World Journal of Advanced Research and Reviews
eISSN: 2581-9615 CODEN (USA): WJARAI
Cross Ref DOI: 10.30574/wjarr
Journal homepage: https://wjarr.com/

(CASE STUDY)

RISING LAND VALUES, MULTIPLE SALES AND SUBDIVISIONS WITHOUT FORMAL AGREEMENTS: DYNAMICS OF LAND CONFLICTS IN BANTAYAH AND MODOUYA, TANENE SUB-PREFECTURE, REPUBLIC OF GUINEA

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World Journal of Advanced Research and Reviews, 2026, 32(02), 1411–1416

Publication history: received on 9 October 2026; revised on 18 November 2026; accepted on 20 November 2026

Article DOI: https://doi.org/10.30574/wjarr.2026.32.2.2943

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ABSTRACT

In Guinea, as elsewhere in West Africa, land management is shaped by the overlap of a customary land system, established by traditional authorities, and a statutory system, managed by the State. The customary system, however, tends to disappear under the effect of socioeconomic change, notably rapid population growth and urbanisation, as well as the expansion of agriculture, livestock farming, trade, mining and industry. These factors increase the demand for land for housing, economic activities and infrastructure, and fuel land pressure and conflicts. The villages of Bantayah and Modouya, in the sub-prefecture of Tanéné, on the outskirts of the prefecture of Dubréka, are no exception to this situation: they experience strong land pressure and social conflicts linked to land. This study analyses the dynamics and causes of land conflicts in these two villages. A mixed approach, combining qualitative and quantitative methods, was adopted. Data were collected through semi-structured interviews with local land actors: customary authorities, surveyors and private individuals. The results show that land conflicts do not have a single cause. They arise where three elements meet: unwritten boundaries based on natural landmarks, the double or triple sale of the same plot, and subdivisions carried out without a clear agreement between customary landowners and surveyors. The recent construction of a bridge, a toll-and-weighing station and new access roads has increased the value of land and revived old claims. The lack of access to the cadastral data and subdivision plans held by the housing department made it impossible to compare subdivision periods or to verify their authenticity. This constitutes the limitations of this study.

Keywords: Land conflicts; Subdivision; Customary landowners; Agreement; Tanéné; Republic of Guinea

1 INTRODUCTION

In societies that stand at once in tradition and in modernity, the introduction of private property into land governance remains a major challenge for institutions and States (Le Roy, 1996). In rural sub-Saharan Africa, population growth, structural adjustment plans and the multiplication of conflicts over land keep the land question at the forefront (Lavigne Delville, 1998). This situation is very worrying in West African peri-urban areas, where land is under strong pressure owing to the growing expansion of urbanisation. In these areas, land is an object of tension between different groups of actors who claim access to, or ownership of, a coveted land resource (Lund, 2008). Deadly conflicts between indigenous Bété and Burkinabè people were recorded in the sub-prefecture of Saioua, in the Issia region, and between indigenous Krou people and Burkinabè people in the sub-prefecture of Tabou, a conflict that was followed by the evacuation of

more than ten thousand Burkinabè from the south-west of the country (Chauveau, 2000). Around Conakry, land changes status quickly. Areas long cultivated or kept in reserve become neighbourhoods, then stakes of power and money. The prefecture of Dubréka is no exception to this evolution. In the sub-prefecture of Tanéné, the proximity of the capital and the opening of new roads attract buyers of all origins. Land there is highly sought after and disputes are multiplying.

This situation is part of a well-known issue in Africa: the coexistence of customary rules, often oral, with administrative procedures that require plans, signatures and titles [1, 2]. When these two logics meet without being well articulated, each party can invoke the rule that suits it. Conflict then becomes almost inevitable.

Our starting question is as follows: why are land conflicts so frequent in Bantayah and Modouya, and how do subdivision practices help to sustain them? We hypothesise that these conflicts have historical roots, but that they are strongly aggravated by the way subdivisions are carried out and by the recent rise in the value of land in the area. The article first presents the framework of the study, then the results, before discussing them and proposing recommendations.

2 MATERIALS AND METHODS

2.1 Study area

Bantayah is a sector of the district of Maneah, in the sub-prefecture of Tanéné. This district, which used to be a mere sector, is now the second largest in the sub-prefecture of Tanéné, after Soubétidé. Modouya, further north in our study area, shows similar dynamics. Both areas are currently being subdivided and attract strong demand for land (Figure 1).

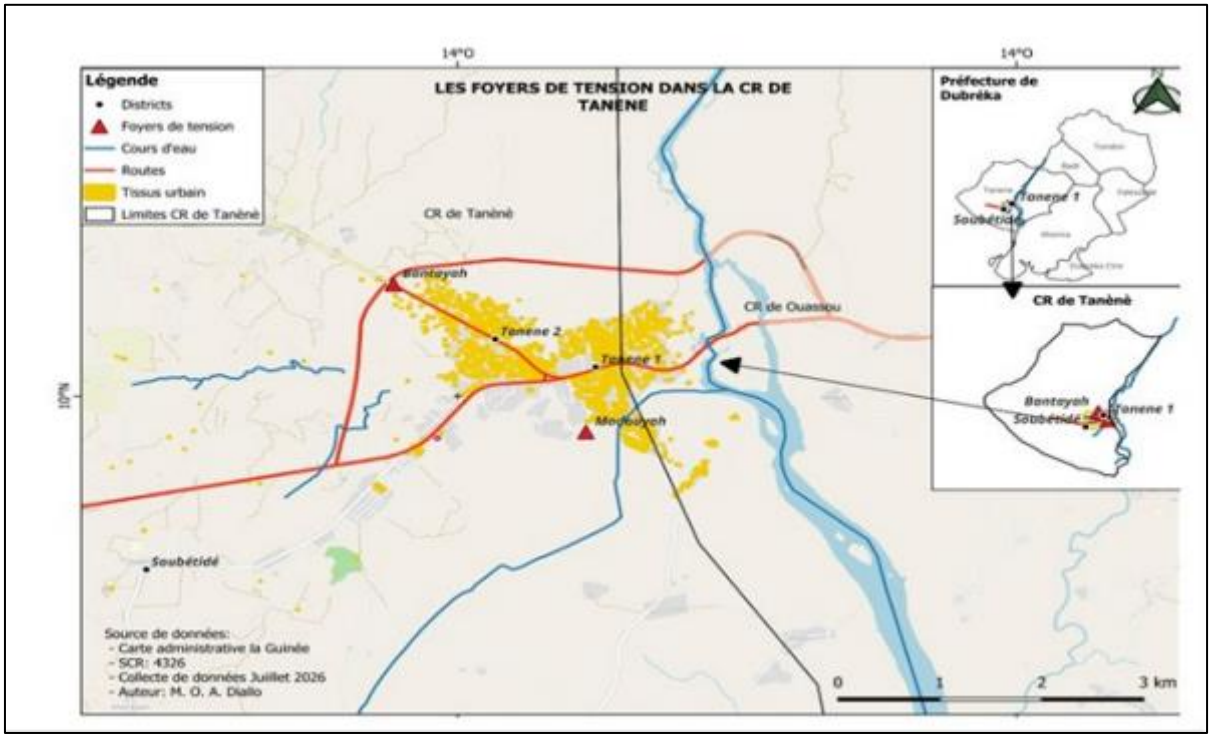


Figure 1: Hotspots of land tension in the rural commune (RC) of Tanéné

2.2 Sampling method

The districts of Bantayah and Modouya were chosen according to the following criteria: the intensification of subdivision operations and of the construction of new access roads, a bridge and the toll-and-weighing station road, as well as the frequency of land conflicts caused by the development of plots located along this road. Households were selected by convenience sampling, which takes into account the physical presence and availability of the respondent at the time of the survey. The other actors were recruited by purposive sampling. In line with the research approach, a sample of 35 respondents was retained. This size meets the requirements of the qualitative approach, which does not require a large number of people. The sample breaks down as follows: 12 households at each site, 2 customary chiefs, 8 surveyors and 13 officials of the housing department.

2.3 Data collection

Data were collected using a qualitative approach. Semi-structured interviews were conducted with households, surveyors and customary chiefs, as well as a focus group with officials of the housing department. In parallel, sales and subdivision practices were directly observed. The accounts collected were cross-checked against each other in order to identify what recurs among several interlocutors. To protect the people concerned, we did not cite the names of individuals currently involved in disputes. The data collected were subjected to content analysis. The statements were transcribed into a corpus. This corpus was structured into units of meaning, and a horizontal analysis then allowed us to obtain the results.

Before each interview, the respondent's informed consent was obtained and their anonymity protected. Respondents were assured in advance that the information provided would not appear anywhere and would not be the subject of any legal proceedings.

3 RESULTS AND DISCUSSION

3.1 Conflicts over traditional boundaries

Respondents first link the conflicts to the history of settlement. According to the accounts, a notable of Yafraya gave his sister in marriage to Mangué Thiam (Mangué means traditional chief in the Susu language), originally from Bouramayah Tafory. After the ceremony, Thiam settled in Yafraya. In addition to his wife, he received a few portions of land. The problem is that the boundaries of this estate were never fixed precisely. At the time, boundaries were marked with whatever the landscape offered: a palm tree, a river, a cave, or even the distance of a stone's throw. No document exists today to prove the exact extent of what was handed down.

Over time, this estate was broken up. The grandsons resell parts of it and, in many cases, go well beyond the original boundaries. This is one of the main sources of the double, even triple, allocation of the same plot.

Local history also sheds light on the place of Bantayah within the district. A notable of Maneah is said to have entrusted this territory to old Thiam, who was then settled with people of servile status. A place had to be found for them, and old Thiam asked that a few portions of land be ceded at Bantayah so that they could be kept there. He appointed a man named Banta to look after them. These people worked in the fields and, according to the accounts, were exchanged for rice, fonio or groundnuts. Banta had planted many mango trees. People would say: "let's go to old Banta's to pick mangoes", and that is how the place got its name. This detail is not anecdotal: it shows that the memory of origins still serves as an argument in today's claims.

3.2 Multiple sales, falsifications and disputes between heirs

Repeated sales are the second major source of conflict. Respondents describe several scenarios. The first concerns the so-called "primary" buyers, that is, the first to have acquired large areas from customary landowners. When the seller dies a year or two later, some of them falsify the purchase document. One hectare becomes five or six, and the buyer claims: "I bought five hectares with your father."

The second scenario is the reverse: it is the seller's sons who contest the sale. One interviewee sums up the situation as follows: "primary buyers pay for one hectare, and when he dies the sons come and say that all of it belongs to our father". Each side therefore accuses the other of cheating, and the absence of reliable papers makes it impossible to decide.

The third scenario concerns family estates. An estate belonging to more than a hundred people can be sold by only three of them. Normally, however, the family decides together to subdivide, for example, five hectares, then distributes the plots among its members. Each is then free to sell their share. When a few people sell in place of the others, the wronged rightful claimants demand what is due to them. Conflicts also arise between brothers and sisters of the same parents, especially when one lives in Tanéné and the other elsewhere: each can resell the same vacant plot without consulting the other. These disputes already existed before the construction of the road, because Tanéné had long been coveted.

3.3 Double subdivision on the same estate

The first subdivision of Bantayah, called Bantayah 1, did not comply with all the standards. It was launched under the authority of a local figure, now deceased, who gave the order to subdivide. No agreement had been signed between the customary landowners and the surveyors.

In the second subdivision, on the same estate, the family this time established an agreement with the surveyors. But its representative resold all the plots due to the family. As the primary buyers had already acquired several estates, overlaps multiplied. When the situation deteriorated, these buyers referred the matter to the housing department. As

the seller had died, the housing department proposed returning some of the plots to the grandsons, for example five plots out of about twenty. All parties accepted. Yet no document was issued to formalise this arrangement, and the situation remains tense today. This example shows that a good compromise, if it is not put in writing, protects no one.

3.4 Rising land value and claims by heirs and grandsons

The construction of the single bridge, the toll-and-weighing station and the access roads has greatly increased the value of Bantayah. This rise in value has brought many claims to the surface. Maneah wants its share, because the subdivisions went beyond the original boundaries. Yafraya also claims its own, for two reasons: the primary buyers bought with their parents, and the origin of Thiam, who left Bouramayah Tafory to settle in Bantayah, is invoked as a title of belonging. Meanwhile, the heirs and grandsons continue to sell and resell the same plots. The overlap of the two subdivisions complicates matters further.

3.5 Standard subdivision procedure

To understand the deviations, it is necessary to recall how a subdivision should proceed. Surveyors begin with topographic surveys in order to establish the actual area. They then draw up the preliminary design, provide for collective facilities (mosque, health post, football pitch, cemetery, etc.), carry out zoning and demarcation, and then open up the roads. Only after this phase do they establish an agreement with the customary landowners.

This agreement is signed by the communal authorities, the housing department and the customary landowners, then validated by the Prefectural Housing Directorate of Dubréka. It sets the share of plots going to each party. If a 4/10 ratio is agreed, the surveyors receive four plots out of ten and the customary landowners six. Table 1 illustrates this principle.

Table 1: Example of plot distribution under a 4/10 agreement

Number of plots subdivided	Share of customary landowners (6/10)	Share of surveyors (4/10)
10	6	4
50	30	20
100	60	40

At the end of the work, the total number of plots is known and each party receives its share. The family and its representative must be present on site to identify and count the blocks, the plots and the facilities. The share of each party is then shown in a different colour on the subdivision plan, and a copy is given to the family with an explanation of the legend. At the time of a sale, the family member must go through the surveyors to find out which plots are concerned. In case of disagreement, the agreement settles the matter. It must be drawn up in several copies, five according to the norms mentioned, given in particular to the customary landowners, the surveyors and the housing department. It should be noted that this distribution derives from local practice.

3.6 Local norms and practices

In the field, these rules are far from always being respected. Some surveyors establish no agreement at all. Each party then sells on its own until the plots run out, and then claims its share. The absence of an allocation key, that is, of the colour-coded plan given to the family, is cited as the origin of many conflicts.

Other practices are problematic. Some surveyors, in agreement with customary landowners, subdivide areas unfit for housing: industrial zones, agricultural zones, reserved land. At the validation stage, the housing department then blocks the plan. Some plans also show facilities that do not exist on the ground. In all these cases, buyers receive plots whose real status is uncertain.

3.7 The case of Modouya

In Modouya, the problems stem mainly from double allocations, the origin of which is attributed to a family that owns the area. When the sector gains value, the customary landowners oppose the initial agreement. The 4/10 share reserved for the surveyors falls to 3/10, and each party acts on its own to multiply sales. Two or three buyers then find themselves on the same plot sold by two different actors. A clear mechanism can be seen here: the rise in land value leads the parties to renegotiate, or even to call into question, agreements already concluded.

Table 2: Summary of the causes of conflicts in Bantayah and Modouya

Type of cause	Observed manifestation	Actors concerned
Historical	Unwritten customary boundaries, exceeded by heirs	Descendants of Thiam, Yafraya, Maneah
Sales practices	Double or triple sales, falsification of areas	Primary buyers, heirs, family members
Subdivision	Absence or non-observance of the agreement, overlap of two subdivisions	Surveyors, customary landowners, housing department
Economic context	Rise in value due to the bridge, the toll-and-weighing station and the access roads	Neighbouring communities, buyers, families

3.8 Actors and their logics

Looking more closely at the actors involved, we find that each acts according to a logic that seems coherent from their own point of view but clashes with that of the others. Customary landowners defend rights inherited from their ancestors. For them, land is first of all a family heritage, and selling it amounts to drawing on a common good. Yet the pressure of money and the demand from buyers push them to sell quickly, sometimes without consulting the whole family.

Surveyors occupy a central position. They master the plans, the measurements and the division into plots, that is, the tools that give a subdivision its legal existence. When they follow the procedure, they act as arbiters. When they subdivide without an agreement, or enter on the plan non-buildable zones and fictitious facilities, they themselves become a source of uncertainty. Primary buyers, for their part, seek to secure large areas. But for lack of precise documents, their rights remain easy to contest, and some give in to the temptation to alter the papers to their advantage.

The housing department intervenes at two levels: it validates the plans, and it acts as a mediator when the situation deteriorates. Its action is useful, as shown by the blocking of plans covering uninhabitable zones. But its arbitrations remain fragile as long as they are not put in writing. Finally, neighbouring communities, such as Maneah and Yafraya, do not take part directly in the transactions, but they make themselves felt as soon as land values rise. Their presence is a reminder that land is also a matter of belonging and collective history, and not only an exchange between a seller and a buyer.

4 DISCUSSION

These results call for three remarks. First, the conflicts observed cannot be explained by a simple opposition between “custom” and “modern law”. The actors combine both. They invoke the history of origins when it serves their cause, and the agreement or the subdivision plan when they need it. This flexibility is consistent with what Lund [3] describes: property is built through negotiation and the recognition of authorities, more than through a fixed text.

Second, the agreement appears to be the weak point of the system, but also its possible support. When it exists, is signed and is circulated, it limits disputes. When it is absent, oral or called into question, as in Modouya or in the restitution arrangement in Bantayah, everyone remains free to interpret it in their own way. The issue is therefore not only the rule itself, but its written proof and its observance.

Finally, the rise in land value in the area acts as a revealer. The bridge, the toll-and-weighing station and the roads did not create the conflicts, since some existed before them. But they increased the expected gains and, with them, the incentive to contest or to resell. The claims of Maneah and Yafraya also show that land is used to assert territorial belonging, which makes disagreements more lasting [4].

The role of oral memory must also be stressed. In a context where boundaries were fixed by a palm tree, a river or a stone’s throw, the word of the elders served as proof. This system worked as long as land had little value and the witnesses were alive and consulted. Today, witnesses are disappearing, the areas sold are worth millions and heirs no longer share the same memories. Accounts of origin are no longer enough to settle disputes; they serve rather as competing arguments. Moving to writing is therefore not a mere administrative detail: it is a way of replacing a memory that has become contestable with a shared reference point.

This study nevertheless has limitations: it rests on a small number of sectors and on testimonies that may be contradictory. Other surveys, notably in other districts of Tanéné, would make it possible to verify these findings.

5 CONCLUSION

In Bantayah and Modouya, land conflicts result from a chain of factors: old boundaries that remained vague, repeated and sometimes falsified sales, poorly supervised subdivisions, and then a sharp rise in land value. Each element, taken in isolation, would be manageable. Together, they create ground that is very favourable to disputes.

The main lesson is that land tenure security depends less on adding new rules than on applying those that exist, and above all on putting them in writing. A clear agreement, shared and kept by everyone, remains the simplest tool for preventing disputes.

Several practical measures emerge. A written agreement should be made compulsory before any subdivision, with copies given to all parties. It would be useful to give each family a colour-coded plan with explanations, and to durably mark the boundaries of estates. Finally, any arrangement reached through mediation, such as the restitution of plots to the grandsons, should be put in writing and registered.

Future research could compare these sectors with other areas being subdivided, in order to better understand how the rise in land value transforms relations between families, communities and State services.

STATEMENTS OF COMPLIANCE WITH ETHICAL STANDARDS

Acknowledgements

We wish to express our gratitude, our thanks and our appreciation to Professor Moustapha Keita DIOP, Professor Alpha Issaga Pallé DIALLO and Doctor Mamadou Bhoye BAH for their scientific support, availability and rigour, as well as for their valuable guidance; to Commander TRAORE, Mr Bafodé Camara, Mr Fofana, Dean Filly Fôté and Mr Soumah for facilitating access to information in the field. Finally, our thanks go to the Environmental Research Institute of Guinea for the logistics.

Source of funding

This research project was funded by a grant from the Ministry of Higher Education and Scientific Research of the Republic of Guinea. This funding was supplemented by the author's own financial resources.

Disclosure of conflict of interest

The authors declare that they have no conflict of interest regarding this manuscript.

Statement of informed consent

Informed consent was obtained from each respondent before the interview, and the anonymity of respondents was protected. The names of people currently involved in disputes are not cited.

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