

1 Customary land system and security modes in the communes of Nikki and Tchaourou in 2 Northern Benin . 3 4

5 **Abstract**

6 This article analyzes the functioning of customary land tenure systems and land tenure security
7 practices among rural actors in the communes of Nikki and Tchaourou in northern Benin. Data
8 were collected from 120 individuals in these two communes, and analyzed using descriptive
9 statistics and content analysis. The study reveals a dynamic land recomposition in rural areas,
10 where inheritance remains the predominant practice (74.3%). However, there's a notable increase
11 in lending (14.1%), gifting (6.3%), and, to a lesser extent, renting or purchasing (3.5%),
12 particularly among young people and non-natives. The observed customary land tenure security
13 strategies, such as tree planting, symbolic construction, and oral pacts that serve as local
14 mechanisms of legitimation, remain precarious in the face of the challenges of legal
15 formalization. This has led to increasing tensions between socio-cultural groups, including those
16 stemming from undocumented loans, land scarcity, and the sedentarization of agricultural
17 practices. The legal and institutional framework for land management in Benin aims to address
18 these issues and promote land tenure security, and has been tentatively adopted to foster peace
19 and social cohesion. Despite its potential, this framework is not without its challenges and
20 continues to generate controversy.

21 **Keywords:** Property, Land tenure security, Land conservation, Mode of representation, Land
22 governance, Benin.

23 **Introduction**

24 In Benin, land is viewed as an economic asset, a heritage tied to identity, and a factor of social
25 legitimacy (Chauveau and Lavigne Delville, 2012). Nouwadjro (2023) identifies traditional land
26 tenure as a mode of social, patrimonial, cultural, and political expression, operating within
27 frameworks that resist change and reform. According to Manara (2025), access to land, its
28 management, and its security are still largely governed by customary norms that have persisted
29 for generations. These customary rules continue to shape relationships between individuals,

30 families, and sociocultural groups regarding land, and remain central to the mechanisms for
31 recognizing land rights (Zoila et al., 2024).

32 The communes of Nikki and Tchaourou are characterized by ethnic diversity and high rural
33 population density. Here, there is a gradual influx of non-native populations (agricultural
34 migrants and herders), a reduction in arable land, the erosion of customary land boundaries, and
35 the coexistence of customary and state regulations. These dynamics have created significant land
36 instability. Consequently, changes in land relations and the emergence of new legal frameworks
37 (CFR, ADC, PFR, etc.) have profoundly reshaped land relations, leading to tensions and
38 conflicts between various groups (Edja and Le Meur, 2009). These transformations raise
39 questions about the resilience of traditional land regulation mechanisms, their adaptability, and
40 the potential for exclusion, particularly for women, young people, and minority groups
41 (Adéchian et al., 2025).

42 This article aims to characterize customary land tenure systems and land tenure security
43 mechanisms in the communes of Nikki and Tchaourou. It will analyze the types of recurring
44 conflicts, their root causes, the underlying social dynamics, and the actors involved. The goal is
45 to illuminate the multiple factors driving land tensions and to understand the extent to which
46 rural land acts as a trigger, catalyst, or indicator of conflict in these evolving rural areas."

47 **Methodology**

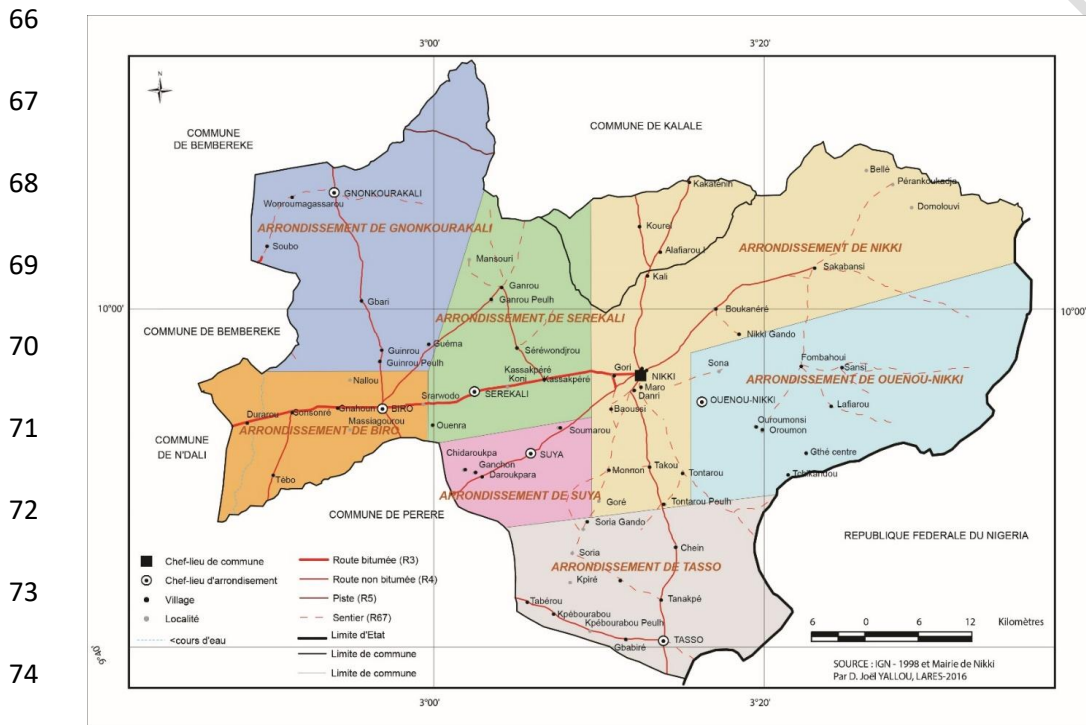
48 **Study Area**

49 The study area covers the communes of Nikki and Tchaourou, located in the Borgou department
50 of northern Benin. The commune of Nikki extends between 9°46'00" and 9°61'00" North latitude
51 and 2°95'30" and 3°22'30" East longitude. The commune of Tchaourou lies between 8°40' and
52 9°45" North latitude and between 1°55' and 3°11" East longitude. These two communes belong
53 to the Sudanian-Guinean zone, characterized by alternating rainy and dry seasons, with local
54 variations influencing agricultural activities. Their climate is tropical Sudanese, featuring a rainy
55 season (May to October) and a dry season (November to April).

56 Both municipalities possess significant natural resources, including forests, wooded savannas,
57 and seasonal watercourses, which are threatened by human activity and climate change. These
58 resources support rainfed agriculture, livestock farming, artisanal fishing, and forestry. The

59 economic activities of these two municipalities are primarily based on the primary sector and the
 60 development of small-scale production units. Consequently, the local economy remains
 61 dominated by agriculture and livestock farming, which employ the majority of the working
 62 population, often leading to land conflicts due to pressure on arable land. They also belong to an
 63 agro-ecological zone corresponding to areas of high agricultural production, and the
 64 development of these activities raises the issue of access to land.

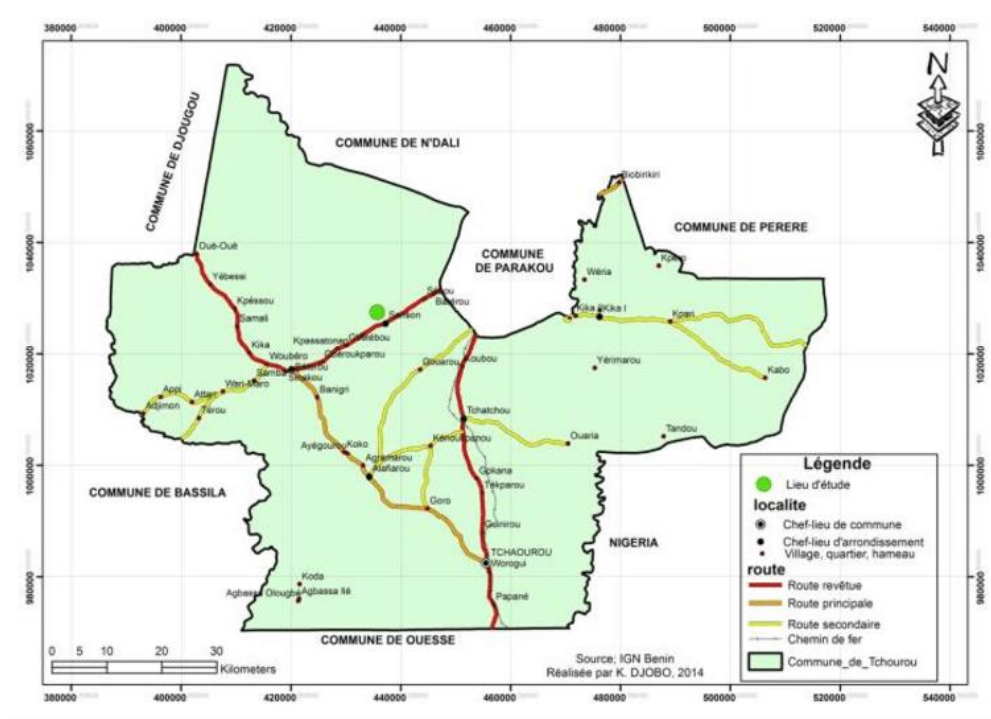
65 Figure 2 shows the location of the municipality of Nikki.



75 Figure 1: Geographical location of the municipality of Nikki

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79 **Figure 1: Geographical location of the municipality of Tchaurou**

80 **Sampling**

81 The sample size will be calculated using Schwartz's (1994) formula:

82
$$n = z^2 * p(1-p)/d^2$$

83 Where:

84 * **n** represents the desired sample size

85 * **z** is determined based on the desired statistical certainty. Since the chosen statistical certainty
 86 is 95%, the corresponding value of z is 1.96.

87 * **p** is the prevalence or coverage rate to be sought. For this study, $p = 0.5$.

88 * **d** represents the desired precision. The value of d is determined by the acceptable margin of
 89 error or the desired precision. In this study, $d = 0.1$, meaning a margin of error of 10% is allowed.

90 All calculations completed, a sample of 160 people was distributed between the districts with the
 91 most land-related problems in the two municipalities. The people interviewed were:

- 92 * Land chiefs, village chiefs, and traditional leaders
- 93 * Indigenous and non-indigenous farmers
- 94 * Transhumant or settled herders
- 95 * Rural youth (men and women) from indigenous lineages
- 96 * Women who had experienced land disputes related to inheritance or marriage
- 97 * Members of village land management committees or administrative authorities

98 Table 1 presents the details of the sample for this study.

99 **Table 1: Samplin**

	District	Villages	number
Tchaourou	Sansou	Sébou	24
		Barerou	21
	Tchatchou	Gararou	20
	Kika	Kika	24
Nikki	Tasso	Tasso	19
	Ouénou	Ouénou	29
	Biro	Ourarou	23
Total			160

100

101 **Data Collected**

102 The Collective Survey Method for Identifying Strategic Groups and Conflicts (ECRIS),
 103 developed by Thomas Bierschenk and Olivier De Sardan, was used for data collection. This
 104 method allows for the identification of the various political arenas that are established and the
 105 strategies they develop to address land and natural resource management. It also allows for the
 106 identification of conflicts surrounding land issues and the methods of their resolution. The data
 107 collected relates to:

- 108 * The typologies of land access methods in the municipalities of Tchaourou and Nikki,
- 109 sociodemographic profiles of the actors involved, sociocultural factors, and customary land
- 110 tenure security strategies.

111 * The typologies of non-native residents present in the municipalities, their geographic origins,
112 ethnic affiliations, length of settlement, residential status, socioeconomic profiles, duration of
113 stay, circumstances, reversibility of agreements, and perceptions of the types of relationships."

114 **Analytical Methods**

115 The qualitative data were analyzed using thematic content analysis, allowing for the
116 identification of dominant representations, strategies, and narratives related to land access and
117 security. This data is illustrated by verbatim excerpts representative of the collected discourse.

118 The quantitative data underwent descriptive analysis (frequencies, percentages, cross-tabulations)
119 as well as statistical tests to identify potential links between land access methods and certain
120 explanatory variables such as gender, age, education level, farm size, and group affiliation.

121 Specifically, binary logistic regressions using SPSS were employed to measure the influence of
122 sociocultural factors on forms of land access (inheritance, loan, gift, rental, purchase, free
123 occupation) and to identify the most significant patterns.

124 **Results**

125 **Typology of Land Access Methods: A Diverse Landscape in Transition**

126 In the municipalities of Nikki and Tchaourou, land access methods are diverse. Analysis of data
127 from these municipalities shows that inheritance is the primary means of accessing land. It
128 represents most cases (74.3%) in the overall sample. This method of access is deeply rooted in
129 local traditions and strongly associated with the social status of indignity. The interviews confirm
130 this finding:

131 *"My land comes from my father. He himself inherited it from his grandfather. That's how it's*
132 *done here, even though nowadays some people are buying it."*

133 *(Bariba household head, Nikki, 64 years old)*

134 *"I inherited the land from my father; he himself received it from my grandfather. In our*
135 *community,*

136 *we don't sell the land; we keep it for the children."*

137 *(Household head, Tchaourou, 65 years old)*

138 However, differences are observed in the results between the two municipalities. For example,
139 inheritance reached 81% in Nikki compared to 67% in Tchaourou. This lower percentage in the

140 municipality of Tchaourou is explained by the large influx of foreigners, which has led to
141 increased borrowing (18% through loans) and gifting (8%).

142 **Table 2: Distribution of Land Access Methods**

Access Mode	Nikki (%)	Tchaourou (%)	Global Average (%)
Heritage area	81	67	74.3
Ready	10	18	14.1
Gift	5	8	6.3
Rental/purchase	3	4	3.5
First occupant	1	0.5	0.8

143 **Source: Results of empirical data analysis**

144 This table reveals that the concept of "near" is known by 14.1%. This concept is a frequent
145 customary practice where land is made available without financial compensation, but on the
146 condition of loyalty or friendship. The gift, identified by 6.3%, is based on familial or marital ties.

147 The analysis clearly shows the preeminence of inheritance as a means of accessing land,
148 especially in Nikki. This illustrates the persistence of lineage-based systems in the transmission
149 of agricultural land, particularly among the Bariba, the majority group in this commune. In
150 Tchaourou, methods such as loans and gifts are more developed, reflecting a greater presence of
151 non-native residents and an opening of the local land system to temporary, sometimes precarious,
152 social arrangements. Purchase and rental remain marginal, but their increasing presence is an
153 indicator of the emerging commodification of land. A local resident affirms in the same vein,

154 "My land comes from my father." He
155 himself had inherited it from his
156 grandfather. Here, that's how it's done,
157 even if there are people who buy.

158 This testimony illustrates the intergenerational logic of customary land transfer. It highlights the
159 social legitimacy accorded to inherited land, perceived as inalienable. The mention of purchase

160 suggests a gradual shift towards other practices sometimes considered marginal or non-
161 traditional.

162 Regarding purchase and rental, reported by 3.5%, this is a practice of exchanging land for
163 something in return. While it is mentioned only marginally, it has become one of the most
164 common practices in all communes, going against customary inheritance. Finally, the "first
165 occupant" model is reported only in rare cases (0.8%), often by founding families or elderly
166 people. The elder's words confirm this argument:

167 *In the past, life was good, there weren't so many of us, and there*
168 *was space. When you settle in a sparsely populated village, the inhabitants*
169 *give you their land without any compensation. The part you manage to*
170 *cultivate is yours, and that's how it is for everyone. If a stranger is there,*
171 *you just have to show him the space that no one has yet cultivated so he*
172 *can occupy it and make it his property.” (Bariba village elder, Nikki, 86*
173 *years old)*

174 **Another states:**

175 *“There isn't enough land for all the*
176 *children anymore. My son is forced to rent from*
177 *someone else, even in our own village.” (Nikki, 71,*
178 *traditional chief)*

179 These statements reflect a land succession crisis. Population growth and the hereditary division
180 of plots are leading to land scarcity, even among indigenous people. Having to “rent from a
181 cousin” indicates a weakening of the traditional lineage model and the emergence of more
182 contractual relationships, even within kinship groups.

183 **Evolution of Land Access Patterns Over Time**

184 The empirical results of this study reveal a certain evolution in forms of land access that follows
185 a generational dynamic. This means a gradual shift away from more market-based and
186 contractual methods, particularly in areas experiencing population growth. Among young

187 farmers (under 40), the influence of inheritance is decreasing, while access through loans or
188 leases is increasing, revealing a silent reshaping of land rights.

189 **Figure 3: Modes of access to land according to the age of respondents**

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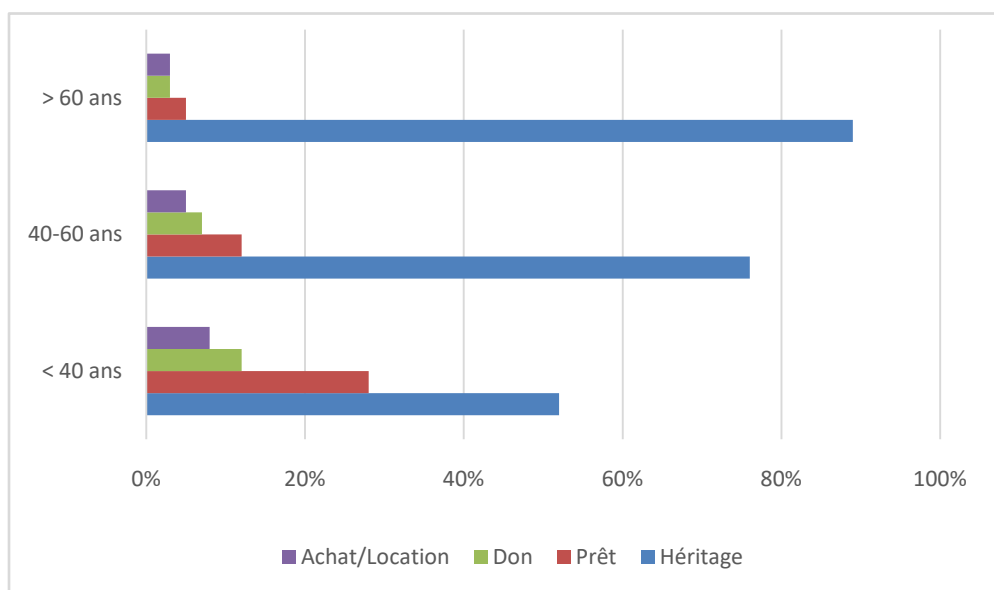
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198 **Source: Resultsofempiricaldataanalysis,**

199 The figure shows that for people over 6 years old, land acquisition through inheritance is
200 dominant (89%) compared to acquisition by people under 4 years old. This decline in the mode
201 of acquisition through inheritance gives way to lending and renting/buying land. This trend is
202 also linked to increasing land pressure and the fragmentation of inheritances. In several villages,
203 the excessive fragmentation of inherited land makes it impossible to satisfy all requests, which
204 increasingly forces young people to negotiate loans or rent plots from elderly or settled migrants.
205 This observation raises the question of land security for young people and the social reproduction
206 of farms. Further comments confirm this argument:

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“I arrived here in 1998. The chief lent me a plot of land. Every year, we renew the agreement verbally. But I would like to have a written document so that my children can benefit from it after me.” (Gando farmer Nikki, 42 years old)”

212 **Influence of Socio-cultural Factors: Persistent Inequality of Access**
 213 The empirical results revealed persistent inequality in land access. This inequality is explained
 214 by the influence of several sociocultural and, more generally, economic factors in both
 215 municipalities.

216 **Table 2: Linear Regression Tests on Access Methods**

Variables	Heritage area (p)	Ready (p)	Gift (p)	Purchase (p)
Sex	0.004	0.000	0.019	0.240
Age	0.012	0.013	0.295	0.403
Instruction level	0.470	0.926	0.213	0.625
Exploitationlevel	0.463	0.754	0.061	0.312
Belonging to a group	0.663	0.495	0.589	0.810

217 **Source:ResultsofEmpiricalData**

218 Logistic regression analysis revealed that certain factors significantly influence access patterns,
 219 including:

220 * Sex strongly influences access through inheritance (p = 0.004): men benefit more from
 221 inheritance; women access land through loans or gifts.

222 * Age also plays a significant role (p = 0.012): older people inherit earlier but have less land to
 223 redistribute. Inheritance is more frequent with age.

224 * Education level and farm size do not have a significant overall effect. Similarly, membership
 225 in an agricultural group or cooperative appears to have only a marginal effect.

226 **Table 3: Summary of the relationships between sociocultural factors and access patterns**

Factor	Heritage area	ready	gift	purchasing/rantal
Sex	✓	✓	✓	✗

Age	✓	✓	×	×
Instruction	X	×	×	×
Exploitation level	×	×	(limit)	×

227 **Source: Results of Empirical Data Analysis**

228 This table confirms that access to land is not socially neutral. Gender and age strongly influence
 229 access, illustrating power relations and systemic inequalities in land management. The fact that
 230 education or farm size has no significant effect indicates that social capital and position within
 231 the family structure still largely prevail over technical or economic skills.

232 *"Boys get the fields. Girls go to their husbands. Unless they*
 233 *return widowed, sometimes they are given a small plot."*

234 (Widowed woman, Nikki, 57 years old) This verbatim statement reflects a patriarchal land tenure
 235 system, where women are not considered heirs. Land becomes accessible to them only in
 236 exceptional circumstances (widowhood, abandonment). This perpetuates land inequality and
 237 deprives women of any real autonomy in their social relationship to land.

238 *"In our culture, women don't inherit land. But*
 239 *sometimes, the husband gives a small plot behind the house*
 240 *for growing vegetables."*(Nikki, 39, female farmer)

241 These remarks highlight the subordinate position of women in customary land systems. Even
 242 when they have access to land, their rights are dependent on marital ties. Land remains a male
 243 asset, and women are often only temporary users, without the right to ownership or inheritance.

244 **Customary Land Tenure Security Strategies: From Symbol to Intention**

245 Faced with increasing insecurity linked to land pressure and the lack of official documents, local
 246 communities have developed several forms of informal land tenure security. These are symbolic
 247 strategies to secure their various lands. Among these strategies are:

248 * Planting of perennial trees (cashews, mangoes, teak), considered silent proof of ownership.
 249 Property marker.

250 * Construction of huts or enclosures, even unoccupied, to symbolically "occupy" the land.

251 * Oral claims or testimony from traditional chiefs and elders. They are the guarantors of land
252 legitimacy.

253 In some cases, oral pacts are concluded in the presence of a chief, a group of witnesses, or during
254 a ritual, creating a kind of local recognition.

255 *"When you plant a tree in the land, it's to say that*
256 *it's your home. Even the children will see it later."* (Farmer,
257 Tchaourou, 49 years old)

258 The symbolic power of endogenous land tenure security practices is illustrated. Planting a tree
259 becomes an act of social marking of space, a kind of "plant signature" that replaces written
260 documentation. This also shows that social memory plays a central role in the recognition of land
261 rights.

262 *"If you plant a cashew tree, even after 10*
263 *years, everyone will know it's yours. It's like putting*
264 *your name on it.*(Land chief, Kpérankou village,
265 Tchaourou)

266 These practices are often not legally recognized but are accepted locally and respected by users.
267 To avoid symbolic appropriation, when elders lend land, they refuse planting by the loan
268 recipients. However, the failure of some lenders to respect these principles leads to land disputes
269 between the lender and the borrower.

270 Furthermore, the coexistence of several social groups in the two communes (Bariba, Gando,
271 Fulani, Dendi, etc.) generates forms of land solidarity (lending, sharing, exchange), but conflicts
272 remain frequent, particularly concerning land loaned without documentation, access routes, and
273 vaguely defined boundaries inherited orally:

274 * Some old, informal loans are now being contested.

275 * The Fulani, often settled as herders, face increasing restrictions on access to traditional
276 pastoral routes.

277 The Gando, often agricultural migrants, are both integrated and perceived as "invasive" by some
278 local families. The statements from the interviews confirm this line of reasoning:

279 *“There are many Gando people here. When they*
280 *arrive, we give them things. But afterwards, it’s difficult to*
281 *take them back; they say it belongs to them. For example,*
282 *we lent the fields to the Gando, but today they want to*
283 *forbid us from going there. They forget that it’s our land.”*
284 (Village Chief, Nikki)

285 This statement reveals the growing tension surrounding informal land loans. The lack of
286 documentation, the duration of use, and conflicts over historical memory lead to disagreements
287 about actual ownership. This demonstrates the legal fragility and potential reversibility of
288 unwritten customary land rights. Another interviewee adds:

289 *“When the Fulani used to cross here,*
290 *everything was fine. But now there are fences*
291 *everywhere. Even their herds are in danger.”*

292 (Local dignitary, Tchaourou) This statement denounces the increasing closure of agricultural
293 areas, particularly with regard to pastoral mobility. The proliferation of agricultural fences
294 reflects increased sedentarization and the privatization of land, incompatible with the practices of
295 transhumant herders. It is an indicator of a profound change in the management of rural space
296 and a shift of communal lands toward forms of exclusive ownership. The herders themselves
297 echo this sentiment:

298 *“The Bariba are farming in our old grazing*
299 *lands. So the herds are moving elsewhere, and the*
300 *fields are being trampled.”*(Fulani herder,
301 Tchaourou)

302 **Discussion**

303 The analysis of the results obtained in the communes of Nikki and Tchaourou highlights a strong
304 prevalence of customary land tenure systems, particularly inheritance, which still structures the

305 majority of land relations today. This observation confirms the deep-rooted nature of lineage and
306 kinship systems in rural Beninese societies. The link between land and belonging to a group of
307 origin remains a fundamental element of land legitimacy, especially among the Bariba, where
308 land chiefs retain recognized authority in land distribution. These results are consistent with the
309 analyses of Colin and Ayouz (2006), according to whom customary land rights fall under a
310 community administration right, based on social and generational hierarchy.

311 However, this patrimonial logic is currently facing significant changes. The rise of loans, gifts,
312 and even rentals in certain localities, particularly in Tchaourou, reveals an increasing
313 contractualization of land relations. This evolution reflects an adaptation of customary norms to
314 land pressure, population growth, and the mobility of stakeholders. It confirms Lavigne
315 Delville's (2010) observations on the capacity of customary land systems to absorb new forms of
316 management without completely abandoning their principles. In these contexts, land becomes
317 simultaneously a social good, a source of identity, and a negotiable resource, giving rise to
318 flexible, often oral and personalized arrangements.

319 This evolution, however, is not without its tensions. Statistical results reveal marked inequalities
320 in access to land, particularly based on gender and age. The vast majority of women do not
321 inherit land and can only access it through relationships of dependence with husbands, fathers, or
322 brothers, often in the form of loans or revocable gifts. This implicit exclusion perpetuates a
323 structural land inequality, which reduces women's autonomy and their ability to sustainably
324 secure their agricultural activities. This observation aligns with the work of Monimart (1994) and
325 Basset and Crummey (1993), which demonstrates that customary land systems often reinforce
326 patriarchal patterns of land appropriation.

327 Similarly, age appears as a criterion for differentiated access. Younger generations, especially
328 those under 40, are increasingly less likely to inherit land, due to excessive land fragmentation or
329 their low status within the family. They then depend on loans or rentals, which places them in a
330 precarious situation of land tenure. This reality reflects what Bourdieu (1980) called "deferred
331 symbolic capital": young people must wait until they have acquired a recognized social status to
332 claim stable land rights.

333 Regarding land tenure security practices, the results show that tree planting, symbolic
334 construction, and the pronouncements of elders constitute the pillars of local land tenure security.
335 These practices, although not recognized by formal law, play a fundamental role in the
336 recognition of rights at the community level. They fall under what Lavigne Delville and
337 Chauveau (2014) call "social proofs": symbolic and consensual elements that are sufficient to
338 stabilize a right within the framework of local social relations. However, these mechanisms
339 remain vulnerable in the event of litigation, the absence of witnesses, or challenges. Their
340 effectiveness therefore relies on social cohesion and collective memory, which makes them
341 poorly compatible with an increasingly competitive and legally regulated environment. Relations
342 between sociocultural groups, particularly between indigenous peoples (Bariba) and non-
343 indigenous groups (Gando, Fulani), reveal growing tensions. Long-term leased lands are now at
344 the heart of latent conflicts, fueled by differing memories of agreements, the absence of written
345 records, and ambiguous land tenure statuses. Similarly, restrictions imposed on herders' use of
346 grazing corridors illustrate a shift from traditional balances based on interdependence to
347 relationships of confrontation. These dynamics confirm the analyses of Turner (2004) and Hesse
348 and Thébaud (2006) regarding the fragility of informal customary arrangements in a context of
349 land scarcity and resource pressure

350 Finally, the results suggest the emergence of a hybrid land tenure system, combining customary
351 norms, local arrangements, and references to modern law (rural land certificate, ADC, PFR),
352 without any real integration between them. Few of the interviewees possess an official property
353 document. This finding echoes the critique of the "top-down" formalization of land tenure, as put
354 forward by Le Roy (1996), who warns of the risk of a disconnect between legal instruments and
355 actual social practices. In this context, land recognition relies more on social legitimacy than on
356 formal legality, which makes rights fragile and contingent.

357 **Conclusion**

358 The analysis of customary land tenure systems in the communes of Nikki and Tchaourou has
359 highlighted the persistence of traditional norms in land access and security, while also revealing
360 significant changes linked to contemporary social dynamics. Inheritance remains the dominant
361 mode of access, embodying the continuity of lineage structures and the anchoring of land in
362 kinship systems. However, the increasing emergence of lending, gifting, and leasing practices

363 shows that these customary systems are not static but are constantly evolving in response to
364 demographic changes, land scarcity, and the diversification of actors.

365 The results also showed that access to land is strongly conditioned by gender, age, and social
366 status, particularly to the detriment of women and young people, who are often relegated to
367 informal, precarious, or dependent forms of access. These structural inequalities pose major
368 challenges in terms of land justice and social cohesion. Furthermore, locally mobilized land
369 tenure security mechanisms such as tree planting, symbolic boundary marking, and oral
370 agreements ensure a degree of social stability but have significant limitations in the event of
371 conflict or dispute, in the absence of written records or formal recognition.

372 Land tensions between sociocultural groups (indigenous, non-indigenous, pastoralists, and
373 agricultural migrants) illustrate the complexity of land relations in contexts of multiethnic
374 coexistence. The gradual shift towards more exclusive and individualized land appropriation,
375 coupled with the lack of sufficiently formal mediation mechanisms, increases the risk of conflict
376 and disruption of the local land order.

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