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Customary land system and security modes in the communes of Nikki and Tchaourou in Northern Benin .

## Abstract

This article analyzes the functioning of customary land tenure systems and land tenure security practices among rural actors in the communes of Nikki and Tchaourou in northern Benin. <sup>1</sup> Data were collected from 120 individuals in these two communes, and analyzed using descriptive statistics and content analysis. The study reveals a dynamic land recomposition in rural areas, where inheritance remains the predominant practice (74.3%). However, there's a notable increase in lending (14.1%), gifting (6.3%), and, to a lesser extent, renting or purchasing (3.5%), particularly among young people and non-natives. The observed customary land tenure security strategies, such as tree planting, symbolic construction, and oral pacts that serve as local mechanisms of legitimation, remain precarious in the face of the challenges of legal formalization. This has led to increasing tensions between socio-cultural groups, including those stemming from undocumented loans, land scarcity, and the sedentarization of agricultural practices. The legal and institutional framework for land management in Benin aims to address these issues and promote land tenure security, and has been tentatively adopted to foster peace and social cohesion. Despite its potential, this framework is not without its challenges and continues to generate controversy.

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

## Introduction

In Benin, land is viewed as an economic asset, a heritage tied to identity, and a factor of social legitimacy (Chauveau and Lavigne Delville, 2012). Nouwadjro (2023) identifies traditional land tenure as a mode of social, patrimonial, cultural, and political expression, operating within frameworks that resist change and reform. According to Manara (2025),

access to land, its management, and its security are still largely governed by customary norms that have persisted for generations. These customary rules continue to shape relationships between individuals, families, and sociocultural groups regarding land, and remain central to the mechanisms for recognizing land rights (Zoila et al., 2024).

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

This article aims to characterize <sup>2</sup> customary land tenure systems and land tenure security mechanisms in the communes of Nikki and Tchaourou. It will analyze the types of recurring conflicts, their root causes, the underlying social dynamics, and the actors involved. The goal is to illuminate the multiple factors driving land tensions and to understand <sup>2</sup> the extent to which rural land acts as a trigger, catalyst, or indicator of conflict in these evolving rural areas."

## Methodology

### Study Area

The study area covers the communes of Nikki and Tchaourou, located in the Borgou department of northern Benin. The commune of Nikki extends between 9°46'00" and 9°61'00" North latitude and 2°95'30" and 3°22'30" East longitude. <sup>1</sup> The commune of Tchaourou lies between 8°40' and 9°45" North latitude and between 1°55' and 3°11" East longitude. These two communes belong to the Sudanian-Guinean zone, characterized by alternating rainy and dry seasons, with local variations influencing agricultural activities.

Their climate is tropical Sudanese, featuring a rainy season (May to October) and a dry season (November to April).

Both municipalities possess significant natural resources, including forests, wooded savannas, and seasonal watercourses, which are threatened by human activity and climate change. These resources support rainfed agriculture, livestock farming, artisanal fishing, and forestry. The economic activities of these two municipalities are primarily based on the primary sector and the development of small-scale production units. Consequently, the local economy remains dominated by agriculture and livestock farming, which employ **2** **the majority of the** working population, often leading to land conflicts due to pressure on arable land. They also belong to an agro-ecological zone corresponding to areas of high agricultural production, and the development of these activities raises the issue of access to land.

Figure 2 shows the **1** **location of the municipality of** Nikki.

Figure 1: **Geographical location of the municipality of** Nikki

Figure 1: **Geographical location of the municipality of Tchaourou**

Sampling

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

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

Where:

- \* n represents the desired sample size
- \* z is determined based on the desired statistical certainty. Since the chosen statistical certainty is 95%, the corresponding value of z is 1.96.
- \* p is the prevalence or coverage rate to be sought. For this study, p = 0.5.
- \* d represents the desired precision. The value of d is determined by the acceptable margin of error or the desired precision. In this study, d = 0.1, meaning a margin of error of 10% is allowed.

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

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

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

Table 1: Samplin

District

Villages

number

Tchaourou

Sanson

Sébou

24

Barerou

21

Tchatchou

Gararou

20

Kika

Kika

24

Nikki

Tasso

Tasso

19

Ouénou

Ouénou

29

Biro

Ourarou

23

Total

160

#### Data Collected

The Collective Survey Method for Identifying Strategic Groups and Conflicts (ECRIS), developed by Thomas Bierschenk and Olivier De Sardan, was used for data collection.

This method allows for the identification of the various political arenas that are established and the strategies they develop to address land and natural resource management. It also allows for the identification of conflicts surrounding land issues and the methods of their

resolution. The data collected relates to:

- \* The typologies of land access methods in the municipalities of Tchaourou and Nikki, sociodemographic profiles of the actors involved, sociocultural factors, and customary land tenure security strategies.
- \* The typologies of non-native residents present in the municipalities, their geographic origins, ethnic affiliations, length of settlement, residential status, socioeconomic profiles, duration of stay, circumstances, reversibility of agreements, and perceptions of the types of relationships."

### Analytical Methods

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

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

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

### Results

#### Typology of Land Access Methods: A Diverse Landscape in Transition

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

The interviews confirm this finding:

"My land comes from my father. He himself inherited it from his grandfather. That's how it's

done here, even though nowadays some people are buying it.”

(Bariba household head, Nikki, 64 years old)

“I inherited the land from my father; he himself received it from my grandfather. In our community,

we don’t sell the land; we keep it for the children.”

(Household head, Tchaourou, 65 years old)

However, differences are observed in the results between the two municipalities. For example, inheritance reached 81% in Nikki compared to 67% in Tchaourou. This lower percentage <sup>3</sup> in the municipality of Tchaourou is explained by the large influx of foreigners, which has led to increased borrowing (18% through loans) and gifting (8%).

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

Source: Results of empirical data analysis

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

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

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

This testimony illustrates the intergenerational logic of customary land transfer. It highlights the social legitimacy accorded to inherited land, perceived as inalienable. The mention of purchase suggests a gradual shift towards other practices sometimes considered marginal or non-traditional.

Regarding purchase and rental, reported by 3.5%, this is a practice of exchanging land for something in return. While it is mentioned only marginally, it has become one of the most

common practices in all communes, going against customary inheritance. Finally, the "first occupant" model is reported only in rare cases (0.8%), often by founding families or elderly people. The elder's words confirm this argument:

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

Another states:

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

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

#### Evolution of Land Access Patterns Over Time

The empirical results of this study reveal a certain evolution in forms of land access that follows a generational dynamic. This means a gradual shift away from more market-based and contractual methods, particularly in areas experiencing population growth. Among young farmers (under 40), the influence of inheritance is decreasing, while access through loans or leases is increasing, revealing a silent reshaping of land rights.

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

Source: Results of empirical data analysis,

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

"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)"

Influence of Socio-cultural Factors: Persistent Inequality of Access

The empirical results revealed persistent inequality in land access. This inequality is explained by the influence of several sociocultural and, more generally, economic factors in both municipalities.

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

Source:ResultsofEmpiricalData

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

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

\* Age also plays a significant role ( $p = 0.012$ ): older people inherit earlier but have less

land to redistribute. Inheritance is more frequent with age.

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

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

Factor

Heritage area

ready

gift

purchasing/rental

Sex

✓

✓

✓

×

Age

✓

✓

×

×

Instruction

×

×

×

×

Exploitation level

×

×

(limit)

×

Source: Results of Empirical Data Analysis

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

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

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

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

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

Customary Land Tenure Security Strategies: From Symbol to Intention

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

- \* Planting of perennial trees (cashews, mangoes, teak), considered silent proof of ownership. Property marker.
- \* Construction of huts or enclosures, even unoccupied, to symbolically "occupy" the land.
- \* Oral claims or testimony from traditional chiefs and elders. They are the guarantors of land legitimacy.

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

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

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

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

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

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

- \* Some old, informal loans are now being contested.
- \* The Fulani, often settled as herders, face increasing restrictions on access to traditional pastoral routes.

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

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

This statement reveals the growing tension surrounding informal land loans. The lack of

documentation, the duration of use, and conflicts over historical memory lead to disagreements about actual ownership. This demonstrates the legal fragility and potential reversibility of unwritten customary land rights. Another interviewee adds:

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

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

"The Bariba are farming in our old grazing lands. So the herds are moving elsewhere, and the fields are being trampled."(Fulani herder, Tchaourou)

## Discussion

The analysis of the results obtained in the communes of Nikki and Tchaourou highlights a strong prevalence <sup>2</sup> of customary land tenure systems, particularly inheritance, which still structures the majority of land relations today. This observation confirms the deep-rooted nature of lineage and kinship systems in rural Beninese societies. The link between land and belonging to a group of origin remains a fundamental element of land legitimacy, especially among the Bariba, where land chiefs retain recognized authority in land distribution. These results are consistent with the analyses of Colin and Ayouz (2006), according to whom customary land rights fall under a community administration right, based on social and generational hierarchy.

However, this patrimonial logic is currently facing significant changes. The rise of loans, gifts, and even rentals in certain localities, particularly in Tchaourou, reveals an increasing contractualization of land relations. This evolution reflects an adaptation of customary norms to land pressure, population growth, and the mobility of stakeholders. It confirms Lavigne Delville's (2010) observations on the capacity of customary land systems to

absorb new forms of management without completely abandoning their principles. In these contexts, land becomes simultaneously a social good, a source of identity, and a negotiable resource, giving rise to flexible, often oral and personalized arrangements.

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

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

Regarding land tenure security practices, the results show that tree planting, symbolic construction, and the pronouncements of elders constitute the pillars of local land tenure security. These practices, although not recognized by formal law, play a fundamental role in the recognition of rights at the community level. They fall under what Lavigne Delville and Chauveau (2014) call "social proofs": symbolic and consensual elements that are sufficient to stabilize a right <sup>1</sup> within the framework of local social relations. However, these mechanisms remain vulnerable in the event of litigation, the absence of witnesses, or challenges. Their effectiveness therefore relies on social cohesion and collective memory, which makes them poorly compatible with an increasingly competitive and legally regulated environment. Relations between sociocultural groups, particularly between indigenous peoples (Bariba) and non-indigenous groups (Gando, Fulani), reveal growing tensions.

Long-term leased lands are now at the heart of latent conflicts, fueled by differing memories of agreements, the absence of written records, and ambiguous land tenure statuses. Similarly, restrictions imposed on herders' use of grazing corridors illustrate a shift from traditional balances based on interdependence to relationships of confrontation. These dynamics confirm the analyses of Turner (2004) and Hesse and Thébaud (2006) regarding the fragility of informal customary arrangements <sup>1</sup> in a context of land scarcity and resource pressure

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

## Conclusion

The analysis <sup>2</sup> of customary land tenure systems in the communes of Nikki and Tchaourou has highlighted the persistence of traditional norms in land access and security, while also revealing significant changes linked to contemporary social dynamics.

Inheritance remains the dominant mode of access, embodying the continuity of lineage structures and the anchoring of land in kinship systems. However, the increasing emergence of lending, gifting, and leasing practices shows that these customary systems <sup>2</sup> are not static but are constantly evolving in response to demographic changes, land scarcity, and the diversification of actors.

The results also showed that access to land is strongly conditioned by gender, age, and social status, particularly to the detriment of women and young people, who are often relegated to informal, precarious, or dependent forms of access. These structural inequalities pose major challenges in terms of land justice and social cohesion.

Furthermore, locally mobilized land tenure security mechanisms such as tree planting, symbolic boundary marking, and oral agreements ensure a degree of social stability but have significant limitations **1 in the event of** conflict or dispute, in the absence of written records or formal recognition.

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

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