted that they had not been more involved in the operation: “We heard the government spokesperson on social media and we read their radio and television statement. But the population was never involved in the clearance operations. Normally, the authorities would have called the people together and explained what was going to happen. But nothing like that took place.”

Unlike for the residents of Fiyégnon 1, the authorities did provide “compensation” – in the form of money and plots of land in Djéffa – for those evicted from Xwladodji. However, some people received this just three days before their eviction, others months later, and yet others told Amnesty International that they had received nothing for the loss of their home and their displacement. One of them who was “compensated” late, said: “We left Xwladodji and scattered. People rented where they could, and some slept out in the open until plots were allocated to us.” Furthermore, the amount received was disputed by evictees interviewed by Amnesty International.

In all four projects considered in this report, Amnesty International found breaches of national and international law, particularly in relation to the provision of sufficient and reasonable notice and the sharing of information on the planned evictions; fair and prior compensation; and the way in which the evictions

were carried out by the security forces. Despite the willingness of some evictees to challenge these shortcomings, they have not called upon the remedies provided for under Beninese law either because they are unaware of them, lack the necessary money or are too discouraged to do so.

Moreover, contrary to international law, which states that “an eviction should not result in a person being rendered homeless or subjected to other human rights violations”, the impact of these forced evictions on economic, social and cultural rights has been severe and long-lasting. For both those relocated to sites provided by the authorities and those who have had to find housing themselves, living and working conditions have deteriorated sharply, social bonds have become weaker and cultural references have been lost.

Because the coastal neighbourhoods and villages destroyed were largely inhabited by fishing communities, these evictions have caused lasting disruption to small-scale fishing in the areas, depriving these communities of what had been their main source of income for several generations.

Children and students have been taken out of school or forced to interrupt their studies for varying lengths of time due to homelessness following the evictions, the lack of money the eviction has caused the family, or because of the long distances they need to travel from the resettlement sites.

Finally, the people resettled on sites designated by the authorities are now often living in precarious conditions because the land and financial compensation received was insufficient for them to be able to rebuild a decent home in line with adequate housing criteria and/or to accommodate all the family members who previously lived under the one roof.

Faced with these multiple failings before, during and after the forced evictions, Amnesty International recommends in particular that the Beninese authorities:

- Suspend expropriation proceedings against landowners in Avlékété until agreement has been reached on fair and prior compensation;
- Take urgent steps to propose compensation and resettlement measures, in genuine consultation with the residents of Fiyégnon 1 and in accordance with international law;
- Establish an independent Commission of Inquiry to examine whether compensation for evictions related to the four projects presented in this report (Ouidah marina; Avlékété beach resort; Xwlacodji administrative and commercial centre; Fiyégnon 1 neighbourhood) was fair and prior, and whether all those needing to be compensated were taken into account in accordance with international standards. Depending on the findings of the inquiry, compensate those affected fairly and equitably;
- Ensure that the accommodation for people resettled in Djéffa and Ahouandji meets the criteria for adequate housing under international law. In particular, guarantee these people access to drinking water, sanitation and electricity without delay; provide documents, in accordance with Beninese law, that provide indisputable proof of their right to their new land and housing;
- Put a plan in place, agreed with the coastal fishermen, to enable them to continue their activity under appropriate conditions that respect their economic, social and cultural rights;
- Ensure that Environmental and Social Impact Assessments (ESIAs) and Resettlement Action Plans (PARs) are conducted for every project that is to result in evictions, and that they are accessible to those affected and to the general public;
- Amend the Benin Land and Property Code (CFD) to bring it into line with international law on forced evictions. In particular: enshrine the right of all evicted persons, whether they hold title to a property or not, to fair and prior compensation for the loss, recovery and transportation of their belongings, in particular their original dwelling and the land lost or damaged during the operation; also enshrine the requirements for protecting their economic, social and cultural rights after their eviction;
- Table a bill before Parliament that explicitly prohibits forced evictions and sets out the safeguards that must be strictly followed before, during and after any eviction, in accordance with international human rights standards;
- Ensure that eviction and demolition operations are declared in advance and with reasonable notice of when they are due to be carried out; inform the people concerned and consult them on how

these operations are to be conducted; help the people concerned recover their belongings before the operations begin; ensure that evictions and demolitions are not carried out in bad weather, at night or during school periods; and that they are supervised by security officers without resorting to unnecessary or excessive use of force;

- Guarantee equal rights for men and women in the registration and compensation procedures; men and women must be co-beneficiaries of compensation measures;
- Put clear and comprehensible procedures in place to enable those evictees who wish to do so to lodge an appeal, providing them with legal and judicial assistance if necessary; provide administrative assistance to facilitate the steps taken by people eligible for compensation so that their rights are not compromised;
- Guarantee fair compensation, in line with market prices, for the loss and/or destruction of the property of those evicted;
- Ensure that resettlement sites offered to evicted persons guarantee access to drinking water, sanitation, electricity, education and work; provide technical and financial support to those evicted to help them build their new homes; support resettled people by providing them with transport and other facilities so that they can continue to earn a living from the activities they were engaged in prior to the eviction; guarantee resettled people legal security of tenure by providing them with official documents attesting to their rights.

2. METHODOLOGY

This report on forced evictions in Benin is the result of interviews and research carried out in the country by Amnesty International delegates between 21 and 31 January 2023 and 26 February and 2 March 2023; and interviews and research carried out remotely in 2022 and 2023. The period covered is from 2021 to 2023, although the background section refers to earlier events.

The report deals specifically with forced evictions caused by tourism projects being developed along the coast between Cotonou and Ouidah, and with projects aimed at modernizing and improving the “living environment” in Cotonou.

Amnesty International’s delegates visited six neighbourhoods or villages in three departments: Xwlacodji and Fiyégnon 1 in Cotonou, in the Littoral department; Djéffa (Sèmè-Podji commune) in Ouémé department; and Ahouandji, Avlékété and Djègbadji (Ouidah commune) in Atlantique department.

The delegates spoke in person and by telephone to at least 100 victims of forced evictions caused by the four projects presented in this report: 25 in Fiyégnon 1, 20 in Xwlacodji, 20 in Avlékété, 15 in Djègbadji, and 20 (10 and 10) in the Ahouandji and Djéffa resettlement sites. In addition, the delegates talked in person and by telephone to six local elected representatives, three representatives of Cotonou city hall, four representatives of the National Property and Land Agency (ANDF), two representatives of the Benin Human Rights Commission (CBDH), and five journalists.

The Amnesty International delegation sent requests for meetings to the Ministries of Justice and Legislation and Foreign Affairs and Cooperation, and to the President of the National Assembly, in particular to discuss the organization’s work on forced evictions in the country. These requests went unanswered.

A total of 120 people, including at least 30 women, were interviewed for this report. The interviews were conducted in French and Fon. In accordance with Amnesty International’s policy, the anonymity of certain individuals has been protected, either at their request or because the organization considered that publishing their name might represent a risk. Hundreds of articles from online news sites and research studies, as well as press releases, reports and statements from the authorities, were also consulted to support the study.

In response to two requests sent by post, the Benin Environment Agency (ABE) sent Amnesty International a number of documents but did not send the Resettlement Action Plans (PARs) for the projects considered in this report.

On 10 October 2023, Amnesty International sent a letter to the Minister for the Environment and Sustainable Development, the Minister for the Economy and Finance and the Director General of the ANDF outlining the main findings of the report and offering a right of reply. On 8 November 2023, the Director General of the ANDF sent Amnesty International a 26-page letter containing answers and comments, while specifying that the agency was “not in a position to give details on operational aspects relating to the vacation of the sites indicated in the questionnaire”. The information provided has been incorporated into this report.

On 13 November 2021, the technical legal adviser to the Ministry of the Economy and Finance sent Amnesty International a one-page letter. The information provided has been incorporated into this report.

As of 29 November 2023, the Ministry for the Environment and Sustainable Development had not responded.

On 16 October 2023 and again on 17 November 2023, Amnesty International sent a letter to Club Med's Chief Executive Officer setting out the main findings relating to the company contained in this report and offering them a right of reply. On 9 November and again on 28 November, Club Med's General Secretary sent Amnesty International two letters. The information provided has been incorporated into this report.

The ANDF informed Amnesty International that “the main project [for the Avlékété resort] is being financed by the National Bank of Paris (BNP), which has decided to apply International Finance Corporation (IFC) standards to the project”. On 17 November 2023, the organization sent a request for information and a right of reply to the Managing Director of BNP Paribas. In a letter received on 29 November, the bank replied that “to date, BNP Paribas has not been approached to finance the various projects mentioned in your letter relating to the resort in question”.

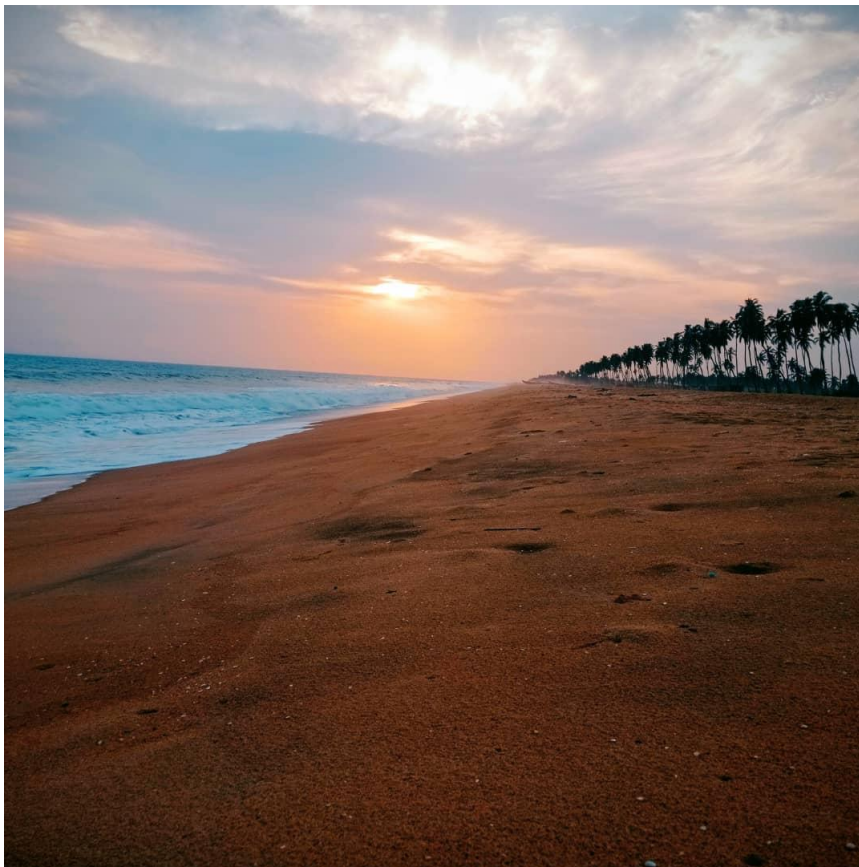
Companies involved in development projects in Benin in different ways (financing, construction, consultancy, etc.) must – whatever their nationality or size – respect human rights, in accordance with the United Nations Guiding Principles on Business and Human Rights.¹ This report nevertheless focuses on the State’s responsibility to protect human rights in the context of evictions linked to development projects.

¹ United Nations Guiding Principles on Business and Human Rights, approved by the Human Rights Council in its Resolution 17/4 of 16 June 2011.

3. BACKGROUND

“The unprecedented investment in tourism that is underway will be stepped up to make the sector a key driver of our economy, propelling Benin into the ranks of dream destinations.”

Extract from the inaugural speech of the President of the Republic, Patrice Talon, on 23 May 2021.



  Ouidah beach ©Amnesty International

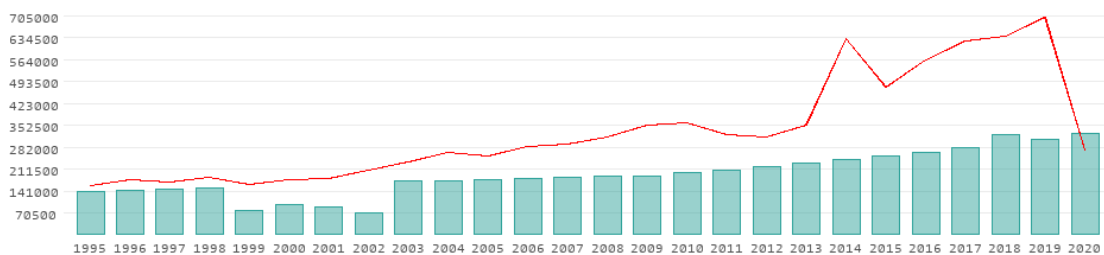
3.1 DEVELOPMENT PROJECTS AND EVICTIONS

3.1.1 THE TOURISM PROJECTS OF “BENIN REVEALED”

Following his election in 2016 and since his re-election in 2021, the President of the Republic, Patrice Talon, has set ambitious development goals for Benin. This programme, commonly known as *Bénin Révélé* (“Benin Revealed”), was formally established through an initial Government Action Programme (PAG) for the five-year period 2016-2021 and followed up by a second PAG for the five-year period 2021-2026. The objectives of “Benin Revealed”, the long-term priority of which is to “improve living conditions for everyone”,² can be broken down into several project-based sectors. The projects in the 2021-2026 PAG include “342 projects for a total of 12,011 billion CFA francs” (around €18 million)³ related to 13 different sectors of activity.

With “Benin Revealed”, the authorities are aiming to solidify an ambition that has been in the pipeline for more than 20 years in terms of tourism and improving quality of life but which has so far failed to materialize. In 2005, President Mathieu Kérékou (Head of State from 1972 to 1992 and again from 1996 to 2006) issued a decree creating “an area on the Benin coast between Cotonou and Ouidah for the exclusive use and purpose of tourism”.⁴ It was not until February 2014 that his successor, Yayi Boni (Head of State from 2006 to 2016) officially commenced work on the *Route des Pêches* (Fishing Road),⁵ not without raising some concerns as to the relevance and scale of a project⁶ that was also poorly understood by those affected. For example, a study published in 2013 by researchers at the University of Abomey-Calavi showed that 79% of the people affected by the project “do not know about the planned developments”, and 78% “believe the programme will cause them more harm than good”.⁷

The authorities now want to remedy what they consider to be the absence thus far of “a relevant strategy for developing tourism as an economic sector”,⁸ as this sector is exploiting “only 2 to 5% of its potential”.⁹



Evolution of the tourism sector in Benin from 1995 to 2020 @WorldBank (the red line corresponds to the average for all countries in West Africa)

² Bénin Révélé, Programme d'actions du gouvernement 2021-2026 [Benin Revealed. Government Action Programme 2021-2026], <https://beninrevele.bi/pag-2021-2026/>

³ Bénin Révélé, “Programme d'Actions du Gouvernement (PAG 2021 - 2026) Présentation générale” [Benin Revealed. Government Action Programme (PAG 2021-2026) General Presentation], <https://www.gouv.bi/doc/309/download>

⁴ Republic of Benin, Décret 2005-664 du 3 novembre 2005 portant classement de la zone à vocation touristique exclusive de la route des pêches [Decree 2005-664 of 3 November 2005 classifying the area for the exclusive use and purpose of tourism along the Fishing Road] 2005, <https://sfg.gouv.bi/cm/2020-04-29/download>

⁵ ORTB newspaper, “Bénin: Lancement de la route des pêches par Boni YAYI” [Benin: Launch of the Fishing Road by Boni YAYI], 24 August 2018, www.youtube.com/watch?v=39h6XsPT4jM

⁶ RFI, “Bénin: La Route des pêches, un projet touristique démesuré?” [Benin: The Fishing Road, an overblown tourist project?], 17 June 2014, www.rfi.fr/emission/20140617-benin-route-peches-projet-touristique-demesure

⁷ Lambert Kpadédji Ayitchehou, Parfait Cocou Blalogue, Moïse Chabi, “Programme d'aménagement touristique de la zone de la route des pêches au Bénin: Controverse ou rejet social [Tourism development programme for the area of the Fishing Road in Benin: Controversy or social rejection], January 2018, *Revue Espace Géographique et Société Marocaine*, publication 20/21.

⁸ Bénin Révélé, Programme d'actions du gouvernement 2016-2021 [Benin Revealed. Government Action Programme 2016-2021], <https://beninrevele.bi/pag-2016-2021/>

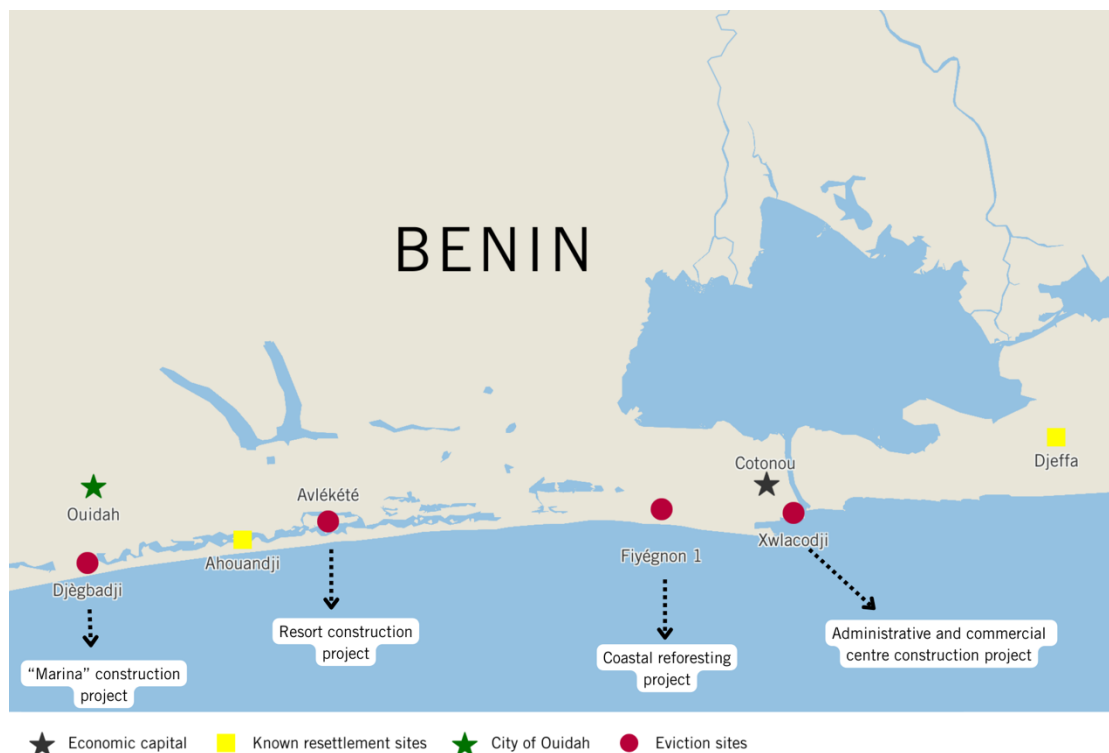
⁹ Bénin Révélé, Programme d'actions du gouvernement 2016-2021 [Benin Revealed. Government Action Programme 2016-2021], <https://beninrevele.bi/pag-2016-2021/>

The stated aim is to exploit the country's rich tourist potential. The coastline, nature reserves and “vodun” tradition,¹⁰ its history, marked by the Abomey kingdom and its all-female military regiment (the *Mino*),¹¹ along with the slave trade, for which Ouidah was one of the main trading ports in West Africa in the 18th century, are all assets for the development of seaside, memorial, cultural and eco-tourism in Ouidah.

The “tourism” sector of the 2016-2021 PAG focused on six projects: “Pendjari Park”; “Ganvié lakeside town”; “Abomey-Porto Novo hub”; “Premium tourism - Tata Somba”; “Ouidah historic town”; and “beach resorts”. The second PAG 2021-2026 focused on 12 tourism projects, some of which were commenced in the first PAG.¹²

The four cases of forced eviction studied in this report are linked to this ambition to develop tourism and improve the living environment. Three of them form part of projects included in the PAGs.

MAP OF THE EVICTION AND RESETTLEMENT SITES STUDIED IN THIS REPORT AND VISITED BY THE AMNESTY INTERNATIONAL DELEGATION



This report focuses on two projects in the “tourism section” of the PAG, linked to the development of tourism along the coast between Cotonou and Ouidah: the “development of an exceptional beach resort at Avlékété”; and the “construction of a ‘Marina’ tourist complex near the Door of No Return at Djégbadji”. The aim is to “make Ouidah the flagship destination for memorial tourism in Africa”,¹³ and to “make the seaside sector a driving force in tourism development”.¹⁴ These two projects are components of the wider “Fishing Road” project.

¹⁰ Originating in West Africa and now practised in several countries, including Benin, Togo, Ghana and Nigeria, vodun (or vodou or voodoo) is a religion/spirituality based on the sacredness of the forces of nature and the ancestors. In this report, the word is spelt as it is used and pronounced in Benin.

¹¹ Jean-Yves Anezo, “Agoodjie, les femmes guerrières du Dahomey” [Agoodjie, the women warriors of Dahomey], 11 April 2018, <https://www.chateau-vodou.com/wp-content/uploads/2020/11/ok-LES-FEMMES-GUERRIERES-DU-DAHOMEY-jardin-des-sciences.pdf>

¹² Bénin Révélé, “Tourism”, [Benin Revealed, “Tourism”], [https://beninrevele.bi/secteur/tourisme/\(consulted_on_14_November_2023\)](https://beninrevele.bi/secteur/tourisme/(consulted_on_14_November_2023))

¹³ Bénin Révélé, Programme d’actions du gouvernement 2016-2021 [Benin Revealed. Government Action Programme 2016-2021], <https://beninrevele.bi/pag-2016-2021/>

¹⁴ Bénin Révélé, Programme d’actions du gouvernement 2016-2021 [Benin Revealed. Government Action Programme 2016-2021], <https://beninrevele.bi/pag-2016-2021/>

A third coastal development project studied in this report forms part of the “Living environment” sector of the PAGs. This project involves the “renovation of the Ganhi commercial and administrative centre” in Xwlacodji.¹⁵

The fourth project presented in this report concerns the reforestation of the coastline. It is not included in the PAGs but forms part of the project to build and develop the Fishing Road included in the “Infrastructure and Transport” section of the two PAGs. This road, which is due to be fully asphalted, links Cotonou to Ouidah and takes its name from the fishing villages it passes through.



INSTITUTIONAL AND LEGISLATIVE REFORMS

The PAGs’ ambitions for tourism have been accompanied by the adoption of new laws, decrees, and institutional reforms. The National Agency for the Promotion of Heritage and Tourism Development (ANPT), which reports directly to the Presidential Office of the Republic,¹⁶ was set up in 2016. On 17 November 2021, the President of the Republic signed a decree “redefining the development area of the tourist zone along the coast between the communes of Cotonou and Ouidah”.¹⁷ On 2 July 2018, he also enacted a law protecting, developing and enhancing the coastal zone in the Republic of Benin.¹⁸ Under this law, “the shoreline within 100 metres of the limit of the highest tide” is declared a “sensitive area to be protected”.

3.1.2 NUMEROUS EVICTIONS BUT LITTLE DOCUMENTATION

The scale of forced evictions due to Benin’s development projects in recent years has been considerable. Researchers have estimated that “around 10,000” people have been evicted from Cotonou since 2017 as part of various projects implemented in the economic capital and its surrounding area.¹⁹ These figures do not take into account “25 kilometres of roads where ‘informal’ shops [have been] cleared since 2017, buildings in which some shopkeepers were living”.²⁰

Forced evictions caused by the coastal development projects between Cotonou and Ouidah alone have affected at least 6,000 people, according to Amnesty International’s non-exhaustive estimate based on the various data available. At least 368 households to be compensated were identified by the authorities in Xwlacodji (see 4.5); 234 people were displaced from Djègbadji for the Marina construction project, according to the Environmental and Social Impact Assessment (ESIA)²¹ (see 4.2); 3,000 people were evicted from Fiyégnon 1 according to the estimate of a neighbourhood collective (see 4.4); 543 people affected by evictions with 2,897 dependents were identified in the Resettlement Action Plan (PAR) for phase 2 of the

¹⁵ Bénin Révélé, “Rénovation du centre commercial et administratif de Ganhi”, [Benin Revealed, “Renovation of the Ganhi commercial and administrative centre”], <https://beninrevele.bi/projet/90/renovation-centre-commercial-administratif-ganhi/> (consulted on 13 November 2021)

¹⁶ Republic of Benin, Décret 2016-442 du 17 juillet 2016 portant approbation des statuts de l’Agence Nationale de promotion des Patrimoines et de développement du Tourisme [Decree 2016-442 of 17 July 2016 approving the statutes of the National Agency for the Promotion of Heritage and Tourism Development], 2016, <https://sgg.gouv.bi/doc/decret-2016-442/>

¹⁷ Republic of Benin, Décret 2021-605 du 17 novembre 2021 portant redéfinition du périmètre de développement de la zone touristique sur le littoral entre les communes de Cotonou et de Ouidah [Decree 2021-605 of 17 November 2021 redefining the area of development of the tourist zone along the coast between the communes of Cotonou and Ouidah], 2021, <https://sgg.gouv.bi/doc/decret-2021-605/>

¹⁸ Republic of Benin, Loi 2018-10 du 2 juillet 2018 portant protection, aménagement et mise en valeur de la zone littorale en République du Bénin [Law 2018-10 of 2 July 2018 on the protection, development and enhancement of the coastal zone in the Republic of Benin], 2018, <https://sgg.gouv.bi/doc/loi-2018-10/>

¹⁹ Joël Noret and Narcisse M. Yedji, “The city of the evicted. Lives under pressure in the margins of an urban fantasy in Benin”, 2023, Developing Economics, https://www.academia.edu/108277241/the_city_of_the_evicted_lives_under_pressure_in_the_margins_of_an_urban_fantasy_in_Benin

²⁰ Virtual interview with J. Noret and M. Yedji, 23 May 2023.

²¹ Ministry of Tourism, National Agency for the Promotion of Heritage and Tourism Development, Projet de construction d’une marina/porte du non-retour, Étude d’impact environnemental et social, Rapport final [Project to build a marina/Door of no return, Environmental and Social Impact Assessment, Final report], February 2019.

Fishing Road,²² and 20 people were identified in the Docomey neighbourhood, in the fourth district of Ouidah, in the PAR produced for the project to rebuild the historic town of Ouidah.²³

This estimate does not include other forced evictions carried out since 2021 (such as in Togbin).²⁴ In addition, as several PARs are not accessible, a precise and verified count of the total number of people affected by these evictions is not possible.²⁵

Forced evictions due to development projects as a whole have been contested for several years. On 14 September 2021, the NGO “Organization for the Defence of Human and Peoples’ Rights” (ODHP) denounced “the uncontrolled eviction of the people of Djako in Cotonou (Fiyégnon 1 and 2 neighbourhoods) and [called for] their immediate rehousing on an appropriate site” on social media.²⁶ The ODHP denounced a “savage operation worthy of colonial times (...) without any compassion for children, women and the elderly (...). [An] inhumane scene (...) in the pouring rain on the eve of the start of the new school year, not far from a primary school (...)”.²⁷

In 2017, the authorities were forced to admit that there had been abuses in the way the police had intervened during eviction operations. The Minister for the Living Environment issued a press release²⁸ to convey the Head of State’s “compassion” and “apologies” following “abuses on the part of enforcement agents”. Mention was made of the “uncontrolled destruction of septic tanks and cesspools, which were clearly erected on the public highway but whose destruction was not yet necessary at this stage of the operation”.

In his 2020 activity report, the Ombudsman of the Republic noted “expropriation without fair and prior compensation” as one of the main complaints received and handled.²⁹ 13.38% of the complaints dealt with that year were property-related matters, being the third issue most frequently referred to the Ombudsman.

The situation of those evicted, particularly those living in Cotonou, has also attracted the attention of the political opposition. In 2023, 20 MPs from the Democrat party submitted 13 oral questions to the government concerning the cases of Xwladodji (Cotonou commune) and Togbin (Abomey-Calavi commune).³⁰

Private media have reported on the concerns and negative consequences of some forced evictions.³¹ However, a number of evictees met by Amnesty International believe that the media have not reported sufficiently on the problems linked to their situation for fear of reprisals from the authorities, or as a result of pressure from the latter.³² Amnesty International has, on a number of occasions, denounced cases of

²² Resettlement Action Plan (PAR) - Projet de bitumage de la route des pêches (phase 2): tronçon Adouanko-porte du non-retour et ses bretelles à (Adouanko-Cocodji) et bretelle C (porte du non-retour-Djondji), rapport définitif [Fishing road asphaltting project (phase 2): Adouanko-Door of no return section and its access roads at (Adouanko-Cocodji) and access road C (Door of no return-Djondji), final report], November 2022.

²³ National Agency for the Promotion of Heritage and Tourism Development, Sous-projet de réhabilitation du fort portugais dans la cité historique de Ouidah, Plan d’Action de Réinstallation (PAR), Rapport final [Sub-project to restore the Portuguese fort in the historic town of Ouidah, Resettlement Action Plan (PAR), Final report], March 2020.

²⁴ *Matin Libre*, “Sommés de déguerpir illégalement: les propriétaires de la zone 4 Togbin implorent la clémence du chef de l’État” [Illegally required to vacate: owners of Togbin zone 4 beg for clemency from the Head of State], 8 March 2023, <https://matinlibre.com/2023/03/07/sommés-de-deguerpir-illegalement-les-proprietaires-de-la-zone-4-togbin-implorent-la-clemence-du-chef-de-letat/>

²⁵ Amnesty International has not obtained the PARs corresponding to the Marina project in Ouidah or the Club Med project in Avlékété from the ABE. The ABE did not specify whether these PARs had been produced.

²⁶ ODHP, Facebook publication: “L’ODHP dénonce le déguerpissement sauvage des populations de Djako à Cotonou (quartiers Fiyégnon 1 et 2) et demande leur relogement immédiat sur un site décent” [ODHP denounces the uncontrolled eviction of people from Djako in Cotonou (Fiyégnon 1 and 2 neighbourhoods) and calls for their immediate rehousing on an appropriate site], 14 September 2021, <https://www.facebook.com/odhpbenin/posts/pfbid0EZ4vaW9viuLfBjkKzcRFXMP2jwxNqVEANNTgdtHdzE1GmU5idVdB6efeyzyXp9rrl>

²⁷ ODHP, Facebook publication: “L’ODHP dénonce le déguerpissement sauvage des populations de Djako à Cotonou (quartiers Fiyégnon 1 et 2) et demande leur relogement immédiat sur un site décent” [ODHP denounces the uncontrolled eviction of people from Djako in Cotonou (Fiyégnon 1 and 2 neighbourhoods) and calls for their immediate rehousing on an appropriate site], 14 September 2021, <https://www.facebook.com/odhpbenin/posts/pfbid0EZ4vaW9viuLfBjkKzcRFXMP2jwxNqVEANNTgdtHdzE1GmU5idVdB6efeyzyXp9rrl>

²⁸ Ministry of the Living Environment and Sustainable Development, “Press Release”, 17 March 2017

²⁹ Ombudsman of the Republic of Benin, “Activity Report 2020”, February 2021.

³⁰ L’Investigateur, “Le gouvernement invité à répondre à 13 questions du député Adéchokan sur l’expropriation des terres à Xwladodji et Togbin” [Government invited to respond to 13 questions from Deputy Adéchokan on the expropriation of land at Xwladodji and Togbin], 8 July 2023, <https://www.linvestigateur.info/Assemblee-nationale-le-gouvernement-invite-a-repondre-a-13-questions-du-depute>

³¹ *La Nouvelle Tribune*, “Route des Pêches: les populations de Togbin expriment des inquiétudes” [Fishing Road: Togbin inhabitants express their concerns], 5 November 2013, <https://lanouvelletribune.info/2013/11/route-des-peches-les-populations-de-togbin-expriment-des-inquietudes/>

³² In-person interviews with journalists and victims of forced evictions, January-February 2023, Cotonou.

arbitrary arrest and detention of journalists in Benin under the Digital Code,³³ which criminalizes “false information” with the aim of punishing and silencing those who criticize the government.³⁴

3.2 LEGAL FRAMEWORK FOR FORCED EVICTIONS

3.2.1 BENINESE LAW

The Constitution of Benin guarantees several rights relating to the issue of forced evictions and their consequences: Article 22 states that “every human being has the right to property. No one shall be deprived of their property except in the public interest and in return for just and prior compensation”. Article 27 enshrines the right to a healthy environment.³⁵ The Constitution also guarantees the right to culture (Article 10) and the education of children (Articles 12 and 13). Finally, “everyone has the right to life, liberty, security and personal integrity” (Article 15).

However, Benin has no specific legislation enshrining the eviction measures laid down in international human rights law or prohibiting forced evictions that do not comply with such law. The reference text for expropriations is the Land and Property Code (hereinafter CFD),³⁶ amended and supplemented by the law,³⁷ which sets out the situations in which public expropriations may take place, the people eligible for compensation and the institutional framework for managing expropriations. According to Article 210 of the CFD, expropriation in the public interest is one of the legal violations of the right to property enshrined in Article 22 of the Constitution.

Article 4 of Decree 2015-008 of 29 January 2015 on the remit, organization and operation of the Land Compensation Fund (FDF) sets out the tasks of the Fund, which include financing public interest expropriation procedures and related compensation in the cases provided for by the CFD.

The obligation to conduct Environmental and Social Impact Assessments and implement Resettlement Action Plans is established in Decree 2017-332 of 6 July 2017.³⁸ According to Article 37, “any project whose implementation results in the involuntary physical or economic displacement of at least 100 people shall be subject to a resettlement action plan (PAR). This document shall be separate from, but attached to, the Environmental Impact Assessment report.”

The ABE is responsible for “implementing the procedures for Environmental and Social Assessments and Environmental and Social Impact Studies, evaluating environmental impact assessment reports and monitoring Environmental and Social Management Plans”.

The documents noted above are supposed to be accessible to the public since, according to the Information and Communication Code, “any citizen wishing to obtain information or a document from a public body may request this” (Article 78).³⁹ “The official or public officer who receives the request must provide the information requested within five days of the request or inform the applicant of the reasons why it is not possible to give access to the document (Article 80).”

The obligations of the Beninese State at each stage of the eviction process are set out in the introduction to the different parts of this report.

³³ Republic of Benin, Loi 2017-20 du 20 avril 2018 portant code du numérique [Law 2017-20 of 20 April 2018 on the digital code], 2018, [loi-2017-20.pdf](#)

³⁴ Amnesty International, “Benin: New laws, new human rights restrictions Amnesty International: Submission to the 42nd session of the UPR Working Group, 26 January 2023”, (Index: AFR 14/5736/2022), 13 July 2023, <https://www.amnesty.org/en/documents/afr14/5736/2022/en/>

³⁵ Republic of Benin, Loi 90-32 du 11 décembre 1990 portant constitution [Law 90-32 of 11 December 1990 on the Constitution], 1990, <https://sgg.gouv.bj/doc/loi-90-32/>

³⁶ Republic of Benin, Loi 2013-01 du 14 août 2013 portant Code foncier et domanial [Law 2013-01 of 14 August 2013 on the Land and Property Code], 2013, <https://sgg.gouv.bj/doc/loi-2013-01/>

³⁷ Republic of Benin, Loi 2017-15 du 10 août 2017 modifiant et complétant la loi 2013-01 portant Code foncier et domanial [Law 2017-15 of 10 August 2017 amending and supplementing Law 2013-01 on the Land and Property Code], 2017, <https://sgg.gouv.bj/doc/loi-2017-15/>

³⁸ Republic of Benin, Décret 2017-332 du 6 juillet 2017 portant organisation des procédures de l'évaluation environnementale et sociale [Decree 2017-332 of 6 July 2017 on the organization of environmental and social assessment procedures], 2017, <https://sgg.gouv.bj/doc/decret-2017-332/>

³⁹ Republic of Benin, Loi 2015-07 du 20 mars 2015 portant Code de l'information et de la communication [Law 2015-07 of 20 March 2015 on the Information and Communication Code], 2015, <https://sgg.gouv.bj/doc/loi-2015-07/>

3.2.2 INTERNATIONAL LAW

UNITED NATIONS TREATIES AND STANDARDS

The International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by Benin in 1992, recognizes a number of rights relevant to this report. These include the right to adequate housing (Article 11), the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (Article 12), and the right to education (Article 13).

The Committee on Economic, Social and Cultural Rights (hereinafter referred to as the Committee), which is responsible for monitoring the implementation of the ICESCR and publishing reference guidelines on the provisions of the Covenant in the form of General Comments, issued General Comment No. 7 on the right to adequate housing in 1997.⁴⁰ Forced evictions are defined as follows:

“The term ‘forced evictions’ [...] is defined as the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy without the provision of, and access to, appropriate forms of legal or other protection.”

General comment No. 7: The right to adequate housing: forced evictions; paragraph 3

As this Comment notes,⁴¹ a State’s obligation not to carry out forced evictions from housing or land and to protect the population from such evictions derives from several international legal instruments that protect the fundamental right to adequate housing and other related human rights, including, in addition to the ICESCR: the International Convention on the Rights of the Child (CRC) (Article 27, para. 3);⁴² the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);⁴³ and the International Convention on the Elimination of All Forms of Racial Discrimination (Article 5, e, iii).⁴⁴ Benin has ratified all these instruments.

Under international law, certain evictions may be authorized subject to certain conditions. The United Nations Basic Principles and Guidelines on Development-Based Evictions and Displacement⁴⁵ (hereinafter referred to as the UN Basic Principles) state that evictions should only be carried out in exceptional circumstances, in accordance with the law and with full respect for the relevant provisions of international human rights law and international humanitarian law.

Accordingly, evictions should be: a) authorized by law; b) carried out in accordance with international human rights law; c) undertaken solely for the promotion of the common good; d) reasonable and proportionate to their purpose; e) regulated in such a way as to ensure full and fair compensation and rehabilitation; f) carried out in accordance with these guidelines.

General Comment No. 7 and the United Nations Basic Principles provide the legal framework for this report, and their content is set out in the different sections concerned.

TREATIES AND STANDARDS IN AFRICA

On the African continent, the African Charter on Human and Peoples’ Rights (hereinafter the Charter),⁴⁶ ratified by Benin,⁴⁷ enshrines a number of rights relating to the issue of forced evictions. These include the right to property (Article 14), health (Article 15) and education (Article 16). Article 16 of the Protocol to the Charter on the Rights of Women (Maputo Protocol) guarantees the right to “adequate housing”:

⁴⁰ Committee on Economic, Social and Cultural Rights, General Comment 7: the right to adequate housing, 1997.

⁴¹ Committee on Economic, Social and Cultural Rights, General Comment 7: the right to adequate housing, 1997.

⁴² Convention on the Rights of the Child, adopted on 20 November 1989, entered into force on 2 September 1990.

⁴³ Convention on the Elimination of All Forms of Discrimination against Women, adopted on 18 December 1979, entered into force as an international treaty on 3 September 1981.

⁴⁴ International Convention on the Elimination of All Forms of Racial Discrimination, entered into force on 4 January 1969.

⁴⁵ United Nations, Special Rapporteur on adequate housing, Basic principles and guidelines on development-based evictions and displacement, 26 August 2007, UN Doc. A/HRC/4/18.

⁴⁶ African Union, African Charter on Human and Peoples’ Rights, 1981, https://au.int/sites/default/files/treaties/36390-treaty-0011_-_african_charter_on_human_and_peoples_rights_e.pdf

⁴⁷ Benin ratified the Charter on 20 January 1986.

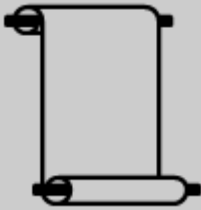
“Women shall have the right to equal access to housing and to acceptable living conditions in a healthy environment. To ensure this right, States Parties shall grant to women, whatever their marital status, access to adequate housing.”

Article 16 of the Maputo Protocol.

In 2011, the African Commission on Human and Peoples’ Rights (hereinafter ACHPR) adopted the Principles and Guidelines on the Implementation of Economic, Social and Cultural Rights in the African Charter on Human and Peoples’ Rights.⁴⁸ Articles 77, 78 and 79 set out the guarantees of legal protection that must govern evictions.

In October 2012, the ACHPR adopted a “Resolution on the right to adequate housing and protection from forced evictions”.⁴⁹ This resolution “condemns forced evictions” and “urges all States Parties to the African Charter to take appropriate steps to ensure respect, protection and realisation of the right to adequate housing” in particular by “adopting legislative and other measures to ensure that legal procedures are complied with, prior to any eviction and making available remedies that are likely to result in the right to reparation either in the form of *restitutio in integrum* or monetary compensation”.

The jurisprudence on the issue of forced evictions in Africa has been expanded by several decisions taken by the ACHPR in recent years. For example, in the case of “SERAC and the Centre for Economic and Social Rights v. Nigeria”, the ACHPR stressed that “although the right to housing or shelter is not explicitly provided for under the African Charter, the corollary of the combination of the provisions protecting the right to enjoy the best attainable state of mental and physical health, cited under Article 16 above, the right to property, and the protection accorded to the family forbids the wanton destruction of shelter because, when housing is destroyed, property, health, and family life are adversely affected. It is thus noted that the combined effect of Articles 14, 16 and 18(1) reads into the Charter a right to shelter or housing (...).”⁵⁰



PERFORMANCE STANDARD 5 OF THE INTERNATIONAL FINANCE CORPORATION

The International Finance Corporation (IFC) requires clients benefiting from its investments to apply the Performance Standards on Environmental and Social Sustainability.⁵¹ In the context of this report, IFC Performance Standard 5 applies to the Avlékété resort construction project (see 4.3).

Standard 5, “Land acquisition and involuntary resettlement”, sets out concrete measures to be complied with regarding: “compensation and benefits for displaced persons”; “community engagement”; “grievance mechanism”; “resettlement and livelihood restoration planning and implementation”.

This Standard states in particular that: “When displacement cannot be avoided, the client will offer displaced communities and persons compensation for loss of assets at full replacement cost and other assistance to help them improve or restore their standards of living or livelihoods, as provided in this Performance Standard.”

The provisions of this Standard are set out in section 4.3 on the Avlékété resort construction project.

⁴⁸ African Commission on Human and Peoples’ Rights (ACHPR), Principles and Guidelines on the implementation of economic, social and cultural rights in the African Charter on Human and Peoples’ Rights, <https://archives.au.int/handle/123456789/2063>

⁴⁹ African Commission on Human and Peoples’ Rights (ACHPR), Resolution on the right to adequate housing and protection from forced evictions - ACHPR/Res.231(LII)2012, <https://achpr.au.int/index.php/en/adopted-resolutions/231-resolution-right-adequate-housing-and-protection-forced-evictions>

⁵⁰ ACHPR, Ref: ACHPR/COMM/A044/1, 27 May 2002, <https://www.esrc-net.org/sites/default/files/serac.pdf>

⁵¹ International Finance Corporation, Performance Standards on Environmental and Social Sustainability (2012), <https://www.ifc.org/content/dam/ifc/doc/2010/2012-ifc-performance-standards-en.pdf>

4. FAILINGS BEFORE AND DURING EVICTIONS

“A lot of people cried that day.”

A person evicted from Djègbadji as part of the “Marina” project.

4.1 LEGAL FRAMEWORK BEFORE AND DURING FORCED EVICTIONS

4.1.1 CONSULTATIONS, INFORMATION AND ADVANCE NOTICE

BENINESE LAW

In the absence of legislation enshrining eviction measures in accordance with international human rights law and prohibiting evictions that do not comply with such law, Beninese law sets out the consultation, information and notice procedures for public interest expropriations.

According to the Benin Land and Property Code (CFD),⁵² the expropriation procedure begins with a declaration of public interest (Articles 216 and 217 of the CFD).

“The act declaring the project to be in the public interest shall be either a law, a decree or an order. This act shall indicate the geographical area affected by the planned works of public interest. It shall specify the period during which the expropriation must be carried out. The period within which expropriation must take place may not exceed twelve months from the declaration of public interest.”

Article 217 of the Land and Property Code.

After the declaration of public interest, a one-month public “advantages and disadvantages” survey (“*enquête ‘de commodo et incommodo’*”) must be conducted, at the end of which a report is produced that “determines the plots of land and all property rights to be expropriated, their owners and all persons likely to claim compensation according to a provisional general plan of the properties included” (Article 219). According to Article 2 of Decree 2015-013 of 29 January 2015 on the composition and standard operating procedures of advantages/disadvantages and compensation commissions in matters of public interest expropriations, “the advantages and disadvantages survey is a procedure that consists of gathering all

⁵² Republic of Benin, Loi 2013-001 du 14 août 2013 portant code foncier et domanial [Law 2013-001 of 14 August 2013 on the land and property code], Chapter 2, 2013, <https://sgg.gouv.bj/doc/loi-2013-01/>

information, grievances and observations from the population and institutions concerning an operation of general interest, in particular public interest expropriations, the subdivision operations, and the classification and declassification of State and local authority property. This survey will ensure the reliability, fairness and success of the planned operation.”

The provisional plan of the properties likely to be affected by the planned works is then deposited in “offices opened for this purpose, for consultation by all interested parties for one month from the date of display” before a “certificate from the mayor attesting to the completion of this dual formality of advertising and display” can be issued (Article 219). The report on the land survey “shall be published by any suitable means of dissemination, posters, publicity, community radio, town crier, in addition to publications or notifications” (Article 120).

After this initial phase, during which “the owners of the properties subject to the expropriation procedure must provide the competent administrative authority with the names of the tenants and the names of all holders of real rights over the properties in question” (Article 221), a notice of expropriation must be issued within a maximum of six months of publication of the act declaring the public interest” (Article 225). It is then “published in the official gazette and in a legal gazette or equivalent publication”. This decree “expropriates all properties located within the area concerned”.

INTERNATIONAL LAW

According to General Comment No. 7 of the Committee on Economic, Social and Cultural Rights, the safeguards that should be applied prior to evictions are: (a) an opportunity for genuine consultation with those affected; (b) adequate and reasonable notice for all affected persons prior to the scheduled date of eviction; (c) information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected.”⁵³ The UN Basic Principles state that the following elements should be observed prior to any eviction: “(a) appropriate notice to all potentially affected persons that eviction is being considered and that there will be public hearings on the proposed plans and alternatives; (b) effective dissemination by the authorities of relevant information in advance, including land records and proposed comprehensive resettlement plans specifically addressing efforts to protect vulnerable groups; (c) a reasonable time period for public review of, comment on, and/or objection to the proposed plan; (d) opportunities and efforts to facilitate the provision of legal, technical and other advice to affected persons about their rights and options; and (e) holding of public hearing(s) that provide(s) affected persons and their advocates with opportunities to challenge the eviction decision and/or to present alternative proposals and to articulate their demands and development priorities” (Principle 37).

Following the announcement of the eviction: “Due eviction notice should allow and enable those subject to eviction to take an inventory in order to assess the values of their properties, investments and other material goods that may be damaged. Those subject to eviction should also be given the opportunity to assess and document non-monetary losses to be compensated.”⁵⁴

4.1.2 COMPENSATION

BENINESE LAW

Beninese law sets out the compensation process for evictions due to public interest expropriations. According to Article 211 of the CFD, “the expropriation, in full or in part, of buildings or real property rights due to the public interest shall be carried out, in the absence of an amicable agreement, by court decision and against payment of fair and prior compensation.”⁵⁵

According to Article 228 of the CFD, “as soon as the decrees declaring public interest and disposability are published, a commission whose composition and powers shall be set by decree in the Council of Ministers, or by order, shall visit the site and, after hearing the interested parties duly summoned by the administrative authorities, assess the expropriation compensation and the value of properties likely to be subject to capital gains tax”.

⁵³ Committee on Economic, Social and Cultural Rights, General Comment 7: the right to adequate housing, 1997.

⁵⁴ Special Rapporteur on adequate housing, Basic Principles and Guidelines on Development-based Evictions and Displacement, chapter 3, article 42, 26 August 2007, UN Doc. A/HRC/4/18.

⁵⁵ Republic of Benin, Loi 2013-001 du 14 août 2013 portant code foncier et domanial [Law 2013-001 of 14 August 2013 on the land and property code], 2013, <https://sgg.gouv.bj/doc/loi-2013-01/>.

The composition and powers of these commissions are set out in Decree 2015-013 of 29 January 2015 on the standard composition and operating procedures for advantages/disadvantages survey and compensation commissions in matters of public interest expropriations.

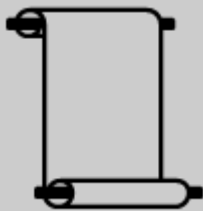
According to Article 23 of the decree, the commission “shall use all appropriate means to facilitate the determination of the exact price of the properties subject to the expropriation procedure and a fair estimation of the added value created by implementation of the project”.

Article 234 of the CFD specifies what is covered by the compensation guaranteed by Article 211:

“The compensation awarded must cover all the direct, material and certain loss caused by the expropriation. It shall be set according to the nature of the property, taking into account its value and, where applicable, the increase or decrease in value that may result, for the part of the property not expropriated, from the implementation of the planned work.”

At the end of the procedure, “the compensation set by the commission provided for in the previous article shall be submitted for approval, as appropriate, by the Communal Council or the Minister of Finance through the Minister responsible for the work to be carried out and then deposited with the Treasury; the deposit must include, in addition to the principal, the sum necessary to ensure payment of interest at the legal rate for two years.” (Article 232)

According to the ANDF, support is available to help those affected by evictions complete the administrative procedures required for compensation, through “the secretariat of the Compensation Commission, which is open to all citizens on a permanent basis”, and “a telephone number available to the public for information sharing and remote support”.⁵⁶



PEOPLE ELIGIBLE FOR COMPENSATION FOLLOWING FORCED EVICTIONS

In cases of forced eviction linked to public interest expropriations, Article 211 of Benin's Land and Property Code (CFD) states that “the expropriation, in full or in part, of buildings or real property rights in the public interest shall be carried out, in the absence of an amicable agreement, by a court decision and against payment of fair and prior compensation”.⁵⁷ Article 112 of the CFD states that “only a Land Ownership Certificate confers full ownership in Benin (...). Any land not covered by a land ownership certificate shall be the object of presumed rights.”⁵⁸ Article 211 therefore seems to take into account only the notion of ownership. In this regard, the Director General of the ANDF, who met Amnesty International delegates in Cotonou, insisted on the term “expropriation” to justify the impossibility of people without a property title being able to claim the right to “fair and prior compensation” as guaranteed by Article 211.

However, in its letter to Amnesty International, the ANDF stated that the government “is not content with applying the law because, whenever it is in the interests of the people, it adopts a social approach that goes beyond the law when it is less protective of the people.” It added: “When expropriating in the public interest, no distinction is made between owners, that is, between those who hold title to land, and those who do not. In some cases, people without any documents have been eligible.”⁵⁹

In cases of forced eviction other than those linked to public interest expropriation procedures, the ANDF stipulates in the same letter that the government “has opted to take purely social measures when the laws do

⁵⁶ Director General of the ANDF, letter to Amnesty International, 8 November 2023.

⁵⁷ Republic of Benin, Loi 2013-001 du 14 août 2013 portant code foncier et domanial [Law 2013-001 of 14 August 2013 on the land and property code], 2013, <https://sgg.gouv.bj/doc/loi-2013-01/>.

⁵⁸ Republic of Benin, Loi 2013-001 du 14 août 2013 portant code foncier et domanial [Law 2013-001 of 14 August 2013 on the land and property code], 2013, <https://sgg.gouv.bj/doc/loi-2013-01/>.

⁵⁹ Director General of the ANDF, letter to Amnesty International, 8 November 2023.

not sufficiently protect the citizen”.⁶⁰ It is in this context, says the agency, that “the exceptional measures taken for those rehoused in Xwladodji should be appreciated”. Such measures were not taken for those evicted from Fiyégnon 1, however.

Nevertheless, according to the United Nations Basic Principles, “All those evicted, irrespective of whether they hold title to their property, should be entitled to compensation for the loss, salvage and transport of their properties affected, including the original dwelling and land lost or damaged in the process.” (Principle 61).

INTERNATIONAL LAW

According to the Committee's General Comment No. 7,⁶¹ “States parties shall also see to it that all the individuals concerned have a right to adequate compensation for any property, both personal and real, which is affected.” The General Comment adds that: “Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement, or access to productive land, as the case may be, is available.” (Article 17. According to the UN Basic Principles: “The State must provide or ensure fair and just compensation for any losses of personal, real or other property or goods, including rights or interests in property.” (Principle 60). This compensation should be granted “for any economically assessable damage”; “cash compensation should under no circumstances replace real compensation in the form of land and common property resources”; and “where land has been taken, the evicted should be compensated with land commensurate in quality, size and value, or better.”

In addition, it is specified that: “All those evicted, irrespective of whether they hold title to their property, should be entitled to compensation for the loss, salvage and transport of their properties affected, including the original dwelling and land lost or damaged in the process.” (Principle 61). Women and men must be co-beneficiaries of all compensation packages, including single women and widows. (Principle 62).

Finally, the United Nations Basic Principles provide a timeframe, stating that: “All resettlement measures, such as construction of homes, provision of water, electricity, sanitation, schools, access roads and allocation of land and sites, must be (...) completed before those who are to be evicted are moved from their original areas of dwelling.” (Principle 44).

4.1.3 EVICTION PROCEDURE

BENINESE LAW

Beninese law specifies one condition in relation to evictions due to public interest expropriation procedures.

According to Article 415 of the CFD, “no work having the effect of demolishing one or more dwellings may be undertaken during the rainy season”.⁶² And yet no other article in the CFD mentions the obligations set out in General Comment No. 7 and the UN Basic Principles (see below).

INTERNATIONAL LAW

According to the Committee's General Comment No. 7,⁶³ among other obligations, States must guarantee “especially where groups of people are involved, [that] government officials or their representatives [are] present during an eviction”; that “all persons carrying out the eviction [are] properly identified”; and they

⁶⁰ Director General of the ANDF, letter to Amnesty International, 8 November 2023.

⁶¹ Committee on Economic, Social and Cultural Rights, General Comment 7: the right to adequate housing, 1997.

⁶² Republic of Benin, Loi 2013-001 du 14 août 2013 portant code foncier et domanial [Law 2013-001 of 14 August 2013 on the land and property code], 2013, <https://sgg.gouv.bj/doc/loi-2013-01/>

⁶³ Committee on Economic, Social and Cultural Rights, General Comment 7: the right to adequate housing, 1997.

must refrain from carrying out evictions “in particularly bad weather or at night unless the affected persons consent otherwise”.

The UN Basic Principles⁶⁴ also state that: “Evictions shall not be carried out in a manner that violates the dignity and human rights to life and security of those affected” (Principle 47); “Any legal use of force must respect the principles of necessity and proportionality” (Principle 48). Furthermore: “Property and possessions left behind involuntarily should be protected against destruction and arbitrary and illegal appropriation, occupation or use.” (Principle 50). Finally, Principle 49 specifies when evictions may not take place:

“Evictions must not take place in inclement weather, at night, during festivals or religious holidays, prior to elections, or during or just prior to school examinations.”

Principle No. 49 of the UN Basic Principles and Guidelines on Development-Based Evictions and Displacement.

4.1.4 POSSIBILITY OF APPEAL

BENINESE LAW

In addition to the possibility of victims of forced evictions taking their case to the Beninese courts to denounce human rights violations, Beninese law specifies the possibilities for recourse in the case of evictions due to public interest expropriation procedures. According to the CFD, people affected by evictions can appeal at various stages of the process.

Firstly, following the act declaring the project to be in the public interest and during the “advantages/disadvantages” survey, “any person with an interest may make observations in the registers opened in the offices provided for this purpose” (Article 218).

Then, once the expropriation notice been issued, “it is up to the owners whose rights are not precisely designated in the expropriation notice to make themselves known to the competent authority that initiated the operation, providing proof of their rights by any means” (Article 226).

During a commission’s assessment of the “expropriation compensation and value of buildings likely to be subject to capital gains tax” (Article 228), this commission “may be informed directly by the interested parties of any claim” (Article 230).

If there is disagreement over the amount of compensation set by the commission, the administrative phase ends and a judicial phase begins. An “official report is then drawn up” and the claimants may bring the matter before “the court by simple letter or by writ of summons issued by the most diligent party” (Article 237). The “competent magistrate” then has 30 days to set the expropriation compensation (Article 238).

Decree 2015-013 of 29 January 2015 on the standard composition and operating procedures of the advantages/disadvantages survey and compensation commissions in matters of public interest expropriations specifies that the “President of the court of the location of the property concerned” shall be the competent magistrate to whom one may apply “by simple request” (Article 30) to “verify the fairness of the agreed price” (Article 31).⁶⁵

Article 24 specifies that “compensation for expropriation shall be set taking into account the value of the property on the date of the expropriation judgement, without this value being less than the value of the property on the date of the public interest order”.

INTERNATIONAL LAW

The possibility of appeal is provided for in the International Covenant on Civil and Political Rights,⁶⁶ General Comment No. 7 of the Committee⁶⁷ and the United Nations Basic Principles.⁶⁸

“Each State Party to the present Covenant undertakes: To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy (...); To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial,

⁶⁴ Special Rapporteur on adequate housing, Basic principles and guidelines on development-based evictions and displacement, 26 August 2007, UN Doc. A/HRC/4/18.

⁶⁵ Republic of Benin, Decree 2015-013 of 29 January 2015 on the composition and operating procedures of advantages/disadvantages surveys and compensation commissions in matters of public interest expropriations, 2015, <https://sgg.gouv.bj/doc/decret-2015-013/>

⁶⁶ International Covenant on Civil and Political Rights.

⁶⁷ Committee on Economic, Social and Cultural Rights, General Comment 7: the right to adequate housing, 1997.

⁶⁸ Special Rapporteur on adequate housing, Basic principles and guidelines on development-based evictions and displacement, 26 August 2007, UN Doc. A/HRC/4/18.

administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy (...); To ensure that the competent authorities shall enforce such remedies when granted.”

Article 2(3) of the International Covenant on Civil and Political Rights.

On the specific issue of forced evictions, General Comment No. 7 states that “legal remedies or procedures should be provided to those who are affected by eviction orders” (Article 13).

Article 15 adds that: “The Committee considers that the procedural protections which should be applied in relation to forced evictions” include “provision of legal remedies”, and “provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts”.


Lastly, the United Nations Basic Principles state that: “All persons threatened with or subject to forced evictions have the right of access to timely remedy. Appropriate remedies include a fair hearing, access to legal counsel, legal aid, return, restitution, resettlement, rehabilitation and compensation, and should comply, as applicable, with the Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.”⁶⁹

⁶⁹ Special Rapporteur on adequate housing, Basic principles and guidelines on development-based evictions and displacement, 26 August 2007, UN Doc. A/HRC/4/18.

4.2 EVICTIONS AT DJÈGBADJI (OUIDAH) FOR A “MARINA” PROJECT

4.2.1 THE PROJECT



 Image of the Ouidah Marina project ©Government of Benin Overview of the Marina. Clockwise: Hotel complex, Craft village, Slavery Route, Garden of Remembrance, Departure boat, Lagoon Memorial Walk

The Marina project in Djègbadji, a district of Ouidah commune, is being built in the immediate vicinity of the “Door of No Return”, the monument commemorating the deportation of slaves across the Atlantic. Completion is scheduled for 2024.⁷⁰ The Marina forms one of the tourism projects included in the PAG 2021-2026. Along with the proposed beach resort at Avliékété (see 4.3), this project is one of the components of the wider Fishing Road tourism project.

The Marina project, promoted by the National Agency for the Promotion of Heritage and Tourism Development (ANPT), will revolve around three main areas: one devoted to “accommodation, hotels and services”; another to “cultural and leisure activities and services”; and another to “a zone of remembrance and memorial walks”.⁷¹ The aim of the project is to position Benin “as a flagship destination for memorial tourism”. One of the main attractions of this project will be the creation of an “immersive show trail entitled ‘The Departure Boat’” at Djègbadji (see photo below). The trail includes a “Coastal Ecomuseum”, a “tourist village”, an “underground canal linking the sea and the lagoon”, a “slave ship and several canoes”, and “three 50-bed hotels and various shops and restaurants”. The three hotels will cover a total of five hectares.⁷²

⁷⁰ Bénin Révélé, “Construction d’un complexe touristique “Marina” près de la porte du non-retour à Djègbadji” [Benin Revealed, “Construction of a ‘Marina’ tourist complex near the Door of No Return at Djègbadji,], <https://beninreveletenderandprojects.org/projet/143/construction-complexe-touristique-marina-pres-porte-retour-djegbadji/index.html> (accessed on 13 November 2023).

⁷¹ National Agency for the Promotion of Heritage and Tourism Development, “La Marina de Ouidah” [The Ouidah Marina], <http://anpt.bj/projet/9/la-marina-ouidah/> (consulted on 13 November 2023).

⁷² Ministry of Tourism, National Agency for the Promotion of Heritage and Tourism Development, *Projet de construction d’une marina/porte du non-retour, Étude d’impact environnemental et social, Rapport final* [Project to build a marina/Door of no return, Environmental and Social Impact Assessment, Final report], February 2019.

According to the environmental and social impact assessment (ESIA) for this project,⁷³ produced in 2019 and consulted online by Amnesty International, 234 people needed to be displaced in the Djègbadji district (Ouidah commune) in order to implement the project. According to the ESIA, “only the construction of socio-communal infrastructure (rehabilitation of the slave route, lighting of streets and squares and installation of related equipment, installation of a nearby car park, redevelopment of the auction square, the tree of oblivion, construction of a vodun arena, restoration of the Door of No Return memorial, paving and drainage for streets, construction of the craft village) would likely require the expropriation of plots of land or economic displacement”.⁷⁴

In a letter sent to Amnesty International, the Director General of the ANDF stated that evictions linked to this project were being carried out as part of expropriation measures for reasons of public interest, regulated by the CFD.⁷⁵

The ANDF also informed Amnesty International that “a PAR has been produced for the area and each of the sites”.⁷⁶ However, the ABE did not send Amnesty International this document,⁷⁷ despite a request to do so and even though people had already been evicted from Djègbadji in March/April 2021.

The absence of information concerning the availability of the PAR or the reasons for its unavailability constitutes a breach of the ABE's obligation to “inform the applicant that the public body does not hold the document or information requested or that access to it cannot be given in whole or in part”, as required by Law 2015-07 of 20 March 2015 on the Information and Communication Code.

In the absence of a searchable PAR, the information available on the exact number of people evicted, and on the procedure and measures put in place by the Beninese authorities to comply with national and international law before, during and after the evictions is fragmentary and/or cannot be confirmed. However, a study of the conditions under which evictions are taking place, based on information and testimonies gathered by Amnesty International, highlights certain violations of the rights of those affected.



 ↑ On the left: Image of the Ouidah Marina project ©Ministry of Tourism
On the right, the Marina construction site in January 2023. ©Amnesty International

⁷³ Ministry of Tourism, National Agency for the Promotion of Heritage and Tourism Development, *Projet de construction d'une marina/porte du non-retour, Étude d'impact environnemental et social, Rapport final* [Project to build a marina/Door of no return, Environmental and Social Impact Assessment, Final report], February 2019.

⁷⁴ The IFC defines economic displacement as a loss of assets or access to assets resulting in the loss of a source of income or livelihood.

⁷⁵ Director General of the ANDF, letter to Amnesty International, 8 November 2023.

⁷⁶ Director General of the ANDF, letter to Amnesty International, 8 November 2023.

⁷⁷ Director General of the ABE, letter to Amnesty International, 11 April 2022.

4.2.2 CONSULTATIONS, INFORMATION AND ADVANCE NOTICE

CONSULTATIONS AND INFORMATION

According to the ANDF, the expropriation procedure began with an act declaring the project to be in the public interest. The date of this is not specified and Amnesty International has been unable to obtain it, and “the advantages/disadvantages surveys were carried out from 26 January to 25 February 2019”.⁷⁸ In the same month, the government announced the “official launch of land and property surveys in Djègbadji”.⁷⁹ The ANDF stated that “the land and property valuations were carried out by independent consultants”.⁸⁰

According to the ANDF, “The PAR document was disseminated, enabling those with rights or interests to access the relevant information”, and “the PAR data was published as part of the advantages/disadvantages surveys”.⁸¹ According to the agency, the following steps were taken before the evictions: “processing of claims, press release calling for submission of payment applications (...)”.⁸² Amnesty International cannot confirm or deny this information, particularly given the lack of an available PAR.

The ANDF said that the people to be evicted in Djègbadji were consulted during the advantages/disadvantages surveys carried out in January and February 2019. This “phase ensures that the process is widely publicized and personally invites those affected by the project to consult the data concerning the people and property listed and to make their comments”.⁸³

A man aged over 70 who was expelled from Djègbadji together with several members of his family told Amnesty International: “People came to take a census of us, and government officials came to tell us that we were going to be evicted. I told them we had nowhere to go. But they told us we had to leave anyway.”⁸⁴

ADVANCE NOTICE

In its letter responding to Amnesty International's questions and observations,⁸⁵ the ANDF considered that the notice given to the people concerned before their actual eviction was sufficient and reasonable without, however, specifying the chronology or the means of communication used to inform the population. Amnesty International's delegates met former residents of Djègbadji who described how they had not been given sufficient or reasonable notice in accordance with international law (see 4.1.1) before their eviction between March and April 2021.⁸⁶

Firmin Zounyekpe Kouassi said: “I didn't see any official documentation concerning the eviction. The local authorities simply came and told the residents they had to leave. We were not given any information. Machines arrived on site three days before the demolition.”⁸⁷

Another former resident of Djègbadji said that a local authority (the district chief) had “called the residents together to tell them that the State wanted to do some work where we lived but that we wouldn't be evicted”. According to this person, no ultimatum was given, and “one day the machines arrived and we were told to take our things and leave”.⁸⁸

According to a former resident of Djègbadji: “We were told they were going to come and demolish everything, but they didn't tell us when.”⁸⁹ One family also explained that: “One day they came and said they

⁷⁸ Director General of the ANDF, letter to Amnesty International, 8 November 2023.

⁷⁹ Government of Benin, “Lancement des travaux d'enquêtes foncières et immobilières à Avlékété et Djègbadji dans la Commune de Ouidah” [Launch of land and property surveys in Avlékété et Djègbadji in the Commune of Ouidah] <https://www.gouv.bj/article/194/lancement-des-travaux-denquetes-foncieres-et-immobilieres-a-avleketete-et-djegbadji-dans-la-commune-de-ouidah/>

⁸⁰ Director General of the ANDF, letter to Amnesty International, 8 November 2023.

⁸¹ Director General of the ANDF, letter to Amnesty International, 8 November 2023.

⁸² Director General of the ANDF, letter to Amnesty International, 8 November 2023.

⁸³ Director General of the ANDF, letter to Amnesty International, 8 November 2023.

⁸⁴ Personal interview (name withheld at interviewee's request), 20 January 2023, Djègbadji.

⁸⁵ Director General of the ANDF, letter to Amnesty International, 8 November 2023.

⁸⁶ Several of the people Amnesty International spoke to said that the evictions took place between March and April 2021; however, the majority of the people Amnesty International spoke to had no precise recollection of the date of the evictions, and there are no official documents stating this.

⁸⁷ Personal interview with Firmin Zounyekpe Kouassi, 20 January 2023, Djègbadji.

⁸⁸ Personal interview (name withheld at interviewee's request), January 2023, Djègbadji.

⁸⁹ Personal interview with “Michèle” (first name changed for security reasons), 29 January 2023, Djègbadji.

were going to demolish the area. Another day they brought the Caterpillars to the crossroads and said they were going to use it for demolitions. We started picking up our things and taking tiles.”⁹⁰ According to another person evicted from Djègbadji: “We don’t understand enough about these things and, in any case, it’s the State, we have no power.”

4.2.3 COMPENSATION

In its letter responding to Amnesty International’s questions and observations, the ANDF stated that “no land was physically taken from individuals in Djègbadji without prior compensation”.⁹¹

On 22 January 2020, more than a year prior to the evictions, the Council of Ministers “approved the amounts of compensation and restitution for those affected by the project to develop a ‘Marina’ tourist complex in Djègbadji (Ouidah)”.⁹²

However, on 5 October 2022, the Minister of the Economy and Finance, who also chairs the expropriation commissions, announced in a press release that “compensation payments have begun and are continuing” for those affected at Djègbadji,⁹³ suggesting that not all those affected had yet been compensated.

Several members of the same family told Amnesty International that they had only received a sum of money “months after they were evicted”.⁹⁴

In light of this information, it would appear that not all the residents evicted from Djègbadji received prior compensation, as required by Beninese law and the rights and principles of international law.

In addition, some evictees feel that compensation was not fair, and there are others who have not received any compensation at all. A former elected official in Ouidah whose house was demolished, said: “Compensation was very arbitrary. I had hired an expert to value my property. The valuation was 64 million CFA francs (around €97,000) but I was given 12 million CFA francs (around €18,000).”⁹⁵

Another person told Amnesty International that they had received 1,200,000 CFA francs (around €1,840) for the loss of their brick home:

“I can’t call it compensation. That’s not even enough to buy a plot of land, which costs around five million CFA francs at the moment.”⁹⁶

One evicted family said: “It was our uncles in Cotonou who went to collect the money. There was 15 million CFA francs (€22,847) and this was divided between three groups within the family. We got five million CFA francs. That’s nowhere near enough. We had tenants, so we were receiving rent. And we spent a lot of money on the necessary procedures and documents.”⁹⁷

According to Firmin Zounyekpe Kouassi, the authorities denied his right to compensation on the grounds that he was living on public land, despite this being contrary to the obligations and principles of international law.

Finally, some people stated that they never received compensation because the administrative process was so complex and costly that they had simply given up. “We ran around doing the paperwork and what little we had we spent.”⁹⁸ “Michèle”, a shopkeeper, said that her father had started the process “but you have to go into town to look for papers, and as we had already spent 15,000 CFA francs (around €22) and the papers still couldn’t be found, we gave up.”⁹⁹

⁹⁰ Personal interview with members of the same family (names withheld for security reasons), 28 January 2023, Djègbadji.

⁹¹ Director General of the ANDF, letter to Amnesty International, 8 November 2023.

⁹² Government of the Republic of Benin, Report on the Council of Ministers, 22 January 2020.

⁹³ Republic of Benin, Interministerial Commission for the Expropriation of Persons affected by Projects along the Fishing Road, “Press release”, 5 October 2022.

⁹⁴ Personal interview with several members of the same family (names withheld for security reasons), 28 January 2023, Djègbadji.

⁹⁵ Personal interview with a former elected official of Ouidah (name withheld for security reasons), 29 January 2023, Ouidah.

⁹⁶ Personal interview (name withheld at interviewee’s request), 20 January 2023, Djègbadji.

⁹⁷ Personal interview with members of an evicted family (names withheld at their request), 28 January 2023, Djègbadji.

⁹⁸ Personal interview (name withheld at interviewee’s request), 20 January 2023, Djègbadji.

⁹⁹ Personal interview with “Michèle” (first name changed for security reasons), 29 January 2023, Djègbadji.



“NOW I HAVE TO GO ROUND THE TOWN CARRYING MY WARES ON MY HEAD. BY THE TIME I FINISH, I AM EXHAUSTED...”



 ↑ *Damienne Memegnon near the Door of No Return ©Amnesty International*

Damienne Memegnon, born in 1954, had been selling at the Door of No Return for 22 years. This is the memorial on Ouidah beach commemorating the deportation of millions of slaves across the Atlantic. “I was living on public land. Where I sleep hasn't been demolished but where I used to sell has. They gave prior notice but no specific dates.”

“One morning, I had done all my preparation and was out selling when they brought in the Caterpillars to evict us. I didn't sell anything that day. I returned home with what I'd prepared. Where I was selling was a good location. Students would come to buy, and there were tourists too. I could earn up to 25,000 (€38) or 30,000 (€45) CFA francs. I had a kitchen nearby and, when the rice was finished I'd put on the fire. I used to make rice, white pasta, black pasta, *ablo* [steamed rice cakes] ... Now I don't even earn 10,000 CFA francs (€15) in a fortnight. I have to go round the town carrying my wares on my head. I'm so tired by the time I finish, and when I get home too.

I was given 30,000 [CFA francs] in compensation from city hall. When they gave us the money, they took a photo of us. This was done individually. They didn't ask us what our turnover was, so I don't know how they decided to give us 30,000 CFA francs (€45). What they gave us was so small but I didn't say anything. They told us they were going to find us a new site so I thought that there would be no point in arguing.”

4.2.4 EVICTION PROCEDURE

On the day of the demolition of the Djègbadji homes “there were no journalists but there were police officers there. Nobody objected, we know what happens here... if you resist you get arrested,” said one of the evictees who was present that day.¹⁰⁰

Justin Djossou lived in housing that a “foreigner” let him occupy free of charge. According to his testimony¹⁰¹ to Amnesty International, the residents were not allowed to recover the coconut trees uprooted during the demolitions, which could have been used to build new homes. Justin Djossou, who reared rabbits, stated that he lost 73 of them before he was evicted “because the workmen made holes in the fences of people who didn't want to leave to force them to go.”

Another interviewee told Amnesty International:

¹⁰⁰ Personal interview (name withheld to preserve anonymity), 20 January 2023, Djègbadji.

¹⁰¹ Personal interview with Justin Djossou, 28 January 2023, Djègbadji.

“Even if people had been informed that they had to leave, they still needed money to be able to collect and move their belongings. We salvaged a few bricks but left the rest. A lot of people cried that day.”¹⁰²

The members of one evicted family said: “One day they brought the Caterpillars to the crossroads and said they were going to evict us. We started picking up our things, taking tiles. But the machines broke the bricks. If we'd been able to keep our bricks, our houses wouldn't be made of straw like this.”¹⁰³



 [↑] *Remains of the former home of a family evicted from Djègbadji, stored at their current home, 28 January 2023, Djègbadji ©Amnesty International*

4.2.5 POSSIBILITY OF APPEAL

The Djègbadji evictees who met Amnesty International's delegates stated that they had not sought recourse due to a lack of information and a feeling of powerlessness or fear of the State.

Another person said: “With the current president, there's no point in demonstrating or protesting.”¹⁰⁴

According to the ANDF, a legal phase is “underway” in connection with the evictions at Djègbadji.¹⁰⁵

¹⁰² Personal interview (name withheld at interviewee's request), 20 January 2023, Djègbadji.

¹⁰³ Personal interview with members of the same family (names withheld for security reasons), 28 January 2023, Djègbadji.

¹⁰⁴ Personal interview (name withheld at interviewee's request), 20 January 2023, Djègbadji.

¹⁰⁵ Director General of the ANDF, letter to Amnesty International, 8 November 2023.

4.3 EVICTIONS AT AVLÉKÉTÉ FOR A BEACH RESORT



Image showing the Avlékété beach resort project ©Government of Benin

4.3.1 THE PROJECT

One of the flagship projects in the “Benin Revealed” section of the PAG 2021-2026, which is devoted to the development of tourism, is the construction of a beach resort at Avlékété, the eponymous village in a district of Ouidah municipality, nestled between the ocean and the lagoon, and named after a vodun deity. Along with the “Marina” project at Djègbadji (see 4.2), this project is one of the components of the wider Fishing Road tourism project.

According to the ANPT, the project developer, “was intending to include a series of international hotels, an 18-hole golf course, residential and seaside leisure facilities such as beach clubs, bars, restaurants, a tourist activity village, water sports, a surfing centre and beach parks.”¹⁰⁶ All this on a “development zone” of more than 300 hectares, located between the ocean and the lagoon, stretching along more than 6 km of coastline. According to a report on the state of implementation of the PAG 2016-2021, “several private hotel projects (are) being finalized on the Avlékété site”.¹⁰⁷

Plans include the construction of a Club Med at this beach resort, in the form of a “top-of-the-range 330-room complex including a villa zone”, occupying an area of around 35,000 m².¹⁰⁸ A delegation led by the company’s director travelled to Benin on 4 and 5 October 2021 to take part in a “promotional contract signing ceremony (...)” and visit the site.¹⁰⁹

¹⁰⁶ National Agency for Tourism Heritage, “Projet Avlékété” [Avlékété Project], <https://anpt.bi/projet/8/projet-avlekete/> (consulted on 14 November 2023)

¹⁰⁷ National Agency for Tourism Heritage, “Projet Avlékété” [Avlékété Project], <https://anpt.bi/projet/8/projet-avlekete/> (consulted on 14 November 2023)

¹⁰⁸ Presidential Office of the Republic of Benin, National Agency for the Promotion of Heritage and Tourism Development, “Projet de construction et d’exploitation du village de vacances Club Med à Avlékété dans la commune de Ouidah – Étude d’impact environnemental et social approfondie – Version finale” [Project to build and operate a Club Med holiday village at Avlékété in Ouidah commune - In-depth environmental and social impact assessment - Final version], December 2022.

¹⁰⁹ National Agency for Tourism Heritage, “Le Club Med au Bénin pour la future station balnéaire d’Avlékété” [Club Med in Benin for the future beach resort of Avlékété], <http://anpt.bi/article/11/le-club-benin-future-station-balneaire-avlekete/> (consulted on 13 November 2021)

In a letter responding to Amnesty International's questions and observations,¹¹⁰ Club Med stated that “exchanges between the ANPT and Club Med led to the signing of preliminary agreements between 2017 and 2019, which resulted in the signing of contracts in June 2021 by which Club Med is responsible for (i) technical assistance in the design and construction of the resort, (ii) hotel management of the future resort for and on behalf of the owner, and (iii) the marketing and distribution of holidays”. The letter also states that the land on which Club Med will be built remains the property of the State of Benin.

Club Med is owned by the Chinese conglomerate, Fosun International, which is active in a number of sectors. For example, Fosun International also owns English football club Wolverhampton Wanderers.¹¹¹ Work on the holiday village was scheduled to start in “early 2023”, with “water, electricity and fibre-optic services to be provided by the end of 2023”. Completion is scheduled for 2026.¹¹²

The construction of Club Med is the most advanced project to date. Amnesty International’s delegates noted signs on the site at Avlékété marking the location of the complex’s future facilities (see photo below). These markers have been installed on the land of people who have not yet been expropriated or compensated, and without their agreement.¹¹³ Club Med has informed Amnesty International that it “did not initiate the installation of these signs, on which no distinctive branding appears, and has not made any request to this effect”.¹¹⁴ Club Med has, moreover, already published job offers alluding to an upcoming opening.¹¹⁵ Around 20 Beninese individuals have already been recruited and sent to other Club Med centres for training.¹¹⁶



 ↑ Sign indicating the future location of one of the Club Med areas (the “Kids Club”). ©Amnesty International

Avlékété is also affected by a project to “protect and enhance the coast”, involving the installation of 5km of breakwaters and the removal of two million m³ of marine sand to backfill the village’s beaches. The aim is to “transform the beaches of Avlékété into sites suitable for seaside tourism”, to “[control] coastal erosion on these stretches”, and to “soften the waves along this stretch of the sea”.¹¹⁷

¹¹⁰ Club Med General Secretary, letter to Amnesty International, 9 November 2023.

¹¹¹ <https://www.fosun.com/fr/ecology/happy.html>

¹¹² Bénin Révélé, “Aménagement d’une station balnéaire d’exception à Avlékété” [Benin Revealed, Development of an exceptional beach resort at Avlékété], <https://beninrevele.bj/projet/141/amenagement-station-balneaire-exception-avlekete/> (accessed on 13 November 2021)

¹¹³ In-person interviews with several of the landowners concerned. The ANDF, for its part, considers that “no signs have been erected on land that has not been expropriated” (ANDF Director General, letter to Amnesty International, 8 November 2023).

¹¹⁴ Club Med General Secretary, letter to Amnesty International, 28 November 2023.

¹¹⁵ Republic of Benin, “Le Club Med recrute 16 profils au profit de la station balnéaire d’Avlékété” [Club Med recruits 16 people for the Avlékété beach resort], <https://www.gouv.bj/opportunite/38/>

¹¹⁶ Club Med General Secretary, letter to Amnesty International, 9 November 2023.

¹¹⁷ Presidential Office of the Republic of Benin, “Démarrage des travaux de construction de la digue immergée de Avlékété” [Start of works to construct the submerged seawall at Avlékété], 10 December 2018, <https://www.youtube.com/watch?v=tsDR7CnB0xA>

The people affected by the project include owners of land (bare or built) who have not yet been expropriated, small-scale farmers – particularly agricultural farmers – and fishing families who previously lived on the beach and who were evicted at the end of October 2021. At least 373 fishermen are affected (see 4.3.2), and at least 109 owners and operators (see 4.3.2).

Eviction procedures relating to this project are being carried out within the framework of public interest expropriation procedures regulated by the CFD. The ANDF informed Amnesty International that “a PAR covering the area and each of the sites has been produced”,¹¹⁸ in accordance with the CFD and IFC Performance Standard 5.

However, notwithstanding the fact that forced evictions have already been carried out as part of this project in 2021 (see below) and that expropriations are underway, the ABE has not sent Amnesty International this document,¹¹⁹ despite a request to do so.¹²⁰ The absence of information on its availability or the reasons for its unavailability constitutes a breach of the ABE's obligation to “inform the applicant that the public body does not hold the document or information requested or that access to it cannot be given in whole or in part”, as required by Law 2015-07 of 20 March 2015 on the Information and Communication Code.

In a letter responding to Amnesty International's questions and observations,¹²¹ Club Med stated that “a provisional Resettlement Action Plan and ESIA were sent to us in 2022, on the basis of which we sent the ANPT comments that were partially taken into account in corrected versions. These latter were again the subject of additional comments in early 2023. To our knowledge, the PAR and the ESIA have not been published.”

In the absence of a searchable PAR, the information available on the precise number of people evicted and on the procedure and measures considered by the Beninese authorities in order to comply with national and international law before, during and after the evictions is therefore fragmentary and/or cannot be confirmed. However, the information and testimonies gathered by Amnesty International highlight certain violations of the rights of those affected by the evictions.



 ↑ The Club Med delegation in Benin in October 2021. ©ANPT

4.3.2 CONSULTATIONS, INFORMATION AND ADVANCE NOTICE

In accordance with the CFD, “advantages/disadvantages surveys were carried out between 26 January and 25 February 2019”, according to the ANDF,¹²² which told Amnesty International that 373 fishermen were

¹¹⁸ Director General of the ANDF, letter to Amnesty International, 8 November 2023.

¹¹⁹ Director General of the ABE, letter to Amnesty International, 11 April 2022.

¹²⁰ Amnesty International, letter to the Director General of the ABE, 13 March 2023.

¹²¹ Club Med General Secretary, letter to Amnesty International, 9 November 2023.

¹²² Director General of the ANDF, letter to Amnesty International, 8 November 2023.

surveyed.¹²³ Club Med has informed the organization that these investigations have not yet been forwarded to it.¹²⁴

These censuses suffered from “errors”, likely due to the distrust of the people being counted, according to the district chief.¹²⁵ He told Amnesty International that “the information given by people was not always accurate, as some wondered why they were being counted, if it wasn’t to get them to pay tax, for example.”¹²⁶

The village chief of Avlékété also said that “there were two censuses; in the first, the census takers didn’t go to see the village chiefs but went straight to ask people questions, so the people were confused or thought it was the tax authorities.” He also reported that “some women had built houses for themselves on the coast but the census takers refused to count the women on the grounds that it considered that only men build houses. After discussions with the district and village chiefs, some were finally added to the list of people to be compensated.”

At Cotonou city hall (which does not cover Avlékété), officials from the Department of State and Environmental Affairs also told Amnesty International’s delegates that residents frequently “resist” such censuses because they misunderstand the role and task of the census takers.¹²⁷

Some of the women in a discussion group that Amnesty International delegates conducted in Avlékété said that they had been counted but had not received compensation: “They photographed everything, took names and numbers, then said they were going to demolish the houses and give us money before they did so. But when the time came to distribute the money, they took my name off the list.”¹²⁸

CONSULTATIONS AND INFORMATION

The ANDF said that the people to be evicted at Avlékété were consulted during the advantages/disadvantages surveys carried out in January and February 2019. This “phase ensures that the process is widely publicized and personally invites those affected by the project to consult the data concerning the people and property collected and to make their comments”.¹²⁹

According to the ESIA consulted by Amnesty International,¹³⁰ “several information sessions were organized with various institutional stakeholders in order to inform the population about the project’s activities and to hear their concerns”. For example, “three focus groups were organized on 27 and 28 January 2022 with women, young people and elders from the Avlékété district”, and “a public consultation was organized with local residents and people affected by the project (PAP) from 15 January to 20 February 2022”, in which 32 people took part, including 17 women. Their concerns included the need to “relocate the people of Avlékété beach to an area not far from the Atlantic Ocean so that they could continue their fishing activities”; the need to “preserve farmland for the people”; the need to “build a health centre and maternity clinic in Avlékété”; and the need to “compensate landowners and land users fairly”.¹³¹

In a letter responding to Amnesty International’s questions and observations,¹³² Club Med described the due diligence measures taken by the company with the aim of complying with the UN Guiding Principles and IFC standards. These related particularly to: (1) “discussions (...) and an on-site visit” to “understand the impact of the work and procedures in progress (...) in order to ensure their completeness, performance and compliance” with the standards referred to below; (2) the recruitment of a “specialized expert to assist in the exhaustive and critical review of the information and documents provided by the ANPT with regard to the IFC standards”; and (3) the recruitment of a “consultancy firm to gather the perceptions of the people affected by

¹²³ Director General of the ANDF, letter to Amnesty International, 8 November 2023.

¹²⁴ Club Med General Secretary, letter to Amnesty International, 28 November 2023.

¹²⁵ In-person interview with Alphonse Yéhouéno, 2 March 2023, Avlékété.

¹²⁶ In-person interview with Alphonse Yéhouéno, 2 March 2023, Avlékété.

¹²⁷ In-person interview with officials from Cotonou City Council’s Department of State and Environmental Affairs, 1 March 2023, Cotonou.

¹²⁸ In-person discussion group, 2 March 2023, Avlékété.

¹²⁹ Director General of the ANDF, letter to Amnesty International, 8 November 2023.

¹³⁰ Presidential Office of the Republic of Benin, National Agency for the Promotion of Heritage and Tourism Development, “Projet de construction et d’exploitation du village de vacances Club Med à Avlékété dans la commune de Ouidah – Étude d’impact environnemental et social approfondie – Version finale” [Project to build and operate a Club Med holiday village at Avlékété in Ouidah commune - In-depth environmental and social impact assessment - Final version], December 2022.

¹³¹ Presidential Office of the Republic of Benin, National Agency for the Promotion of Heritage and Tourism Development, “Projet de construction et d’exploitation du village de vacances Club Med à Avlékété dans la commune de Ouidah – Étude d’impact environnemental et social approfondie – Version finale” [Project to build and operate a Club Med holiday village at Avlékété in Ouidah commune - In-depth environmental and social impact assessment - Final version], December 2022.

¹³² Club Med General Secretary, letter to Amnesty International, 9 November 2023.

the project in an objective manner”. To this end, “the direct testimonies of various people affected by the project were collected and the conclusions, including any dissatisfaction, were shared transparently with the ANPT so that they could be taken into account”.

In its second letter to Amnesty International, Club Med stated that it had not received “the surveys or studies concerning the PARs that have been carried out”, that it had “pointed out [that] the consultation actions appeared insufficiently documented”, and that it had “made recommendations to the ANPT to strengthen the consultation and information process”.¹³³

According to information and photographs gathered by Amnesty International, lists of the names of owners and farmers were displayed in August 2023 in the Avlékété district, following a census carried out by a consultancy firm. This list includes at least 109 people and indicates in particular the areas of land owned, and any assets (trees, market gardens) of the owners and farmers.

The ANDF informed Amnesty International that “the PAR document was disseminated, thus enabling those with rights or interests to access the relevant information” and that “the PAR data was published as part of the advantages/disadvantages surveys”.¹³⁴ According to the agency, the following steps were taken prior to the evictions: “land and property valuation, advantages/disadvantages surveys, processing of claims, press release calling for payment applications (...)”.¹³⁵ Amnesty International cannot confirm or deny this information, particularly given the lack of an available PAR. The Avlékété district chief told the organization that he was not aware of the PAR.¹³⁶

ADVANCE NOTICE

In its letter responding to Amnesty International's questions and observations,¹³⁷ the ANDF considered that the notice given to the people affected before their actual eviction was sufficient and reasonable without, however, specifying the chronology or the means of communication used to inform the population.

While the expropriation of land was still ongoing, Amnesty International collected photos, videos and testimonies of the demolition of the fishermen's homes on Avlékété beach and their eviction on 25, 26 and 27 October 2021.



Photo taken on 28 October 2021 showing the results of the destruction of fishermen's homes in Avlékété. ©Amnesty International

¹³³ Club Med General Secretary, letter to Amnesty International, 28 November 2023.

¹³⁴ Director General of the ANDF, letter to Amnesty International, 8 November 2023.

¹³⁵ Director General of the ANDF, letter to Amnesty International, 8 November 2023.

¹³⁶ In person interview with the Avlékété district chief, 2 March 2023, Avlékété.

¹³⁷ Director General of the ANDF, letter to Amnesty International, 8 November 2023.

According to Alphonse Yèhouénou, the Avlékété district chief,¹³⁸ “the order was given to pack up and move. Those who had solid houses had to dismantle them and store the bricks. They knew it was going to happen, but they were surprised. They tried to establish makeshift homes in the meantime.”¹³⁹

According to the village chief of Avlékété, the residents requested a meeting with the Head of State after hearing the news of their imminent eviction. President of the Republic Patrice Talon travelled to Avlékété on 14 January 2020 to visit “the construction sites for the submerged seawall in order to observe the progress in the project”.¹⁴⁰ On that occasion, the Head of State reportedly asked the residents to stay put until their situation had been addressed, which is why they did not leave until the day of the eviction, according to the village chief’s account to Amnesty International.¹⁴¹

In the absence of a searchable PAR and other official documents, the testimonies gathered did not enable us to determine precisely what type of notification the evictees received, nor what deadlines were given by the authorities before their property was destroyed. In a discussion group,¹⁴² one person mentioned a two-week ultimatum, another a three-day ultimatum, and still others said they knew the destruction was going to be carried out but not exactly when. One woman said that the destruction was in progress as she returned from hospital, and that she was therefore unable to collect all of her belongings.

4.3.3 COMPENSATION

There are two situations co-existing at Avlékété, on the site of the future “beach resort”. On the one hand, the situation of the owners of plots of land (bare or built) and, on the other, that of the families of fishermen who previously lived on the beach and who were evicted at the end of October 2021.

In the case of landowners, some are contesting the current compensation procedure, considering that the sum proposed by the authorities is too low.¹⁴³ In the case of the fishermen, some compensation payments were made just a few days before the evictions and others seem to be continuing to this day, against a backdrop of disputes and misunderstandings (see below).

Amnesty International notes that, according to IFC Performance Standard 5, which applies to this project, “In cases affecting persons with legal rights or claims to land which are recognized or recognizable under national law”, the measure consists of providing “replacement property (for example, agricultural or commercial sites) of equal or greater value [...], or, where appropriate, cash compensation at full replacement cost.”¹⁴⁴ Furthermore, in the case of “economically displaced persons without legally recognizable claims to land”, the measure consists of compensating them for “lost assets other than land (including crops, irrigation infrastructure and other improvements to land), at full replacement cost.”

SITUATION OF LANDOWNERS

The families of people grouped together in a collective¹⁴⁵ were informed that the authorities had set the price of land at 1,000 CFA francs per square metre (around €1.50). This is a sum they consider too low compared to market prices.

In a letter responding to Amnesty International’s questions and observations, the ANDF stated that “the amount of compensation for buildings is determined by experts, and for land by reference to the prices set out in the Finance Act”.¹⁴⁶

¹³⁸ The district, neighbourhood and village chiefs are authorities with the status of “consultative bodies” elected by universal suffrage.

¹³⁹ Personal interview with Alphonse Yèhouénou, 2 March 2023, Avlékété.

¹⁴⁰ Republic of Benin, “Digue d’Avlékété et station balnéaire d’Akpakpa: Patrice Talon s’assure de la bonne exécution des travaux” [Avlékété seawall and Akpakpa beach resort: Patrice Talon makes sure the work is carried out properly], 14 January 2020, <https://presidence.bj/actualite/comptes-rendus/172/digue-avleketete-station-balneaire-akpakpa--patrice-talon-s%27assure-bonne-execution-travaux>

¹⁴¹ Personal interview with the village chief of Avlékété, 28 February 2023, Avlékété.

¹⁴² Discussion group, 2 March 2023, Avlékété.

¹⁴³ Some of the owners are the descendants of families that have historically lived in the village while others are more recent buyers.

¹⁴⁴ International Finance Corporation, Performance Standards on Environmental and Social Sustainability (2012), <https://www.ifc.org/content/dam/ifc/doc/2010/2012-ifc-performance-standards-en.pdf>

¹⁴⁵ The “indigenous landowners’ collective”.

¹⁴⁶ Director General of the ANDF, letter to Amnesty International, 8 November 2023.

According to the “State and local authority reference sale and rental prices for private property (2023-2025)”, stated in Law 2022-33 on the Finance Law for the 2023 financial year,¹⁴⁷ one square metre in the Ouidah “coastal zone” sells for 2,120 CFA francs (around €3.20). In addition, according to the decree of 2020 setting “the reference purchase values for the purposes of collecting real estate capital gains tax”,¹⁴⁸ the minimum reference purchase price per m² of land in Avlékété is set at 6,285.60 CFA francs (€9.50) in urban areas, 1,640.40 CFA francs (€2.50) in “semi-urban” areas, 219.60 CFA francs (€0.33) in rural areas plus 44.40 CFA francs (€0.067) for “agricultural land”.

The tourism development zones and their immediate surroundings are likely to experience a significant increase in land prices, as highlighted by the ESIA for the neighbouring Marina project in Ouidah:

“In the operational phase, the development of tourist activities will lead to strong pressure on land. This will increase the need for land, housing and other social services, which will in turn increase their market value and the cost of living. This situation will provide a good business opportunity for landowners, property developers and other entrepreneurs, to the detriment of the local population. It will have a strong and permanent regional impact.”¹⁴⁹

Following a letter sent to the Head of State by the collective on 24 October 2022¹⁵⁰, with copies sent to four ministries, the Atlantique Prefecture, Ouidah town council and the ANDF, the Director General of the ANDF replied on 24 November 2022 stating that the reference sum of 10 million CFA francs [approximately €15,220] per hectare had been set by the Council of Ministers on 6 October 2022 “taking into account the status of the zone and the nature of the activities taking place there”. He added that “many other [people] are awaiting bank transfers”.¹⁵¹

Amnesty International spoke to two members of the Avlékété landowners' collective. One of them told the organization:

“My father owned around three hectares. A long time ago, a square metre was valued at 5,000 CFA francs (€7.62).¹⁵² But today we are being offered 1,000 CFA francs per square metre (around €1.50). It isn't reasonable, it doesn't even correspond to the price that the government itself estimated. Like my father, many people who worked as fishermen in Gabon have invested in land here for their retirement, close to the ocean, which is the environment they know.”

According to his testimony, very few landowners have so far gone to the ANDF to receive their compensation either because of their opposition to the sum proposed or because of the complexity and cost of the procedure.¹⁵³ The village chief of Avlékété told Amnesty International:

“To receive compensation, you have to prove that the plot belonged to your parents or grandparents. But here, many people have inherited and have no papers or death certificates. Moreover, it costs money to put together a file. You have to go to your representative, the town hall, the court, hold a family council meeting... In the end, people give up because it takes too much time and money. It's the same for those who have bought plots of land, they don't want to spend 200,000 CFA francs [around €305] in the hope of receiving 500,000 CFA francs (around €761) back.”¹⁵⁴

In a letter responding to Amnesty International's questions and observations,¹⁵⁵ Club Med stated that “in no way, at no time, did a Club Med representative seek to encourage people affected by the project to accept the compensation offered by the authorities. In this regard, Club Med has told its partner that compensation should be at full replacement cost, as required by IFC Performance Standard 5 (...).”

¹⁴⁷ National Assembly, Finance Act 2022-33, 2022, <https://www.droit-afrique.com/uploads/Benin-LF-2023.pdf>

¹⁴⁸ Republic of Benin, Order 2020 1880/MEF/CAB/SGM/DGI/DLC/282SGG20, 2020.

¹⁴⁹ Personal interview with a member of the “indigenous landowners' collective” (testimony anonymized at the request of the individual), 27 February 2023, Avlékété.

¹⁵⁰ The “indigenous landowners' collective”.

¹⁵¹ Director General of the ANDF, letter to the indigenous landowners' collective, 24 November 2022.

¹⁵² The person is referring to a report published in 2007: “Évaluation foncière: Lot n°1 du projet touristique Route des pêches” [Land Evaluation: Plot no. 1 of the Fishing Road tourism project], April 2007.

¹⁵³ Personal interview with a member of the “indigenous landowners' collective” (testimony anonymized at the request of the individual), 27 February 2023, Avlékété.

¹⁵⁴ Personal interview with the village chief of Avlékété, 28 February 2023, Avlékété.

¹⁵⁵ Club Med General Secretary, letter to Amnesty International, 9 November 2023.



 ↑ *The properties of homeowners met by the organization. ©Amnesty International*

SITUATION OF EVICTED FISHERMEN

On 23 October 2021, the authorities announced that they had on the previous day handed over “a cheque of 3 million CFA francs (€4,572) and a title deed for a plot of land” to “fishermen affected by the tourism development project in the southern zone of the Fishing Road”.¹⁵⁶ This announcement came after the government declared at the Council of Ministers meeting on 6 October 2021 that it had “authorized the Minister of the Economy and Finance to make resources available to take care of those affected by the project so that work can start”.¹⁵⁷

Compensation was therefore paid to at least some of the evicted fishing communities just a few days before the evictions and demolition of their homes, which took place on 25, 26 and 27 October 2021 (see 4.3.2). Such short deadlines are in violation of the United Nations Basic Principles, which state that “all resettlement measures, such as construction of homes (...), allocation of land and sites (...) must be completed before those who are to be evicted are moved from their original areas of dwelling”.

One year later, on 5 October 2022, the Minister of the Economy and Finance, who also chairs the expropriation commissions, announced in a press release that “compensation payments have begun and are continuing” for the Avlékété and Djègbadji projects.¹⁵⁸ This announcement suggests that not all people had yet received compensation by this date.

In its letter of November 2023, two years after the evictions, the ANDF told Amnesty International that 373 fishermen had been included in the census, 359 files had been collected and 346 payments made. Thirteen cases were said to be awaiting payment for “various reasons”, such as “failure to produce the minutes of the family council meeting”, “failure to provide a bank details form” or “failure to provide a valid power of attorney”.¹⁵⁹

Compensation payments made after evictions are not in line with the United Nations Basic Principles.

¹⁵⁶ Government of the Republic of Benin, “Remise de chèques et titres de propriété aux occupants de la zone Sud de la Route des pêches” [Presentation of cheques and title deeds to occupants of the Fishing Road Southern zone], 23 October 2021, www.gouv.bj/actualite/1522/remise-cheques-titres-propriete-occupants-zone-route-peches/

¹⁵⁷ Minutes of the Council of Ministers, 6 October 2021, <https://sgg.gouv.bj/cm/2021-10-06/>

¹⁵⁸ Interministerial Commission for the Expropriation of Persons affected by Projects along the Fishing Road, “Press release”, 5 October 2022.

¹⁵⁹ Director General of the ANDF, letter to Amnesty International, 8 November 2023.



Gouvernement du Bénin 🇧🇪
@gouvbenin



L'arrondissement d'Avlékété accueille ce vendredi 22 Octobre 2021 la 1ère cérémonie de remise de chèques et de relogement des pêcheurs sis au Sud de la Route des Pêches dans le cadre du projet de développement de la zone à vocation touristique le long de la Route des pêches .



11:43 AM · 22 oct. 2021



↑ Government post on X (formerly Twitter) dated 22 October 2021. Translation of the tweet: "On Friday 22 October 2021, Avlékété district hosted the first presentation of cheques and title deeds ceremony for fishermen from the southern zone of the Fishing Road, in the context of the Fishing Road tourist development project."

In addition, several people met by Amnesty International complained of inconsistencies between the announcements made by the authorities and the reality of compensation, in some cases, and the absence of any compensation at all in others.

Some people say they have not received the compensation they were told they would receive, namely "a cheque of 3 million CFA francs [for each of the fishermen] and title to a plot of land in Avlékété (...)". Instead, the compensation provided for one household has been shared between several. As a result, people who did not know each other have had to share the sum of three million, as well as a single plot of land.¹⁶⁰

According to the village chief of Avlékété, the fishermen "have been cheated, because the Ministry of the Living Environment promised them, in the presence of the district chief, that they would be compensated with nets and motorized boats once the seawalls had been installed. But they've only had a few small nets, and no motorized equipment."¹⁶¹ The district chief¹⁶² of Avlékété confirmed to Amnesty International that, after the government's announcements and the first cheques, "the conditions for leaving then became somewhat blurred".¹⁶³ "Each head of household was to receive a plot of land and 3 million CFA francs. But, as time went by, the sum was revised downwards. This has caused a number of problems that we are in the process of sorting out. Then some women arrived saying that they themselves had built along the coast. Other men who weren't there came. It's become a huge mishmash, and it's still not all cleared up."¹⁶⁴

Joseph is one of the people who received compensation and had to share it with others:

¹⁶⁰ Amnesty International has not documented the situation at the Avlékété resettlement site. In 2021, the government announced that "a visit to the resettlement site enabled us to observe the start-up of servicing works".

¹⁶¹ In Person interview with the village chief of Avlékété, 28 February 2023, Avlékété. The ANDF did not mention the existence of specific aid for the fishing communities affected by the evictions when asked to respond to Amnesty International's questions and observations.¹⁶¹

¹⁶² District chiefs are elected authorities.

¹⁶³ Interview with Alphonse Yéhouénou, 2 March 2023, Avlékété.

¹⁶⁴ Interview with Alphonse Yéhouénou, 2 March 2023, Avlékété.

“We had submitted our application, then they called us and we received the money. Others have submitted their applications but have received nothing. My mother, for example, received nothing. The authorities announced a sum of 3 million CFA francs for each household but then the authorities told those who had received 3 million that they would have to share this sum with two other people, which they did. We don't know why the government did this. We don't know if we'll be called back later and given the remaining 2 million CFA francs (around €3,048).”¹⁶⁵

In its letter responding to Amnesty International's questions and observations, the ANDF placed responsibility for this situation with the beneficiaries, stating that “the administration ensured payment per family unit as constituted or listed in the consultant's report. The Commission has no control over the intra- or inter-management of a unit.”¹⁶⁶

In the context of a discussion group, Amnesty International's delegates also spoke to several women from polygamous households. They said they had been deprived of compensation and were having to sleep outdoors, with acquaintances, or in crude “shacks” rebuilt since their eviction for lack of accommodation. Other women stated that they had built homes separate from those of their husbands but that they had not been counted among the people to be compensated because this accommodation was attached to the marital home. The ANDF has informed the organization that it has no knowledge of this situation and has indicated that “the sum allocated is intended to rebuild a house on the land allocated”, and that “this allocation was made following a census carried out by family unit”.¹⁶⁷

In addition, some of these women said that they had not followed their husbands to the resettlement site as the plots given as compensation were not large enough to accommodate polygamous households. Nevertheless, the participants stressed that this situation was not necessarily representative of the way in which the process as a whole has unfolded for polygamous households.

The women in the discussion group who said they had been registered but had not received compensation stated that they were now homeless: “Now I wander around the village and, when it rains, I get wet. We no longer have the strength to work and rebuild. We're like birds flying around the village with nowhere to go.”¹⁶⁸

Amnesty International recalls that, according to IFC Performance Standard 5, “Documentation of ownership or occupancy and compensation arrangements should be issued in the names of both spouses or heads of households, and other resettlement assistance, such as skills training, access to credit, and job opportunities, should be equally available to women and adapted to their needs. Where national law and tenure systems do not recognize the rights of women to hold or contract in property, measures should be considered to provide women as much protection as possible with the objective to achieve equity with men.”¹⁶⁹

4.3.4 POSSIBILITY OF APPEAL

According to the ANDF, a legal phase is “underway” in connection with the evictions at Avlékété.¹⁷⁰ In its letter to Amnesty International, the Ministry of the Economy and Finance stated that “it is up to any persons who feel they have been deprived of their rights to take legal action to have any grievances heard, in accordance with the provisions of Article 30 of the Code of Civil, Commercial, Social, Administrative and Audit Procedure (...)”.¹⁷¹

Amnesty International notes that, according to IFC Performance Standard 1, which applies to this project, “The client will establish a grievance mechanism to receive and facilitate resolution of Affected Communities' concerns and grievances about the client's environmental and social performance.” This mechanism

¹⁶⁵ Personal interview with “Joseph” (name changed to preserve his anonymity), 28 February 2023, Avlékété.

¹⁶⁶ Director General of the ANDF, letter to Amnesty International, 8 November 2023.

¹⁶⁷ Director General of the ANDF, letter to Amnesty International, 8 November 2023.

¹⁶⁸ In-person discussion group, 2 March 2023, Avlékété.

¹⁶⁹ International Finance Corporation, Performance Standards on Environmental and Social Sustainability (2012), <https://www.ifc.org/content/dam/ifc/doc/2010/2012-ifc-performance-standards-en.pdf>

¹⁷⁰ Director General of the ANDF, letter to Amnesty International, 8 November 2023.

¹⁷¹ Ministry of the Economy and Finance, letter to Amnesty International, 6 November 2023.

“should seek to resolve concerns promptly, using an understandable and transparent consultative process that is culturally appropriate and readily accessible, and at no cost and without retribution to the party that originated the issue or concern. The mechanism should not impede access to judicial or administrative remedies. The client will inform the Affected Communities about the mechanism in the course of the stakeholder engagement process.”¹⁷²

¹⁷² International Finance Corporation, Performance Standards on Environmental and Social Sustainability (2012), Performance Standard 1: Assessment and management of environmental and social risks and impacts, <https://www.ifc.org/content/dam/ifc/doc/2010/2012-ifc-performance-standards-fr.pdf>

4.4 EVICTIONS AT FIYÉGNON 1 (COTONOU) FOR A COCONUT PLANTATION PROJECT



↑ Coconut plantation at Fiyégnon 1 ©Amnesty International

4.4.1 THE PROJECT

As part of their drive to develop tourism and improve the quality of life for the people of Benin, the authorities have launched a project to reforest the coastline along the Fishing Road, alongside the other projects included in the PAGs.

As part of this project, some 500,000 coconut palms are to be planted because “coconut groves are the main form of vegetal defence against coastal erosion”, as explained by the Minister for the Environment and Sustainable Development.¹⁷³ Several districts of Cotonou, including Fiyégnon 1 – right on the seafront facing the ocean – have been “invited to vacate the sites concerned without delay (...) as part of the implementation of the government’s project to plant coconut palms along Benin’s coastal strip”, according to a press release issued by the Minister for the Environment and Sustainable Development dated 6 May 2021.¹⁷⁴

Fiyégnon 1 was thus demolished on Monday 13 September 2021. According to the “neighbourhood collective of elders of Fiyégnon 1”, 1,623 households representing more than 3,000 inhabitants were evicted as a result of this operation. The neighbourhood was largely made up of fishing families who were originally dispossessed of their land in 1958-1960 to make way for the site of the current Presidential Office of the Republic.

In its letter responding to Amnesty International’s questions and observations, the ANDF stated that no PAR had been carried out for Fiyégnon 1 because “this was a case of vacating public land, not expropriation or dispossession of private rights”.¹⁷⁵

¹⁷³ Bénin Web TV, “Bénin: Plus de 500 000 plantes de cocotiers importés pour la route des pêche” [Benin: More than 500,000 coconut palms imported for the Fishing Road], José Tonato, 11 May 2021, <https://beninwebtv.com/benin-plus-de-500-000-plantes-de-cocotier-importes-pour-la-route-des-peches-jose-tonato/>

¹⁷⁴ Ministry of the Living Environment and Sustainable Development, “Press Release”, 6 May 2021.

¹⁷⁵ Director General of the ANDF, letter to Amnesty International, 8 November 2023.

The absence of a PAR is in breach of Decree 2017-332 of 6 July 2017, which states that “any project whose implementation causes the involuntary physical or economic displacement of at least 100 people shall be subject to a resettlement action plan”.¹⁷⁶

The specific situation of the people evicted from Fiyégnon 1 is due to the fact that the current authorities considered their settlement at Fiyégnon 1 to be unlawful, even though it had been legalized by previous authorities.

A LEGALIZED NEIGHBOURHOOD TURNED ILLEGAL

Several official letters and “resettlement files” consulted by Amnesty International demonstrate that the authorities of the time had formalized the resettlement of the inhabitants of Fiyégnon 1 in the 2000s.

MINISTÈRE DE L'INTERIEUR DE LA SECURITE ET DE LA DECENTRALISATION
Mairie de COTONOU
DEDOMMAGEMENT DES SINISTRÉS DE COTONOU / FIYEGNON 1
FICHE DE RECASSEMENT
Références : N° 1892 / MISD / OC / SG / CNAD du 17 Août 2001
N° 0015 / MISD / CNAD du 03 Juin 2004
Etat des lieux N° :
Plot n° :
Nom et Prénoms :
Attribution
Cotonou, le 25 Août 2004
Le Géomètre
ISSAKA SALIFOU ASSA
Le Chef Service des Affaires Domaniales
Théophile ADJE
Secrétaire Permanent de la Commission Nationale des Affaires Domaniales
Clement DARI

 ↑ Resettlement form issued by Cotonou city hall dated 25 August 2004 (anonymized by Amnesty International). ©Amnesty International

On 17 August 2001, the Ministry of the Interior, Security and Decentralization asked the Cacobat company to “proceed, upon receipt of this letter of order, with the parcelling out of the plot of land located at Fiyégnon 1 (...)”.¹⁷⁷ On 15 January 2004, the Ministry wrote again to the company, asking it to “resume and complete the work of parcelling out the land adjoining Cotonou airport”.¹⁷⁸

¹⁷⁶ Republic of Benin, Décret N°2017-332 du 6 juillet 2017 portant organisation des procédures de l'évaluation environnementale et sociale [Decree No. 2017-332 of 6 July 2017 on the organization of environmental and social assessment procedures], 2017, <https://sgg.gouv.bj/doc/decret-2017-332/>

¹⁷⁷ Benin Ministry of the Interior, letter to the “Managing Director of CACOBAT”, 17 August 2001, Ref No. 1892/MISD/DC/SG/CNAD.

¹⁷⁸ Benin Ministry of the Interior, letter to the “Director of the Construction and Topographical Works Office”, 15 January 2004, Ref. No. 0089/MISD/DC/SG/CNAD.

The Ministry had also written to the Prefects of the Atlantique and Littoral departments announcing the end of the parcelling out of the neighbourhood and asking them to invite “the people concerned, through the district chief, to collect their respective resettlement forms from Monday 28 November 2005 on from the headquarters of the National Commission for Land Affairs (CNAD)”.¹⁷⁹ Under Article 4 of the CFD, the “resettlement certificate” is one of the three “documents of presumed ownership”.¹⁸⁰

However, in 2006, the residents of Fiyégnon 1 learned of a prefectural order declaring the area comprising Fiyégnon 1 and Fiyégnon 2 to be in the public interest, as part of the Fishing Road project.¹⁸¹ This order followed a decree signed in 2005 by the President of the Republic “[creating] on the Beninese coast, between Cotonou and Ouidah, a zone for the exclusive use and purpose of tourism”.

A delegation led by the CNAD Permanent Secretary visited Fiyégnon 1 on 19 September 2006. Its report confirmed the involvement of the highest State authorities at the time in regularizing the situation of the district’s residents, and did not conclude that the occupation was illegal:

“The Fiyégnon 1 neighbourhood is populated and inhabited by fishermen who were dispossessed of their land in 1958-1960 for the benefit of the Presidential Office of the Republic. In 1998, the Ministry of the Interior, Security and Territorial Administration was personally authorized by the Head of State to parcel out the area in order for it to be developed. This gives the Fiyégnon 1 neighbourhood an unusual character.”¹⁸²

The same report stated that “the representative of the Fishing Road project implementation unit stressed the need to integrate the Fiyégnon 1 development into the tourism development plan for the project area”.¹⁸³

The situation changed after the election of Patrice Talon in 2016. The new authorities then considered the Fiyégnon 1 development to be “fraudulent” and “never approved”,¹⁸⁴ in particular after the government reported on 20 February 2019 on “investigations into irregular parcelling operations and transactions on State property at Fiyégnon 1 in Cotonou’s 12th district”.¹⁸⁵

According to the report, “speculation of all kinds has been made on State property in previous years leading up to 2018 and 2019, in violation of the law” and it was decided following these investigations to “relieve the Prefect of the Littoral department of his duties”. On 3 June 2019, the Court for the Repression of Economic Offences and Terrorism (CRIET) subsequently sentenced the Littoral prefect to 12 months’ imprisonment and a fine of two million CFA francs for “abuse of office”, according to several media reports.¹⁸⁶ Four other people were convicted and two others acquitted in the same trial for “selling off an area of public interest”.

As can be seen from the satellite photograph below and as observed by Amnesty International’s delegates on site, Fiyégnon 1 has been demolished and signs prohibiting any construction in the name of the law of 2 July 2018¹⁸⁷ (see 3.1.1) have been put up on the site, although the adjacent neighbourhoods have remained intact and are clearly not affected by the law of 2 July 2018.

¹⁷⁹ Benin Ministry of the Interior, letter to the prefects of Atlantique and Littoral departments, Ref. No. 4089/MISD//SG/CNAD.

¹⁸⁰ Republic of Benin, Loi n° 2013-01 du 14 août 2013 portant Code foncier et domanial en République du Bénin [Law No. 2013-01 of 14 August 2013 on the Land and Property Code in the Republic of Benin], 2013, <https://sgg.gouv.bj/doc/loi-2013-01/>

¹⁸¹ Republic of Benin, Arrêté préfectoral n° 10235/DEP-ATL-LIT/SG/SPAT du 22 août 2006 portant déclaration d’utilité publique de la zone d’aménagement touristique du Projet “Route des pêches” [Prefectoral Order No 10235/DEP-ATL-LIT/SG/SPAT of 22 August 2006 declaring the “Fishing Road” tourist development zone to be in the public interest], 2006.

¹⁸² “Mission report.” In Amnesty International’s possession.

¹⁸³ “Mission report.” In Amnesty International’s possession.

¹⁸⁴ À Cotonou, “Quid de Fiyégnon 1? Les explications de José Didier Tonato, Ministre du Cadre de vie et du Développement durable” [In Cotonou, “What of Fiyégnon 1? Explanations from José Didier Tonato, Minister for the Living Environment and Sustainable Development”], 21 September 2021, <http://news.acotonou.com/h/137562.html>

¹⁸⁵ Minutes of the Council of Ministers, 20 February 2019, ref 07/2019/PR/SGG/CM/OJ/ORD.

¹⁸⁶ Benin Television and Radio Broadcasting Office (ORTB), “Modeste Toboula condamné à 12 mois de prison pour abus de fonction” [Modeste Toboula sentenced to 12 months in prison for abuse of office], 3 June 2019, <https://ortb.bj/archives/index.php/info/item/9550-modeste-toboula-condamne-a-12-mois-de-prison-pour-abus-de-fonction>

¹⁸⁷ Republic of Benin, Loi 2018-10 du 2 juillet 2018 portant protection, aménagement et mise en valeur de la zone littorale [Law 2018-10 of 2 July 2018 on the protection, development and enhancement of the coastal zone], 2018, <https://sgg.gouv.bj/doc/loi-2018-10/>



 ↑ Satellite image of the Fidjrossè district. The location of the former Fiyégnon 1 site is marked with a yellow dotted line.

4.4.2 CONSULTATIONS, INFORMATION AND ADVANCE NOTICE

In an initial press release dated 6 May 2021,¹⁸⁸ the Minister for the Living Environment and Sustainable Development, announced the start of “clearance operations on 14 May 2021”, just one week after this announcement. This press release “[followed] awareness-raising sessions and visits previously carried out with the public”.¹⁸⁹

The demolition work was then rescheduled by the Minister for the Living Environment, who said: “Because there are constraints linked to the school calendar, we are going to enable these village units and their children to finish the school year and be able to sit their exams with complete peace of mind.”¹⁹⁰

The Minister for the Living Environment and the Minister for Decentralization then announced in a new press release on 12 July 2021 that “the portion of the Fiyégnon 1 maritime estate that was illegally occupied following a parcelling operation not approved by the authorities is to be vacated of all forms of occupation by 1 September 2021”,¹⁹¹ that is, approximately six weeks after said announcement.

Following this announcement, local residents met with the Prefect of Littoral Department and wrote to 15 institutions and political parties (see 4.4.5) asking them to intervene on their behalf, without success. One resident said: “After the ultimatum, the prefect came to tell us that there would be no demolition, that we would simply be moved. We have met the Ombudsman; we have written to the Presidential Office...”¹⁹²

Several residents told Amnesty International that they had not been warned of the actual eviction or the time it was supposed to take place, especially given that it was carried out at night, contrary to the requirements of international law. Testimonies gathered by the organization and media reports (see below) show that the majority of residents were in their homes and had not even begun to move when the site machinery arrived.

The chief of the Fiyégnon 1 neighbourhood told the press that he had not received “any documentation from the Ministry of the Living Environment, the Ministry of Decentralization, [my] district chief [or my] mayor” and said that he had been informed of the existence of the authorities’ press release announcing the demolition of the neighbourhood on social media.¹⁹³

The evicted residents of Fiyégnon 1 thus did not benefit from the obligations and principles of international law concerning forced evictions (see 4.1.1).

In its letter responding to Amnesty International’s questions and observations, the ANDF stated that the notification and preliminary survey stages “are observed in the context of expropriation operations but not in a procedure for vacating State property”.¹⁹⁴

¹⁸⁸ Ministry of the Living Environment and Sustainable Development of Benin, “Press Release”, 6 May 2021.

¹⁸⁹ Ministry of the Living Environment and Sustainable Development of Benin, “Press Release”, 6 May 2021.

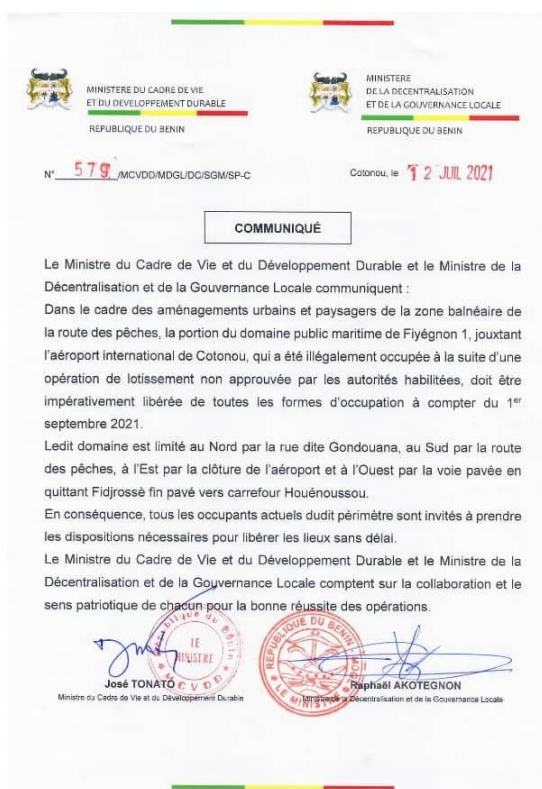
¹⁹⁰ La Nouvelle Tribune, “Libération de la bande côtière: les noyaux villageois de pêcheurs épargnés” [Vacating the coastal strip: fishing villages spared], 12 May 2021, <https://lanouvelletribune.info/2021/05/liberation-de-la-bande-cotiere-les-noyaux-villageois-de-pecheurs-epargnes/>

¹⁹¹ Ministry of the Living Environment and Sustainable Development of Benin, “Press Release”, 12 July 2021.

¹⁹² Personal interview with Barnabé Agbossou, 25 January 2023, Fiyégnon 1.

¹⁹³ Fraternité, “Déguerpissement annoncé pour le 1 septembre 2021: le CQ de Fiyégnon 1 Macaire Kinkpa appelle les populations au calme” [Clearance announced for 1 September 2021: Fiyégnon 1 CQ Macaire Kinkpa calls on residents to remain calm], 15 July 2021, <https://fraternitebj.info/societe/article/deguerpissement-annonce-pour-le-1er-septembre-2021-le-cq-de-fiyegnon-1-macaire>

¹⁹⁴ Director General of the ANDF, letter to Amnesty International, 8 November 2023.



 Press release from the Ministry for the Living Environment announcing the eviction of the residents of Fiyégnon 1 © <https://www.facebook.com/MCVDD>

4.4.3 COMPENSATION

According to all the testimonies collected by Amnesty International from former residents of Fiyégnon 1, the people evicted have not received any form of compensation for the loss of their homes and possessions, nor for the economic and social consequences of these losses, in violation of the obligations and principles of international law (see 4.1.2).

In its letter responding to Amnesty International's questions and observations, the ANDF stated that “vacating State property is not necessarily subject to compensation”, thus justifying the total absence of compensation for the evicted residents of Fiyégnon 1.¹⁹⁵

This practice on the part of the authorities, based on Beninese law, constitutes a breach of international law since the Committee's General Comment No. 7¹⁹⁶ stipulates that forced eviction means the removal of “people (...) from the homes and/or land which they occupy”, without any condition of ownership. This practice consequently does not comply with the United Nations Basic Principles, according to which: “All those evicted, irrespective of whether they hold title to their property, should be entitled to compensation for the loss, salvage and transport of their properties affected (...)” (Principle 61).

This situation is also in contradiction with the position of the authorities, as relayed by the ANDF, that “whenever it is in the interests of the people, [the government] adopts a social approach, going beyond the legal texts when they are less protective of the people”.¹⁹⁷

¹⁹⁵ Director General of the ANDF, letter to Amnesty International, 8 November 2023.

¹⁹⁶ Committee on Economic, Social and Cultural Rights, General Comment 7: the right to adequate housing, 1997.

¹⁹⁷ Director General of the ANDF, letter to Amnesty International, 8 November 2023.

The Prefect for Littoral Department also stated that the government “has always been concerned with resettling people, even when they are in an illegal situation”.¹⁹⁸ He justified the failure to rehouse and resettle the residents of Fiyégnon 1 by their refusal to accept the rehousing solutions proposed by the authorities.¹⁹⁹

According to the Prefect, the residents of Fiyégnon 1 “had decided to stay where they were, whereas we asked them to work together with us on how they could be rehoused. These procedures are still ongoing because these are fellow citizens who were operating in a logic of legitimate occupation”.

4.4.4 EVICTION PROCEDURE

The demolition of the dwellings at Fiyégnon 1 was carried out in the presence of the Prefect of Littoral department in a manner that undermined the dignity and safety of individuals, and with the destruction of property, in violation of the obligations and principles of international law (see 4.1.3).

Cotonou prefecture stated that the “operation went well, given the repeated awareness-raising sessions held by the prefectural authorities for the occupants”.²⁰⁰ However, the residents of the neighbourhood were evicted on Monday 13 September 2021, partly at night and in heavy rain, and on the first day of the pre-school year,²⁰¹ as Amnesty International found through interviews with evictees and from television reports (see below).²⁰²

Théophile Kakpo told Amnesty International what happened during the eviction:

“My older brother called me at 2am to tell me that the prefect was on site. We went to meet him and he told us that he had received calls to get us out, that we had to pack our bags because they were going to come and flatten the area. People were running here, there and everywhere trying to collect their belongings. When it started to rain, we thought they would leave us to try and sort our things out. But they just went to get raincoats and came back. That day we wondered if we were truly Beninese citizens. Everything was destroyed. I wasn't even able to save my roof tiles. If you got in the way of the bulldozers, you would simply be crushed.”²⁰³

¹⁹⁸ La Nouvelle Tribune, “Bénin : une solution de logement proposée aux déguerpis de Fiyégnon 1 (Orounla)” [Benin: Fiyégnon 1 (Orounla) evictees offered alternative accommodation], 15 September 2021, <https://lanouvelletribune.info/2021/09/benin-une-solution-de-relogement-a-ete-proposee-aux-deguerpis-de-fivegnon-1-orounla/>

¹⁹⁹ La Nouvelle Tribune, “Bénin : une solution de logement proposée aux déguerpis de Fiyégnon 1 (Orounla)” [Benin: Fiyégnon 1 (Orounla) evictees offered alternative accommodation], 15 September 2021, <https://lanouvelletribune.info/2021/09/benin-une-solution-de-relogement-a-ete-proposee-aux-deguerpis-de-fivegnon-1-orounla/>


²⁰⁰ Cotonou Préfecture, Facebook publication : “Libération du domaine public sis à Fiyégnon1 jouxtant l'ABCG illégalement occupé” [Clearing of illegally occupied public land at Fiyégnon1 adjacent to the ABCG], 14 September 2021, www.facebook.com/prefecturedecotonou/posts/pfbid02pW3bHAsMxWSPJfSYggnYmo2pcT39VF91nWzBn1QVgBGbjLaf9AtYkAKq7i92dMEPI

²⁰¹ Government of the Republic of Benin, “Année scolaire 2021-2022 au Bénin: le calendrier connu” [2021-2022 school year in Benin: timetable known], 20 August 2021, www.gouv.bj/actualite/1429/annee-scolaire-2021-2022-benin-calendrier-connu/#:~:text=Par%20ailleurs%2C%20le%20m%C3%AAme%20Arr%C3%AAt%C3%A9,techniques%20et%20des%20centres%20de

²⁰² Benin Television and Radio Broadcasting Office (ORTB), “Cotonou: sur la Route des pêches, les habitations illégales délogées de force” [Cotonou: illegal dwellings forcibly cleared on the Fishing Road], 14 September 2021, <https://ortb.bj/a-la-une/route-des-peches-les-habitations-illegales-delogees-de-force/>

²⁰³ Personal interview with Théophile Kakpo, 24 January 2023, Cotonou.



 Screenshot of a report broadcast by the Benin Television and Radio Broadcasting Office (ORTB), showing authorities and police supervising the demolition of Fiyégnon 1 ©ORTB

Several residents of Fiyégnon 1 told Amnesty International that the police used unnecessary force during the eviction and demolition of their neighbourhood. According to their accounts, phones were smashed, people were pushed around and tear gas was used. These testimonies cannot, however, be verified by photos or videos, largely because the police prevented those being evicted from filming. According to Théophile Kakpo, “We don’t have any videos because, if you tried to film on your phone, they took it away from you.”²⁰⁴ In its reply to Amnesty International, the ANDF did not answer our question about these reported incidents.²⁰⁵

The comments made by the Prefect of Littoral department on the day the neighbourhood was demolished illustrate the tension that existed on that day. He told the Benin Television and Radio Broadcasting Office (ORTB, the State media): “A promise is a promise, as they say. It wasn’t an ultimatum. It was a friendly demand, a summon to vacate the premises.”²⁰⁶

Pierre Anani, born on 26 May 1960 in Cotonou and father of four, was two years old when he and his family were evicted from a first site (now the Presidential Office) and relocated to Fiyégnon 1. He lived there with his sisters and several other members of his family. He described to Amnesty International how the neighbourhood was destroyed:

“It’s like a war they’re waging against us. What they’ve done is savage. If we’d been warned, we’d have made arrangements, packed our bags and tried to find somewhere else to live. But they brought in the police and started firing tear gas at people.”

Barnabé Agbossou, born in Fiyégnon 1 in 1975, has invested everything in his neighbourhood, just like his brothers who went to Gabon and Cameroon to fish, and returned to Benin to build their homes. According to his testimony, the Agbossou family had several hundred members in Fiyégnon. A garage mechanic, he wasn’t in the neighbourhood on the day of the demolition, and wasn’t able to save his garage:

“On the day of the demolition, I had about 40 cars in that garage. I told my tenants that the government had said they had to leave, but they were still there because they didn’t have the money to rent elsewhere. I was asleep and people kept calling to tell me they’d started the demolition. I went over there. I had nowhere to move the cars to. It was every man for himself. My young kids were trying to push the cars. I couldn’t do anything myself; I was just shaking.”²⁰⁷

²⁰⁴ In Person interview with Théophile Kakpo, 24 January 2023, Cotonou.

²⁰⁵ Director General of the ANDF, letter to Amnesty International, 8 November 2023.

²⁰⁶ Benin Television and Radio Broadcasting Office (ORTB), “Cotonou: sur la Route des pêches, les habitations illégales délogées de force” [Cotonou: illegal dwellings forcibly cleared on the Fishing Road], 14 September 2021, <https://ortb.bj/a-la-une/route-des-peches-les-habitations-illegales-delogees-de-force/>

²⁰⁷ In Person interview with Barnabé Agbossou, 25 January 2023, Fiyégnon 1.

Honoré Fanouvi, born in 1964, was a fisherman before becoming a welder. He lived in Fiyégnon 1 with his wife, five children, his father, who is paralysed, and several other relatives. The day of the eviction, 13 September, was one of his daughters' birthday. She told Amnesty International:

"I remember the day well because it was my 18th birthday. We were told there would be evictions but we didn't believe it. When we realised that the machines were arriving, we started to gather our things together but we couldn't collect everything. My older brother's computer was smashed, as were my and my mum's mobile phones. I've lost all my contacts."²⁰⁸

Her father, Honoré, was injured in the demolition. He told the organization: "On the day of the eviction, I wanted to save some roof tiles because I had been storing several tonnes to build with. I carried some on my head, but it was raining and I slipped and fell on the bricks. I lost 9 tonnes of bricks. I begged them to let me come and collect them the next day, but they wouldn't allow it."

According to Pierre Anani, "They have robbed and pillaged us. They stole a lot of things. I haven't seen my corn mill since then. By the time I got there the next day, everything had gone. My TV, my TV stand, the iron. On 15 September, the police came back to prevent us from picking up our ballast."²⁰⁹

Pélagie Tossou had also lived in Fiyégnon 1 for 15 years. She used to work as a shop assistant next to the church. She told Amnesty International: "I couldn't take everything. I picked up what I could. The rain spoilt everything, even the things we were able to save, like the *lappas* (wrappers)."

Despite these testimonies, the ANDF considers "that the vacation of the public domain was largely achieved by the populations themselves, who moved out of their living areas so that they could be re-used".²¹⁰

4.4.5 POSSIBILITY OF APPEAL

In July 2021, the local collective,²¹¹ which Amnesty International's delegates met, wrote to 15 institutions and political parties to plead the cause of the people who were to be evicted without fair and prior compensation and to challenge the illegality of their occupation. Amnesty International has consulted all these letters, sent to the following institutions: President of the Republic, President of the National Assembly, Secretary General of the Presidential Office, Ombudsman of the Republic, Minister for the Living Environment, Minister for Decentralization and Local Governance, Mayor of Cotonou, Prefect of Littoral Department, Minister of Finance, Director of the ANDF, Cauri Forces for an Emerging Benin (FCBE) political party, Progressive Union (UP) political party, Democratic Renewal Party (PRD), Republican Group (BR) political party.

Following these requests, the collective met with the Prefect of Littoral Department, the Ombudsman of the Republic, an adviser from the Ministry of Decentralization, the deputy director general of ANDF, and representatives of the FCBE political party. The Ombudsman explained to the collective that he was going to put a rehousing proposal to the government.

In its letter to Amnesty International, the Ministry of the Economy and Finance stated that "it is up to any persons who consider that they have been deprived of their rights to take legal action to their grievances heard, in accordance with the provisions of Article 30 of the Code of Civil, Commercial, Social, Administrative and Audit Procedure (...)"²¹²

²⁰⁸ In person interview with Pierre Anani, 26 January 2023, Fiyégnon 1.

²⁰⁹ In Person interview with Pierre Anani, 26 January 2023, Fiyégnon 1.

²¹⁰ Director General of the ANDF, letter to Amnesty International, 8 November 2023.

²¹¹ The "neighbourhood collective of elders of Fiyégnon 1".

²¹² Benin Ministry of Economy and Finance, letter to Amnesty International, 6 November 2023.

4.5 EVICTIONS AT XWLACODJI (COTONOU) FOR AN ADMINISTRATIVE AND COMMERCIAL CENTRE



 [↑] Photograph of the site of the demolished district of Xwladodji, January 2023. @Amnesty International

4.5.1 THE PROJECT

The PAG 2021-2026 includes a plan to build an administrative and commercial centre in Xwladodji, right on the ocean and close to the port. The project is not part of a tourism development project in the strict sense of the term but relates more generally to the modernization of the business capital's coastline. According to the online description of the project to “renovate the Ganhi commercial and administrative centre”, the aim is to “beautify Cotonou city centre; relieve traffic congestion in the area; improve the business climate in the area; and make the lagoon and sea coast safer”.²¹³ The government reaffirmed this in a report published two days before the demolition of the neighbourhood.

“ In its determined drive to transform the face of the country's economic capital, the Government of Benin has decided to renovate and modernize the Ganhi administrative and commercial centre.”²¹⁴

The demolition of the Xwladodji neighbourhood, one of the oldest neighbourhoods in Cotonou, and which takes its name from the Xwla people, took place on 18 October 2021. The authorities said they had identified “368 households for compensation”, likely representing at least a thousand people.

²¹³ Bénin Révélé, “ Rénovation du centre commercial et administratif de Ganhi” [Benin Revealed: Renovation of the Ganhi commercial and administrative centre], <https://beninrevele.bi/projet/90/renovation-centre-commercial-administratif-ganhi/> (consulted on 13 November 2021)

²¹⁴ Government of the Republic of Benin, “Remise de chèques et titres de propriété aux occupants de Xwladodji impactés par les projets d'aménagement urbain” [Cheques and title deeds handed over to Xwladodji residents affected by urban development projects], 16 October 2021, <https://www.gouv.bi/article/1510/remise-cheques-titres-propriete-occupants-xwladodji-impactes-projets-amenagement-urbain/>

Xwladodji had already undergone demolition and eviction operations in 2012 and again in 2019,²¹⁵ partly for reasons of insecurity.²¹⁶ A number of organizations, including the Federation of the inhabitants of slums and shanty towns in the Republic of Benin, denounced the demolition, on 20 August 2019, of “160 of its dwellings, destroyed during an illegal eviction action that surprised the inhabitants as they were waking. No notice, rehousing plan or compensation plan had been shared with the public.”²¹⁷

The residents of Xwladodji, evicted in 2021, have been rehoused in Djeffa, in the commune of Sèmè-Podji (Ouémé department), some 30 minutes from Xwladodji by car or around a three-and-a-half-hour walk.

In its letter responding to Amnesty International's questions and observations, the ANDF stated that no PAR had been carried out for Xwladodji because “this was not a case of expropriation (...) but rather an operation to resettle or rehouse a community living on public land, in particular on part of its public land and part of its private land titled as such”.²¹⁸

The absence of a PAR is in breach of Decree 2017-332 of 6 July 2017, which states that “any project whose implementation causes the involuntary physical or economic displacement of at least 100 people shall be subject to a resettlement action plan”.²¹⁹

4.5.2 CONSULTATIONS, INFORMATION AND ADVANCE NOTICE

The census of people and property was carried out on 31 June and 2 August 2021, according to Parfait Dekoun, the chief of the district in which Xwladodji is located: “All existing dwellings at the time of the 2021 census were counted, except for one person who did not want to give their name. An aerial photograph of the site was also taken on 28 July 2021 to record all the physical structures. I was given a list, which I checked, and there were a lot of omissions.”²²⁰ He also pointed out that the houses destroyed by the ocean in previous years due to erosion had not been counted. Furthermore, according to his testimony, the authorities had decided that anyone who owned several houses could only receive compensation for one.

Following this census, the Ministers for the Living Environment and Decentralization issued a press release on 19 August 2021 announcing the “clearing of the area occupied by the fishermen of Xwladodji, located in the 5th district of the Commune of Cotonou, of all forms of occupation with effect from 15 September 2021. All current residents of this area are consequently invited to take the necessary steps to vacate the area.”²²¹

The announcement of the demolition of the neighbourhood was therefore made two months before its actual demolition, on 18 October 2021. The ANDF told Amnesty International that “the occupants of the site in question were made aware and warned of the forthcoming move for a year”;²²² however, it did not provide any evidence or documents to back this up. In addition, Decree 2021-588 of 10 November 2021 declaring the “area of the Ganhi administrative and commercial zone” to be in the public interest, implies that Beninese law does not apply. Members of the “Xwladodji resettlement victims collective” that Amnesty International met acknowledged that they had been informed but regretted that the residents had not been more involved in the operation:

“We heard the spokesperson on social media and have also read the government spokesperson's radio and television press release. But the population was never involved in the clearance operations.”

²¹⁵ Le Monde, “Au Bénin, les habitants pleurent l'un des plus vieux quartiers de Cotonou” [In Benin, residents mourn one of Cotonou's oldest neighbourhoods], 11 September 2019, https://www.lemonde.fr/afrique/article/2019/09/11/au-benin-les-habitants-pleurent-l-un-des-plus-vieux-quartiers-de-cotonou_5509057_3212.html

²¹⁶ La Nouvelle Tribune, “Déguerpissement au Bénin: L'association Nonvitcha va au secours des populations sinistrées de Xwladodji [Displacement in Benin: Nonvitcha association goes to the aid of the disaster-stricken people of Xwladodji], 27 August 2019, <https://lanouvelletribune.info/2019/08/deguerpissement-dans-le-littoral-lassociation-nonvitcha-va-au-secours-des-populations-sinistrees-de-xwladodji/>

²¹⁷ Change, “Non à l'expulsion forcée des habitants des berges de Cotonou” [No to the forced eviction of the residents of Cotonou's shores], 7 September 2019, <https://www.change.org/p/non-%C3%A0-l-expulsion-forc%C3%A9e-des-habitants-des-berges-de-cotonou>

²¹⁸ Director General of the ANDF, letter to Amnesty International, 8 November 2023.

²¹⁹ Republic of Benin, Décret 2017-332 du 6 juillet 2017 portant organisation des procédures de l'évaluation environnementale et sociale [Decree 2017-332 of 6 July 2017 on the organization of environmental and social assessment procedures], 2017, <https://sgg.gouv.bj/doc/decret-2017-332/>

²²⁰ Personal interview with Parfait Dekoun, 1 March 2023, Cotonou.

²²¹ Ministry of the Living Environment and Sustainable Development of Benin, “Press Release”, 19 August 2021.

²²² Director General of the ANDF, letter to Amnesty International, 8 November 2023.

Normally, the authorities would have called the people together and explained what was going to happen. But nothing like that took place.”²²³



 ↑ Screenshot of a report broadcast by ORTB, showing authorities and police supervising the demolition of Xwladodji neighbourhood. @ORTB

4.5.3 COMPENSATION

In its letter to Amnesty International, the ANDF stated that, since the evictions at Xwladodji did not relate to an expropriation procedure but rather to the vacation of public land, “the displaced [people] do not in principle require compensation or indemnification but rather legal protection”. The ANDF added that it had been decided “to offer support measures to displaced persons” aimed at “every citizen being able to enjoy their fundamental human rights”. Amnesty International is, however, surprised that such measures were not also applied to the residents evicted from the Fiyégnon 1 neighbourhood (see 4.4).

The authorities have made a number of announcements about the compensation and resettlement package received by the residents of Xwladodji following the demolition of the neighbourhood on 18 October 2021.

On 15 October 2021, a ceremony “to hand over cheques and title deeds to the displaced occupants of Xwladodji as part of the project to renovate and modernize the Ganhi administrative and commercial centre” was held in the village of Djéffa, the resettlement site chosen by the authorities.²²⁴

At this joint ceremony, the Mayor of Djéffa, the Prefect of Ouémé department, the Prefect of Littoral Department and the Director General of ANDF presented “cheques to the value of five million CFA francs (€7,620) each to the displaced occupants of Xwladodji”.²²⁵ According to statements made that day, “all 368 households identified will receive their cheques and plots of land”.²²⁶ In its letter responding to Amnesty International’s questions and observations, the ANDF stated that “in the case of Xwladodji, each displaced person or household received three different types of compensation: - in kind: a 200 square metre plot of land; - in cash: a sum of five million CFA francs; - and legal: an individual deed of occupancy”.²²⁷

²²³ In Person interview with Jules and Magloire, 27 January 2023, Cotonou.

²²⁴ Government of Benin, Twitter post: “Descente sur le site de relogement sur 16 hectares dans le village de Djéffa plage et remise symbolique de fiche de relogement à quelques occupants déplacés de Xwladodji” [Visit to the 16-hectare rehousing site in the village of Djéffa plage and symbolic handover of a rehousing document to some of the displaced occupants of Xwladodji], 15 October 2021, <https://twitter.com/gouvbenin/status/1449015158102274055>

²²⁵ Government of Benin, Twitter post: “Quelques images de la remise de chèques d’une valeur de 5 millions chacun aux occupants déplacés de Xwladodji” [Some images of the presentation of cheques worth 5 million each to the displaced occupants of Xwladodji], 15 October 2021, <https://twitter.com/gouvbenin/status/1449013631979606024>

²²⁶ Government of the Republic of Benin, “Remise de chèques et titres de propriété aux occupants de Xwladodji impactés par les projets d’aménagement urbain” [Cheques and title deeds handed over to Xwladodji residents affected by urban development projects], 16 October 2021, <https://www.gouv.bi/article/1510/remise-cheques-titres-propriete-occupants-xwladodji-impactes-projets-amenagement-urbain/>

²²⁷ Director General of the ANDF, letter to Amnesty International, 8 November 2023.

The Director General of the ANDF considered these initiatives to be “the very first time in our country that rehousing operations have been carried out in a rigorous and technically unobjectionable manner”.²²⁸

However, a number of breaches of international law have been noted in relation to the compensation paid to the inhabitants evicted from Xwlacodji.

First of all, the authorities announced the demolition of the district in August 2021. Following this, the decision to resettle the residents by granting them a “compensation premium to enable their resettlement” was taken by the Council of Ministers on 15 September 2021,²²⁹ and the first cheques and “title deeds” were distributed on 15 October 2021, precisely three days before the demolition.

Quite apart from the fact that the criteria for granting these measures remain unclear,²³⁰ this late handover did not enable those evicted to rebuild their homes and move in immediately following the demolition of their neighbourhood. Other people told Amnesty International that they did not receive compensation until several months after the demolition of the neighbourhood, as was also reported by the media.²³¹ This situation has left the people of Xwlacodji in an extremely precarious position. One of them, who has resettled in Djéffa, told the organization:

“We left Xwlacodji and scattered. People rented where they could, and some slept out in the open until plots were allocated to us.”²³²

Such short deadlines are not in line with the United Nations Basic Principles, which state that: “Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights,” and that “All resettlement measures, such as construction of homes (...) the allocation of land and sites, must be (...) completed before those who are to be evicted are moved from their original areas of dwelling.”

In addition, some of the Xwlacodji evictees that Amnesty International met consider that the compensation awarded was neither fair, appropriate nor equitable within the meaning of the Committee's General Comment No. 7,²³³ and the United Nations Basic Principles, given the geographical location of Xwlacodji.

A former village chief from Xwlacodji, who has resettled in Djéffa, told Amnesty International: “Xwlacodji has some of the most expensive plots of land in Benin. The ocean on one side, the lagoon on the other. But we were evicted for 1 billion 900 million CFA francs (around €2,900,000).”²³⁴

Xwlacodji district chief, Parfait Dekoun, also believes that the price per square metre was underestimated: “Xwlacodji is perhaps the most expensive place in Benin because of its location. We took what we could get because Xwlacodji had been declared an unsafe area, erosion was threatening, it was in the public domain... the State left no room for negotiation”.²³⁵

Finally, representatives of the collective²³⁶ that Amnesty International met estimate that 200 houses were not included in the compensation process, bearing in mind that one house may be home to several households. The representatives told the organization: “We are among those who have not benefited, and there are many more. We have written to the district chief, who has ignored our complaint, to the Minister of Justice, the Minister of the Interior, the Minister for the Environment and the Head of State. But so far, we've had no response. We have a list of those who have not been compensated. The list was never displayed. The authorities said that compensation would only be paid to people with permanent houses, even though many

²²⁸ Government of the Republic of Benin, “Remise de chèques et titres de propriété aux occupants de Xwlacodji impactés par les projets d'aménagement urbain” [Cheques and title deeds handed over to Xwlacodji residents affected by urban development projects], 16 October 2021, <https://www.gouv.bj/article/1510/remise-cheques-titres-propriete-occupants-xwlacodji-impactes-projets-amenagement-urbain/>

²²⁹ Government of the Republic of Benin, “Remise de chèques et titres de propriété aux occupants de Xwlacodji impactés par les projets d'aménagement urbain” [Cheques and title deeds handed over to Xwlacodji residents affected by urban development projects], 16 October 2021, <https://www.gouv.bj/article/1510/remise-cheques-titres-propriete-occupants-xwlacodji-impactes-projets-amenagement-urbain/>

²³⁰ In its letter responding to Amnesty International's questions and observations, the ANDF states that compensation was given to “each person or household”.

²³¹ *Matin Libre*, “Projet de modernisation de Ganhi: De Xwlacodji à Djéffa, le sourire jaune des “relogés” [From Xwlacodji to Djéffa, the forced smiles of those “rehomed”], 2 September 2022, <https://matinlibre.com/2022/09/01/projet-de-modernisation-de-ganhi-de-xwlacodji-a-djeffa-le-sourire-jaune-des-reloges/>

²³² Personal interview with Agbossou Anani, 2 March 2023, Djéffa.

²³³ Committee on Economic, Social and Cultural Rights, General Comment 7: the right to adequate housing, 1997.

²³⁴ Personal interview with Agbossou Anani, 2 March 2023, Djéffa.

²³⁵ Personal interview with Parfait Dekoun, 1 March 2023, Cotonou.

²³⁶ “Collectif des sinistrés du relogement de Xwlacodji” (Xwlacodji resettlement victims' collective).

people were living in makeshift accommodation. The procedure is so unclear. It was done gradually, up to the point where we heard on the radio that everyone had been dealt with.”²³⁷

Amnesty International’s delegates visited a school in Xwladodji that had not been demolished and met several dozen people there who stated that they had been unjustly prejudiced during the resettlement and compensation phase.

At the school, Jean-Baptiste Bogolo, accompanied by his son, said: “They evicted us out just like that, and gave land [to everyone] where I lived except me. I’m the only one who hasn’t yet received a plot of land or compensation, and I don’t know why. I want what the others have received. I live in this school and my wife brings me food every night.”²³⁸

The presence of these people in the school attracted media attention and prompted the authorities to take action. In September 2022, the Minister for the Living Environment accused critics of this situation of “manipulating public opinion”, and “[invited] them to stop spreading false allegations, for which they could be called to account”.²³⁹ This reaction from the authorities was perceived as a threat by several people that Amnesty International met, who said that this communication had also contributed to discouraging journalists from taking an interest in the situation of the evictees (see 3.1.2).

Xwladodji district chief told Amnesty International that “all those sleeping at Xwladodji school or at the port are either people who have accommodation in Djéffa or homeless people who have taken advantage of the fact that the school has not been demolished to squat there. Only old Jean-Baptiste has a legitimate claim. He didn’t put his name on the list.”

4.5.4 POSSIBILITY OF APPEAL

Amnesty International’s interviews with several people evicted from Xwladodji show that, despite their willingness to inform the authorities and request their intervention to remedy situations they considered unjust, they had not availed themselves of the remedies available under Beninese law because they were not aware of their existence.

This situation is in contravention of the principles of international law (see 4.1.4), which guarantee not only the possibility of appeal, but also “provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts”.²⁴⁰

The collective²⁴¹ in Xwladodji told the organization that it had not exercised the remedies guaranteed by Beninese law because it was unaware of the mechanisms that existed.²⁴² Its representatives also explained that the residents’ fear of the authorities had led to a lack of appeals: “As it was the central government that was responsible, many people were afraid to act.”²⁴³

The collective did, however, contact several national and local authorities in 2022 to ask them to intervene on behalf of those evicted. Complaints were sent by post to the President of the Republic, the Ombudsman of the Republic, the President of the National Assembly and the Minister for the Living Environment.²⁴⁴ The only response came from the National Assembly:

“(…) While sympathizing with the situation of those affected by these operations, the President of the National Assembly is unfortunately unable to comply with your request, in view of the principle of the separation of powers that characterizes our democratic system.”²⁴⁵

Following these various letters sent between July and October 2022, the Minister for the Living Environment reacted publicly in a press release, denouncing the fact that “(…) some members of the public are trying to manipulate public opinion on the pretext that the government has forgotten to rehouse some 200

²³⁷ In Person interview with representatives of the collective (names withheld at their request), 27 January 2023, Cotonou.

²³⁸ In Person interview with Jean-Baptiste Bogolo, 27 January 2023, Xwladodji.

²³⁹ Ministry of the Living Environment and Sustainable Development, “Radio/TV Press Release”, 5 September 2022.

²⁴⁰ Committee on Economic, Social and Cultural Rights, General Comment 7: the right to adequate housing, 1997.

²⁴¹ The “Xwladodji resettlement victims’ collective”.

²⁴² In Person interview with representatives of the collective (names withheld at their request), 27 January 2023, Cotonou.

²⁴³ In Person interview with representatives of the collective (names withheld at their request), 27 January 2023, Cotonou.

²⁴⁴ Letters available with Amnesty International.

²⁴⁵ National Assembly of Benin, letter to the Xwladodji resettlement victims collective, 17 October 2022.

households (...),²⁴⁶ and reaffirming that “all the physical structures identified by aerial photography on 28 July 2021, without exception, have been resettled on a site set up by the government in Djeffa”).²⁴⁷

In its letter to Amnesty International, the Ministry of the Economy and Finance stated that “it is up to any persons who consider that they have been deprived of their rights to take legal action to have their grievances heard, in accordance with the provisions of Article 30 of the Code of Civil, Commercial, Social, Administrative and Audit Procedure (...).”²⁴⁸

²⁴⁶ Ministry of the Living Environment and Sustainable Development, “Radio/TV Press Release”, 5 September 2022.

²⁴⁷ Ministry of the Living Environment and Sustainable Development, “Radio/TV Press Release”, 5 September 2022.

²⁴⁸ Benin Ministry of Economy and Finance, letter to Amnesty International, 6 November 2022.

5. FAILINGS AFTER EVICTIONS

“I didn’t see my children for two months.”

Pélagie Tossou, person evicted from Fiyégnon 1.

5.1 LEGAL FRAMEWORK FOLLOWING FORCED EVICTIONS

BENINESE LAW

The Beninese Constitution²⁴⁹ guarantees a number of economic, social and cultural rights that are protected by the International Covenant on Civil and Political Rights in relation to forced evictions. These include the right to property (Article 22), to a healthy environment (Article 27), to culture (Article 10), to the education of children (Articles 12 and 13), and to life, liberty, security and personal integrity (Article 15).²⁵⁰

The issue of resettlement and, more broadly, that of the State's obligations towards people following their eviction, is given scant attention in Beninese law. Nevertheless, Article 234 of the CFD specifies that, in the context of public interest expropriation procedures: “The compensation awarded must cover all the direct, material and certain prejudice caused by the expropriation,” which suggests that the cost of resettlement should also be borne by the State.

INTERNATIONAL LAW

The ICESCR, ratified by Benin in 1992, recognizes in particular the right to adequate housing (Article 11), the right of all to the enjoyment of the highest attainable standard of physical and mental health (Article 12), the right to education (Article 13) and the right to work (Article 6).

General Comment No. 7 states that: “Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available” (Article 16).²⁵¹

²⁴⁹ Republic of Benin, Law 1990-032 establishing the Constitution of the Republic of Benin, 1990, <https://sgg.gouv.bj/doc/loi-1990-032/>

²⁵⁰ Office of the High Commissioner for Human Rights, “International Covenant on Civil and Political Rights”, 23 March 1976.

²⁵¹ Committee on Economic, Social and Cultural Rights, General Comment 7: the right to adequate housing, 1997.

General Comment No. 4 sets out seven criteria for adequate housing: legal security of tenure; availability of services, materials, equipment and infrastructure; affordability; habitability; accessibility; location; and cultural adequacy.²⁵²

Chapter 5 of the UN Basic Principles specifies what governments should do (“Immediate Assistance and Resettlement”): “immediately upon the eviction, except in cases of force majeure” to ensure “just compensation and sufficient alternative accommodation or restitution when feasible”. This includes “safe access” to essential food, potable water and sanitation, and to shelter or housing.

The same United Nations Basic Principles also state that the resettlement locations chosen must fulfil the criteria for adequate housing according to international human rights law (paragraph 55).

States should also “ensure that members of the same extended family or community are not separated as a result of evictions”.²⁵³

5.2 CONSEQUENCES OF EVICTIONS FOR ECONOMIC, SOCIAL AND CULTURAL RIGHTS

In many of the cases presented in this report, the forced evictions were in violation of the economic, social and cultural rights of the people concerned.

Whether they are resettled on sites provided for this purpose by the authorities or have had to find housing themselves, the living and/or working conditions of the people Amnesty International spoke to have deteriorated sharply, while social and cultural bonds have become weaker or have been lost altogether.

5.2.1 THE CASE OF RESETTLEMENT SITES



 ↑ *Djéffa, where a site was chosen by the authorities for the resettlement of people evicted from Xwladodji. March 2023 ©Amnesty International*

²⁵² Committee on Economic, Social and Cultural Rights, General Comment 4: the right to adequate housing, 1991, UN Doc E/1992/23.

²⁵³ Committee on Economic, Social and Cultural Rights, General Comment 7: the right to adequate housing, 1997.

Amnesty International's delegates visited two resettlement sites chosen by the authorities. Djéffa (*Sèmè-Podji* commune), where people evicted from Xwladodji were resettled,²⁵⁴ and Ahouandji (Ouidah commune), where people evicted from Fiyégnon 2 were resettled.²⁵⁵

Some of the people with whom Amnesty International spoke, who were often resettled several months after their eviction, in violation of international law, are now living in precarious conditions, as the compensation they received was too low to enable them to build a home on the resettlement sites that would meet the criteria for adequate housing (see 5.1).

At Djéffa, around 15km from Xwladodji, the resettlement site consists of several streets on either side of which have been built houses made of bare concrete bricks, most of them unfinished. The ANDF told Amnesty International that the State had carried out the following improvements to the site: "Laying and upgrading of roads; potable water supply; public lighting via solar street lamps: 50 street lamps; construction of public toilets: two blocks of four cabins each."²⁵⁶ At the time of their visit in February 2023, the organization's delegates did indeed note the presence of these facilities.

However, the delegates also noted that the homes were not connected to running water or an electricity supply. This constitutes a breach of General Comment No. 4 on the right to adequate housing, which states that: "All beneficiaries of the right to adequate housing should have sustainable access to natural and common resources, safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services."²⁵⁷

At Ahouandji, approximately 25km from Fiyégnon 2, the delegates visited the resettlement site, located between a freshwater lagoon and the Fishing Road, beyond which is a coconut plantation and then the ocean. As in Djéffa, most of the homes were unfinished at the time of the visit. Others were under construction. The delegates noted the presence of new communal water wells and toilet blocks but these were not connected to a water network.

Chimène Gaou, 42, whose husband has passed away, was relocated to Ahouandji in September 2022. According to her account to Amnesty International, she had to share a plot of land and the sum of 3 million CFA francs (around €4,500) given by the authorities with three other people whom she had known previously but who were not members of her family.²⁵⁸ At the rear of the plot, she has built a single room in bare brick, and without a door. She had to use her own money to buy enough bricks and install a window. She sleeps in the room with her three children. They were all out of school for several months between their eviction from Fiyégnon 2 and their resettlement in Ahouandji. Chimène Gaou is worried about her son, currently in the last year of primary school, and who could go on to secondary school next year. According to her account, the nearest secondary school is in Ouidah, 20km from Ahouandji.

Chimène Gaou and Yvette Aboudou, who live on the same plot in Ahouandji, have no access to drinking water, non-drinking water or sanitation in their respective homes. They buy water from the boreholes recently installed in the neighbourhood at a price of 50 CFA francs (€0.08) per 25 litres,²⁵⁹ three times the official rate.²⁶⁰ As the communal toilets in the neighbourhood were not yet operational, the two women were having to relieve themselves in open air.

²⁵⁴ Government of the Republic of Benin, "Remise de chèques et titres de propriété aux occupants de Xwladodji impactés par les projets d'aménagement urbain" [Cheques and title deeds handed over to Xwladodji residents affected by urban development projects], 16 October 2021, <https://www.gouv.bj/article/1510/remise-cheques-titres-propriete-occupants-xwladodji-impactes-projets-amenagement-urbain/>

²⁵⁵ The eviction of the residents of Fiyégnon 2 is not documented in this report. The residents of Fiyégnon 2 were evicted in 2021, as were the residents of Fiyégnon 1.

²⁵⁶ Director General of the ANDF, letter to Amnesty International, 8 November 2023.


²⁵⁷ Committee on Economic, Social and Cultural Rights, General Comment 4: the right to adequate housing, 1991, UN Doc E/1992/23.

²⁵⁸ Personal interview with Chimène Gaou, 28 February 2023, Ahouandji.

²⁵⁹ Personal interview with Chimène Gaou and Yvette Aboudou, 28 February 2023, Ahouandji.

²⁶⁰ Director General of the National Agency for Drinking Water Provision in Rural Areas of Benin, letter to the mayors of Benin's communes, 27 February 2023, <https://eau-mines.gouv.bj/doc/34/download?name=cd-0166-23-lettre-maires-tarif-milieu-rural-1-.pdf>



 ↑ Left-hand photo: Chimène Gaou (on the right) in front of her home. ©Amnesty International
 Right-hand photo: The room where Yvette Aboudou sleeps with her husband in Ahouandji. ©Amnesty International

In Djeffa, a former neighbourhood chief in Xwlacodji told Amnesty International: “We’re using water from the well for the time being. Everyone is digging their own well. The water supply from SONEB²⁶¹ is already in place but the connections have not yet been laid.”²⁶² Communal toilets have been built but are currently unusable for the same reasons.

Still in Djeffa, “there are people who have not yet come to live in their houses here because there is no electricity, whereas in Xwlacodji there was”, according to the same person. He adds that “many haven’t roofed their houses” due to a lack of funds.²⁶³ Several months after the visit by Amnesty International delegates, residents of Djeffa sent the organization photos and videos of precarious roofs damaged by a storm.²⁶⁴

When asked about the situation of people resettled on different sites, a government official met by Amnesty International’s delegates said:

“People were already living without electricity and water. They don’t need electricity because it will destroy the ‘village spirit’. What’s more, some people have already told me that they want to keep this ‘village spirit’ with straw buildings, not solid constructions. And a fishing village would be more in keeping with our tourism objective. We’re not asking people to build with concrete but in the ‘village spirit’ as they were before.”²⁶⁵

In its letter responding to Amnesty International’s findings, the ANDF did not provide any response concerning the future provision of other services for people resettled on sites chosen by the authorities, with the aim of complying with the obligations and principles of international law.²⁶⁶

²⁶¹ Société nationale des eaux du Bénin [Benin public water company].

²⁶² In Person interview with a former Xwlacodji neighbourhood chief, 1 March 2023, Djeffa.

²⁶³ In Person interview with a former Xwlacodji neighbourhood chief, 1 March 2023, Djeffa.

²⁶⁴ Photos and videos received by telephone, 28 June 2023.

²⁶⁵ In Person interview with Victorien Kouglblénou, Director General of the National Property and Land Agency, January 2023, Cotonou.

²⁶⁶ Director General of the ANDF, letter to Amnesty International, 8 November 2023.

5.2.2 THE CASE OF THE FISHERMEN

The forced evictions described in this report have caused several dozens of people to lose their jobs, or have considerably hampered their ability to continue working, in violation of international law.

The criteria defining the right to adequate housing set out in General Comment No. 4²⁶⁷ state that “Adequate housing must be in a location which allows access to employment options (...). This is true both in large towns and in rural areas where the temporal and financial costs of getting to and from the place of work can place excessive demands upon the budgets of poor households”.²⁶⁸


The forced evictions from neighbourhoods and villages along the coast between Cotonou and Ouidah have caused lasting disruption to fishing activities, impoverishing the inhabitants for whom this has been the main source of income and food for several generations.

This situation, combined with the total absence of compensation or rehousing measures, as in the case of Fiyégnon 1, has consequently undermined other economic and social rights such as legal security of tenure; availability of services, materials, equipment and infrastructure; habitability; ease of access and location (see 5.1). It is also a source of tension between fishing communities.

²⁶⁷ Committee on Economic, Social and Cultural Rights, General Comment 4: the right to adequate housing, 1991, UN Doc E/1992/23.

²⁶⁸ Committee on Economic, Social and Cultural Rights, General Comment 4: the right to adequate housing, 1991, UN Doc E/1992/23.



 ↑ On the beach at Fidjrossè, where some of the evicted fishermen are sleeping. ©Amnesty International

According to the ESIs for Ouidah Marina and Avlékété beach resort projects, more than half of the population in both Djègbadji²⁶⁹ and Avlékété “fish in the area affected by the sub-project”.²⁷⁰ At Fiyègnon 1, the demolition of the neighbourhood led to the dispersal of the inhabitants, with serious and lasting consequences for fishing. Alfred Ayité, a canoe owner, told Amnesty International:

“Before, around 30 people used to come to pull in the nets. Now, finding even 15 is a problem. We have to beg people to come and fish. I call them but they don't even have 200 francs to take a ‘zem’ [short for ‘zémidjan’, the Fon word for motorbike taxi]. I have to wait for them at the crossroads and pay their transport for them. Even if you make all these sacrifices, sometimes you won't even bring home 2kg of fish. We suffer like this every day.”²⁷¹

²⁶⁹ Ministry of Tourism, National Agency for the Promotion of Heritage and Tourism Development, *Projet de construction d'une marina/porte du non-retour, Étude d'impact environnemental et social, Rapport final* [Project to build a marina/Door of no return, Environmental and Social Impact Assessment, Final report], February 2019.

²⁷⁰ Presidential Office of the Republic of Benin, National Agency for the Promotion of Heritage and Tourism Development, “Projet de construction et d'exploitation du village de vacances Club Med à Avlékété dans la commune de Ouidah – Étude d'impact environnemental et social approfondie – Version finale” [Project to build and operate a Club Med holiday village at Avlékété in Ouidah commune - In-depth environmental and social impact assessment - Final version], December 2022.

²⁷¹ In Person interview with Alfred Ayité, 27 January 2023, Cotonou.

For these reasons, part of Fiyégnon 1's fleet of canoes is at a standstill. Théophile Kakpo told Amnesty: "Since the demolition of the neighbourhood, my canoe has been lying broken on the sand. The nets are at home in sacks because there aren't enough people left to go fishing."²⁷²

This situation has forced some professional fishermen to change jobs. Blaise Affanou, born in 1964, used to live with five members of his family in the six-bedroom home he had built. He is now forced to work as a night watchman, and his wife, who used to sell food, is no longer in business. When Amnesty International's delegates met him in January 2023,²⁷³ he had moved in with his wife in a tiny concrete room that he described as a cell in a police station or gendarmerie. He told the organization: "When I finish work in the morning, I can't even get to sleep because of the heat in our room. I have to walk around until 7pm."²⁷⁴

At the time of the Amnesty International delegates' visit, Blaise Affanou and his wife had the threat of eviction from their new home hanging over them, as the landlord's family had asked them to leave following a death in the family. "I don't know what I'm going to do," he told the organization.²⁷⁵

Since the demolition of Fiyégnon 1, Rigobert Kassa, born in 1974 and a fisherman by profession, has been living with his wife and their four children in a makeshift shack made of tin, wood and cloth. He told Amnesty International:

"They broke everything. I wasn't able to save even one tile or brick. Now I don't know where I'm going to find the money to rebuild a house. And the rainy season will be here soon. What are we going to do about the rain and wind? Where am I going to stay with my children and my wife? They evicted people so they could plant coconut palms. Is that normal?"²⁷⁶

In order to continue practising their trade despite the destruction of the neighbourhood, Amnesty International's delegates found that some fishermen were sleeping in canoes on the beach. E.Z told the organization: "I sleep under the coconut palms. Our wives live very far away. Sometimes people stay here eight days in a row and then take a day off. People come and bother us on the beach, even the police come and disturb us, and sometimes bandits come to steal."²⁷⁷



↑ *Left-hand photo: Blaise Affanou's rented home ©Amnesty International*
Right-hand photo: Rigobert Kassa's home ©Amnesty International

²⁷² In Person interview with Théophile Kakpo, 24 January 2023, Cotonou.

²⁷³ In Person interview with Blaise Affanou, 24 January 2023, Fiyégnon 1.

²⁷⁴ Interview with Blaise Affanou, Fiyégnon 1, 24 January 2023.

²⁷⁵ In Person interview with Blaise Affanou, 24 January 2023, Fiyégnon 1.

²⁷⁶ In Person interview with Rigobert Kassa, 25 January 2023, Cotonou.

²⁷⁷ In Person interview with E.D., 25 January 2023, Cotonou.

Amnesty International delegates visited Cotonou's artisanal fishing port, near the demolished Xwlacodji district, where an administrative and commercial centre is to be built (see 4.5.1). They found dozens of people sleeping there. Several of them stated that they were former residents of Xwlacodji who had been working in the fishing industry, as demonstrated by some of the identity documents presented. According to their account, they chose to settle at the port even though they had the option of relocating to Djéffa so that they could continue their business activity without losing the time and money needed to travel between Djéffa and Cotonou (around 20km, 30 minutes by car).



 ↑ *Xwlacodji school, January 2023 ©Amnesty International*

Alongside these economic and social consequences, the resettlement of evicted fishing communities on new sites, together with certain coastal developments, has concentrated fishing activities in a more limited coastal and maritime area, causing tensions.

At Avlékété, where a beach resort is being built, several kilometres of seawalls have been submerged to slow coastal erosion and make bathing easier (see 4.3.1), forcing fishermen to move their activities. According to the village chief of Avlékété, “The seawalls are preventing fishermen from carrying out their activities, and the women who used to sell fish can no longer get supplies.”²⁷⁸ This has led to tensions with neighbouring coastal villages. “Fishermen who have been evicted from here end up in Ahouandji, where there are already a large number of fishermen. Meetings were arranged for them but the State didn’t turn up so they were a waste of time. The government doesn’t seem to care.”²⁷⁹

The village chief of Ahouandji (where those evicted from Fiyégnon 2 were resettled) confirmed this to Amnesty International: “The resettlements have created tensions as there are no longer many places to fish. The new residents who have been rehoused here want to bring their fishing gear so that they can fish nearby but the people from around here won’t allow it.”²⁸⁰

At Fiyégnon 1, according to Alfred Ayité, “Two or three days after the demolition of the neighbourhood, officials came to tell us unofficially that we could no longer fish here, that we all had to go further towards Avlékété, that it was there that we had been given a place to fish. But if we go there, there will be conflict. There are people over there who do the same work as we do here. They will say that we can’t stay, that we’re trying to take over.”²⁸¹

The ANDF did not mention the existence of specific aid for the fishing communities affected by the evictions when asked to respond to Amnesty International's questions and observations.²⁸²

²⁷⁹ In Person interview with the village chief of Avlékété, 28 February 2023, Avlékété.

²⁸⁰ In Person interview with the village chief of Ahouandji (name withheld at his request), 29 January 2023, Ahouandji.

²⁸¹ In Person interview with Alfred Ayité, 27 January 2023, Cotonou.

²⁸² Director General of the ANDF, letter to Amnesty International, 8 November 2023.

IMPOVERISHMENT AND POVERTY

In addition to the situation of the fishermen, the evictions have had serious consequences for the jobs of all those affected, leading to impoverishment and obstacles to the enjoyment of their economic and social rights.

Residents of Avlékété, whose land is in the process of being expropriated, are concerned about the impact of the work underway to build the beach resort on their ability to farm and therefore to provide for themselves.

Frédérique Yebe showed Amnesty International's delegates a plot of land inherited from his father. He said: "Every year I grow tomatoes, a few watermelons, melons and carrots. The people from the project have come to take over our land. They say that no one can grow crops here and that they will begin the works in August. But it's in August that we start planting, with the arrival of the rainy season. If they take the land away from us now, what are we going to do to feed our children?"²⁸³

Justin lost his rabbit farm when he was evicted from Djègbadji for the Marina project in Ouidah, leaving him in a precarious economic situation:


"I used to be able to earn 150,000 CFA francs (around €230) a month from my livestock. Now I'm a motorbike taxi driver. I earn what the day brings in, depending on the customers. I sometimes go home empty-handed."²⁸⁴

His security of tenure in his new home is not guaranteed: "[Where I am], they say they want to build a hotel and renovate the house and it seems to me that they're going to throw us out of here too..."²⁸⁵

Barnabé Agbossou, a garage mechanic by profession, used to earn around 300,000 CFA francs a month (around €450) from his former garage. He had to find a new site after the demolition of Fiyégnon 1 neighbourhood and yet he is already being forced to leave this new site, for which he pays 50,000 CFA francs per month (around €75):

"I have a two-year contract here. But two years isn't enough time for a new site to take off. I'm already a year and a half in and the land has been sold, so I'm going to have to leave. The garage helps me send the children to school."²⁸⁶



 [↑] Barnabé Agbossou in his garage. On the right, Théophile Kakpo's belongings, stored in a container parked on a vacant lot in Cotonou. ©Amnesty International

People who have been evicted have been forced to find emergency accommodation, either by renting or by staying with relatives. But their security of tenure in these new homes is often precarious, and the lack of

²⁸³ In Person interview with Frédérique Yebe, 28 February 2023, Avlékété.

²⁸⁴ In Person interview with Justin Djossou, 28 January 2023, Djègbadji.

²⁸⁵ In Person interview with Justin Djossou, 28 January 2023, Djègbadji.


²⁸⁶ In Person interview with Barnabé Agbossou, 25 January 2023, Cotonou.

income caused by the cessation of their professional activities does not always permit these people to rent new homes or to remain in them.

One man and his family, who were evicted from their home in Djègbadji where the Marina is being built (see 4.2) and resettled on a plot of land along the Fishing Road where they have put up makeshift dwellings, told Amnesty International: “We are living on the land of a distant relative but now his family is telling us to leave. I asked them to give us some time to think about another location, but we don't have any money. We used to farm and garden. Now there's nothing left.”²⁸⁷

5.2.3 CONSEQUENCES FOR SCHOOLING



 ↑ Djéffa-Plage primary school © Amnesty International

Dozens, perhaps hundreds, of children and students have been taken out of school or forced to interrupt their studies for varying lengths of time because of the lack of a home following their eviction, the lack of money generated by the evictions, or the excessively long distances to be travelled from the resettlement sites. On at least one of the resettlement sites planned by the government and visited by Amnesty International's delegates (Ahouandji and Djéffa), the school is facing overcrowding that was not anticipated by the authorities, particularly in terms of allocating additional teachers.

Théophile Kakpo, who was evicted from Fiyégnon 1, said that one of his sons is now out of education because of a lack of resources. “He's got his bachelor /[egree] and yet he's at home. He wanted to continue but I don't have the means, because I can't fish any more since the area was destroyed. How can I pay for his education when I don't eat well and I have several other children?”²⁸⁸

Gloria Fanouvi, 19, also evicted from Fiyégnon 1, said she no longer goes to university because of the cost of the journey (1,000 CFA francs or around €1.50) from her new home: “I enrolled last October but I don't attend classes because I can't afford the travel. So I spend my time selling with my mum. I had the phone numbers of teachers who could have helped me but my phone was destroyed in the demolition and I lost all my contacts.”

Her sister is still going to the university albeit on foot. She said: “I'm enrolled at the university, in the geography department. I walk one to one-and-a-half hours to get there. Sometimes I borrow photocopies from my classmates to study.”²⁸⁹

Pierre Anani, a former resident of Fiyégnon 1, said: “In 2021 the children lost a year. In 2022, it was very difficult once again because, where we moved to, there were no schools or they were too far away. So the

²⁸⁷ In Person interview (name withheld at interviewee's request), 20 January 2023, Djègbadji.

²⁸⁸ In Personal interview with Théophile Kakpo, 26 January 2023, Cotonou.


²⁸⁹ In Personal interview with Anne-Marie Rodolphine, 26 January 2023, Cotonou.

children only came home in the evening. Whereas at Fiyégnon they could come home for lunch and then go back to school. We built the school ourselves.²⁹⁰



EVICTED, DISPLACED AND THEN FLOODED: MARIE FOLLY'S GRANDCHILDREN OUT OF SCHOOL FOR A YEAR



 ↑ Marie Folly, her son and two grandchildren. ©Amnesty International

Marie Folly, born in 1964, left Ghana to live at Fiyégnon 1 with her mother. She lived there for 20 years until the neighbourhood was demolished, for which no residents were compensated or resettled either before or after the demolition (see 4.4.3). She then found herself homeless with her son and two grandchildren aged 12 and seven. Someone she knew from her trading activities put her in touch with the owner of an unfinished house near Fiyégnon 1. He agreed to let her live there with her family in exchange for the upkeep of the property.

After the demolition of Fiyégnon 1, Marie Folly 's grandchildren were out of school for a year. The family was evicted from their first home, and then had to move from another home located in a marshy area because water was entering the bedroom when it rained. The children finally returned to school in October 2022, a year later.

During the visit by Amnesty International's delegates, Marie Folly said that the adults in the family sometimes go without meals so that the children can have enough to eat.

In Djeffa, where the people evicted from Xwlacodji have been rehoused, enrolment at the local primary school has risen sharply. One of the school's directors told Amnesty International:

“The number of pupils has doubled since the arrival of the Xwlacodji residents, but the State has not allocated us any additional teachers. We have a lot of problems, including with textbooks and activity

²⁹⁰ In Person interview with P.A.M., 24 January 2023, Cotonou.

books. There are currently around 450 pupils, including 80 in the CP (first year primary) class with one teacher, and 105 in the CE1 (third year primary) class with one teacher.”²⁹¹

Amnesty International’s delegates also noted that there were four pupils per desk, and that the school was not connected to a potable water supply. The communal toilets were therefore without water, and all the pupils were drinking water from the well installed in the school playground, according to the officials we met on site.

5.2.4 SOCIAL AND CULTURAL CONSEQUENCES

SOCIAL CONSEQUENCES

According to the UN Basic Principles, States “should also ensure that members of the same extended family or community are not separated as a result of evictions”.²⁹²

This situation has, however, arisen on numerous occasions in the case of Fiyégnon 1, as the lack of compensation, resettlement or rehousing assistance has prevented families from moving into a new home of sufficient size together, or from being accommodated in their entirety by relatives or friends.

Pélagie Tossou, 37, lived with her husband and children in Fiyégnon 1 until they were evicted. Since then, the family has been separated: “My husband left for Pahou with our four children and I stayed here to continue my business. For the women, the separation was very difficult. I didn’t see my children for two months because transport is so expensive.”²⁹³

Théophile Kakpo, evicted from Fiyégnon 1, told the organization: “Now I have to live with my mother, and not my wife. I have to spend 700 CFA francs (about €1) to go and see her in town. I’m lucky that her father has been able to put her up but how do those who don’t have that option manage?”²⁹⁴

CULTURAL CONSEQUENCES

The Constitution of Benin proclaims that: “Everyone has the right to culture. The State has a duty to safeguard and promote the national values of civilisation, both material and spiritual, as well as cultural traditions.” (Article 10).

And yet all or part of the cultural heritage of certain neighbourhoods or villages that have been destroyed has been lost or is in danger of being lost, according to a number of testimonies received by Amnesty International from those who have been evicted. These include vodun fetishes²⁹⁵ and sacred sites, in particular.

In Avlékété, Paulin Kpangon, a tourist guide by profession, showed the organization’s delegates a forest considered sacred by the villagers, which he fears will be destroyed as part of the construction of the beach resort. He said: “This forest has been here since time immemorial and now they’re going to destroy it all. If the State were to reconsider and leave the forests to the gods, that would be a good thing.”²⁹⁶

Théophile Kakpo, former resident of Fiyégnon 1, said: “There were very old fetishes in the neighbourhood, older than me, like the Zangbéto, which plays an important role in managing conflicts between residents. But they came with their bulldozers to break it up. They destroyed our sacred sites. It’s insulting... it’s offensive. We usually celebrate on 10 January but last time we weren’t able to. It’s a ritual festival at which everyone used to gather. People would come to dance, eat, drink, kill oxen and sheep and play music. We would party for a week.”²⁹⁷ Several other residents from different neighbourhoods and villages have also reported that fetishes were destroyed or lost during the demolition.

²⁹¹ In Person interview with a school official (name withheld for security reasons), 1 March 2023, Djéffa.

²⁹² UN Special Rapporteur on adequate housing, Basic principles and guidelines on development-based evictions and displacement, 26 August 2007, UN Doc. A/HRC/4/18, Principle 52.

²⁹³ In Person interview with Pélagie Tossou, 26 January 2023, Cotonou.

²⁹⁴ In Person interview with Théophile Kakpo, 24 January 2023, Cotonou.

²⁹⁵ These fetishes may take the form of sculptures or statuettes, or heaps of earth and metal.

²⁹⁶ In Person interview with Paulin Kpangon, 28 February 2023, Avlékété.

²⁹⁷ In Person interview with Théophile Kakpo, 24 January 2023, Cotonou.

6. CONCLUSION AND RECOMMENDATIONS

The authorities' desire to carry out ambitious tourism and development projects, particularly along the coast, has resulted in the forced eviction of thousands of people since 2021. Several neighbourhoods of Cotonou and several villages along the Fishing Road linking the economic capital to Ouidah, among others, have been demolished.

The situation of those evicted varies greatly depending on the neighbourhoods and villages studied in this report. Some have been compensated and resettled, albeit under compensation and resettlement conditions that have often only partially met the obligations and principles of Beninese and international law. Others have not received any form of compensation or assistance whatsoever. The authorities have communicated publicly about forthcoming demolitions and evictions, notably through press releases and decrees. This information has not, however, always been disseminated effectively or accurately, nor with sufficient and reasonable notice. Demolitions have been carried out while residents were still living on site, or before they have had a chance to recover their belongings. Some evictions have been carried out under appalling conditions, often resulting in the loss or destruction of belongings and building materials. Censuses of people and property were carried out in some cases but a number of these are still being contested. Interviews with those evicted generally reveal a lack of understanding of how the entire eviction process was conducted.

In the vast majority of cases documented by Amnesty International, the compensation could not be considered "fair and prior" within the meaning of Beninese law and the obligations and principles of international law. Many people received compensation only after their eviction, or just a few days before. This situation often prevented them from being rehomed immediately following their eviction in conditions that would meet the criteria for adequate housing under international law. In addition, those who received sums of money and/or land as part of their eviction often felt that these measures did not amount to fair, equitable or appropriate compensation within the meaning of Beninese and international law.

The authorities have denied the residents of Fiyégnon 1 and Xwladodji the right to "fair and prior" compensation as provided for in Benin's Constitution, in violation of international law. As they did not consider these to be cases of expropriation but rather of "vacating the public domain" and "illegal" occupation, the residents of Xwladodji received only an "allowance" and "support measures", and those of Fiyégnon 1 received nothing, even though they had lived on the site for several decades and had been given documents attesting to the legality of their settlement by previous authorities.

In Avlékété, the authorities offered some landowners compensation that these latter felt was below the market price.

The absence of a Resettlement Action Plan in the cases of Fiyégnon 1 and Xwladodji, and the failure of the authorities to communicate this legally required document in the cases of Avlékété and Djègbadji, only amplifies the lack of clarity surrounding the authorities' compliance with their national and international obligations before, during and after the evictions. The people resettled on sites set aside for this purpose by the authorities, as in Djèffa for the residents of Xwladodji, have not received sufficient funds to rebuild their homes to a standard that would meet the criteria for adequate housing. At the time of the Amnesty International delegation's visit to these sites, residents who had already been rehoused had no access to sanitation, running water or electricity, and were often living in unfinished homes.

In addition, many of the people affected by the evictions described in this report have lost their jobs or seen their working conditions deteriorate significantly and permanently, with consequences for their economic, social and cultural rights. Children have been taken out of school and students have been forced to stop their studies. The schools catering for the families resettled on the sites designated for this purpose by the authorities are suffering from overcrowding. The geographical dispersal of residents and the impoverishment caused by the evictions has led to a breakdown in social bonds within families and between former residents. The practice of certain rites and beliefs has been disrupted or disturbed by the destruction or abandonment of fetishes or spaces considered sacred on demolished or recovered sites.

Amnesty International therefore makes the following recommendations:

TO THE BENINESE AUTHORITIES

Regarding evictions related to the projects presented in this report

- Suspend expropriation proceedings against landowners in Avlékété until agreement has been reached on fair and prior compensation;
- Take urgent steps to propose compensation and resettlement measures, in genuine consultation with the residents of Fiyégnon 1 and in accordance with international law;
- Establish an independent Commission of Inquiry to examine whether compensation for evictions related to the four projects presented in this report (Ouidah marina; Avlékété beach resort; Xwlacodji administrative and commercial centre; Fiyégnon 1 neighbourhood) was fair and prior, and whether all those needing to be compensated were taken into account in accordance with international standards. Depending on the findings of the inquiry, compensate those affected fairly and equitably;
- Ensure that the accommodation for people resettled in Djeffa and Ahouandji meets the criteria for adequate housing under international law. In particular, guarantee these people access to drinking water, sanitation and electricity without delay; provide documents, in accordance with Beninese law, that provide indisputable proof of their right to their new land and housing;
- Put a plan in place, agreed with the coastal fishermen, to enable them to continue their activity under appropriate conditions that respect their economic, social and cultural rights.

Regarding forced evictions generally

- Immediately halt all plans to evict displaced persons that lack adequate rehousing solutions and measures to protect the human rights of those displaced;
- Ensure that Environmental and Social Impact Assessments (ESIAs) and Resettlement Action Plans (PARs) are conducted for every project that is to result in evictions, and that they are accessible to those affected and to the general public;
- Amend the Benin Land and Property Code (CFD) to bring it into line with international law on forced evictions. In particular: enshrine the right of all evicted persons, whether they hold title to a property or not, to fair and prior compensation for the loss, recovery and transportation of their belongings, in particular their original dwelling and the land lost or damaged during the operation; also enshrine the requirements for protecting their economic, social and cultural rights after their eviction;
- Table a bill before Parliament that explicitly prohibits forced evictions and sets out the safeguards that must be strictly followed before, during and after any eviction, in accordance with international human rights standards;
- Ensure that eviction and demolition operations are declared in advance and with reasonable notice of when they are due to be carried out; inform the people concerned and consult them on how these operations are to be conducted; help the people concerned recover their belongings before the operations begin; ensure that evictions and demolitions are not carried out in bad weather, at

night or during school periods; and that they are supervised by security officers without resorting to unnecessary or excessive use of force;

- Guarantee equal rights for men and women in the registration and compensation procedures; men and women must be co-beneficiaries of compensation measures;
- Put clear and comprehensible procedures in place to enable those evictees who wish to do so to lodge an appeal, providing them with legal and judicial assistance if necessary; provide administrative assistance to facilitate the steps taken by people eligible for compensation so that their rights are not compromised;
- Guarantee fair compensation, in line with market prices, for the loss and/or destruction of the property of those evicted;
- Ensure that resettlement sites offered to evicted persons guarantee access to drinking water, sanitation, electricity, education and work; provide technical and financial support to those evicted to help them build their new homes; support resettled people by providing them with transport and other facilities so that they can continue to earn a living from the activities they were engaged in prior to the eviction; guarantee resettled people legal security of tenure by providing them with official documents attesting to their rights;
- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights allowing victims to submit individual complaints denouncing violations of economic, social and cultural rights in Benin;
- Make the declaration under Article 34.6 of the Additional Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights allowing individuals and NGOs to bring cases directly before the Court.

TO THE UNITED NATIONS SPECIAL RAPPORTEUR ON THE RIGHT TO ADEQUATE HOUSING

- In accordance with your mandate, seek an invitation from the Beninese authorities to carry out a fact-finding mission on forced evictions in the country.

TO THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

- Examine the issue of forced evictions during the review of States' periodic reports, in particular that of Benin;
- Consider developing principles for the prevention of and protection from forced evictions in Africa, in accordance with the rights guaranteed by the African Charter on Human and Peoples' Rights, the Commission's doctrine, and the standards developed by United Nations human rights bodies and experts;
- Call on the government of Benin to immediately cease forced evictions and to ensure that any evictions comply with international and regional human rights laws and standards, including the guidelines and principles of the African Commission on Economic, Social and Cultural Rights and the African Charter on Human and Peoples' Rights;
- Urge the Beninese government to ensure that all victims of forced evictions have access to effective remedy;
- Consider undertaking a fact-finding mission to Benin to investigate and report on human rights violations that have occurred in the context of the development of tourism projects along the coast between Cotonou and Ouidah.

TO THE COMPANIES INVOLVED IN DEVELOPMENT PROJECTS THAT RESULT IN EVICTIONS

- Continuously and proactively implement a human rights due diligence process to identify, prevent and mitigate violations related to evictions.

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“DISPLACED FOR COCONUT PALMS”

FORCED EVICTIONS FOR TOURISM AND COASTAL DEVELOPMENT IN BENIN

Since the election of President Patrice Talon in 2016, tourism has been a development priority for the Beninese government.

From Cotonou to Ouidah, several thousand people have been subjected to forced evictions since 2021. Neighbourhoods and villages along the coast on either side of the *Route des pêches* (Fishing Road) have been destroyed and their inhabitants forced to move elsewhere. These communities will be replaced by multinational hotel chains, landscaped beaches, tourist trails, a golf course, leisure areas, and more.

Amnesty International has documented breaches of national law and of the obligations and principles of international human rights law on the part of the Beninese authorities before, during and after the evictions.

Information has not always been disseminated effectively or accurately, nor with sufficient and reasonable notice. Demolitions have been carried out while residents were still living on site, or before they had had a chance to recover their belongings. Some evictions have been carried out under appalling conditions, often resulting in the loss or destruction of belongings and building materials. Many people received compensation only after their eviction, or just a few days before. Others have not received any form of compensation or assistance whatsoever.

After the evictions, many people lost their jobs or saw their working conditions deteriorate significantly and permanently, with consequences for their economic, social and cultural rights.