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## RESEARCH ARTICLE

# BETWEEN INSTITUTIONAL MANDATE AND PRACTICAL CONSTRAINTS. THE ROOM FOR MANEUVER OF THE OMBUDSMAN OF THE REPUBLIC IN ADDRESSING AGRO-PASTORAL CONFLICTS IN THE ZOU DEPARTMENT (BENIN)

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### ABSTRACT

In Benin, although the legal framework grants the Ombudsman of the Republic a central mandate in the prevention and resolution of disputes, the institution's intervention in agro-pastoral conflicts remains structurally limited and only weakly effective in practice. This study examines the institutional, legal, and social factors that concretely restrict the institution's room for maneuver in negotiating and monitoring mediation agreements between farmers and transhumant herders in the Zou Department. Adopting a qualitative approach, the study relies on semi-structured individual interviews and participant observation as methods of data collection. Fifty-two informants participated in the interviews. They were selected through purposive sampling based on the principle of theoretical saturation. The analysis of the data, informed by Weberian bureaucratic theory, highlights an internal organizational structure composed of interdependent services operating under the administrative authority of the Ombudsman. However, the absence of binding powers significantly limits the institution's ability to enforce and sustain mediation agreements, particularly in the field of agro-pastoral conflicts. Ultimately, the findings show that although the legal texts formally grant a certain degree of flexibility to the Ombudsman's scope of action, this scope is substantially reduced by structural, organizational, political, and social constraints.

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## INTRODUCTION

Pastoral conflicts opposing farmers and herders represent a major challenge for rural development in Sub-Saharan African countries (H. Ibrahim *et al.*, 2018). Very often, they constitute the violent manifestation of disagreements between groups of farmers and herders over interests that generate competition for the control of natural resources such as land, water, pasture, etc., whose scarcity is amplified by climate change, demographic growth, and economic crises, even though these resources are vital for the survival of the actors involved. Where these conflicts occur, institutional mediation appears as a potential solution for either curative management or preventive intervention, with the aim of establishing a lasting peaceful coexistence within affected communities. However, the question of the capacity of institutional mediation mechanisms to ensure equitable, effective, and sustainable governance of such conflicts remains. Agrarian environments still constitute today an "arena" (T. Bierschenk and J.-P. Olivier de Sardan, 1994) where daily and seasonal dynamics crystallize various forms of conflict, among which conflicts between farmers and nomadic cattle herders appear as one of the most significant. Characterized by a high level of complexity, these multidimensional conflicts result from a diversity of intertwined factors. Without being exhaustive, these factors cover a

wide spectrum including climatic and environmental disruptions, geometrically growing populations, the impoverishment and scarcity of natural resources, the increased vulnerability of social groups—especially in rural areas—and the inability of decision-makers to implement appropriate and effective reforms, among others (N. Magda *et al.*, 2023). In rural communities where living conditions and human development indicators show a clear decline compared to urban areas (K. Beegle *et al.*, 2016), the cumulative effect of these factors generally creates favorable conditions for the emergence of conflicts between farming communities—whose survival depends on increasingly demanding agricultural efforts—and itinerant herder groups whose survival relies on the availability, in both quantity and quality, of grazing land, fodder resources, and water points, particularly during periods of drought. The increasing severity of droughts, which now extend over uncertain and increasingly long periods (United Nations, 2022), strongly affects the availability of these resources that have become highly coveted and contested. Farmers, in search of arable land to cultivate or striving to protect their crops in order to obtain better yields, often find themselves in direct confrontation with transhumant herders who, in their search for grazing land for their livestock, allow their animals to devour and destroy farmers' fields along their routes. Confrontations therefore become inevitable. Often extremely violent, these clashes

are generally accompanied by the destruction of property, the indiscriminate killing of animals, and the loss of human lives, with the consequent weakening of social and economic ties within the affected communities. Beyond small community or local arrangements aimed at managing such conflicts, institutional mediation appears as a new mode of legitimizing public action (E. Volckrick and S. Rigo, 2006), seeking to provide lasting responses to these conflicts through negotiation in order to reach consensus. In its original conception, institutional mediation appears as “an institution responsible for independently overseeing the actions of the administration in order to put an end to conflicts of interest involving the administration(s) and citizen(s), through a power of recommendation and proposal of reforms without coercive force” (R. Boust, 2007: 397). Over time, institutional mediation bodies have diversified their areas of intervention, increasingly adopting a transversal vocation that allows them to contribute to the promotion of fundamental rights (A. Revillard, 2012). As a result, their scope of intervention has extended beyond their traditional role of conflict resolution between individuals and institutions to include the governance of tensions between individual and/or collective actors. In this regard, the institutional Ombudsman can play a key role by providing a neutral platform for protagonists willing to engage in dialogue through a mutually accepted interface, helping them identify their common interests and involving them fairly in the search for collectively validated solutions. However, the perceived legitimacy of the Ombudsman, the perception of transparency, fairness, and inclusiveness in its procedures, as well as the institution’s capacity to implement and ensure compliance with mediation agreements reached with its support, can influence the effectiveness of its actions.

In Benin, the institution of the Ombudsman of the Republic strengthens the mechanisms that previously existed for the institutional resolution of conflicts. In line with the evolution of the institution, the legislator has entrusted it not only with contributing to the resolution of disputes between citizens and the administration but also, when requested by the parties, with participating in the settlement of various conflicts that may potentially harm social cohesion and peaceful coexistence (Articles 8, 9, and 12 of Law No. 2009-22 of January 3, 2014 establishing the Ombudsman of the Republic). In this sense, the Ombudsman of the Republic is often called upon to intervene in a variety of conflict situations, particularly those opposing farmers and transhumant cattle herders. These conflicts, which have become recurrent in recent years and have had harmful consequences at various levels, currently constitute one of the most significant concerns in terms of internal security in the country. However, although the Ombudsman of the Republic regularly intervenes in the governance of agro-pastoral disputes by helping the parties find compromises and points of reconciliation, clashes between farmers and herders persist, with varying degrees of intensity from one case to another. Does the Ombudsman of the Republic have sufficient authority and freedom of action to resolve agro-pastoral crises effectively and sustainably?

To address this question, this article postulates that the authority of the Ombudsman of the Republic in resolving agro-pastoral conflicts and monitoring mediation agreements faces institutional, legal, and social constraints that undermine its effectiveness. It is around this assumption that the argument of this research is built. The methodological approach is presented before highlighting the analytical model mobilized, the results, and the discussion.

### *Investigation and Analysis Framework*

**Research Setting and Methodological Choices:** This research on agro-pastoral conflicts takes as its empirical field of investigation the Zou Department, an administrative division located in the center-south of Benin and home to two major historical cities of the country, namely Abomey and Bohicon. Bordered to the north by the Collines Department, to the south by the Atlantic and Ouémé Departments, to the east by the Plateau Department, and to the west by the Couffo Department and the Togolese Republic, the Zou Department is characterized by a high population density and an economy largely based on agriculture and commercial exchanges. It covers a territory

that represents a major historical space, notably because of the political and cultural heritage linked to the former Kingdom of Dahomey. Administratively, the department is subdivided into nine (09) municipalities, three of which are of particular interest in the context of this research because of the strong manifestation of agro-pastoral conflicts within their territories: Za-Kpota, Covè, and Zangnanado. In practice, these three municipalities representatively illustrate the central territorial and agro-ecological dynamics of the Zou region, characterized by strong pressure on cultivable land, competing uses of agricultural and pastoral resources, and increased vulnerability to climate variability that fuels rivalries over access to natural resources.

From a methodological standpoint, a qualitative research approach was adopted. Semi-structured individual interviews and participant observation were used as data collection techniques, while purposive sampling was used to define the study sample. The interviews mainly targeted farmers, herders, community leaders and local elected officials, the Territorial Agricultural Development Agency (ATDA), local Non-governmental organizations (NGOs) involved in agriculture or the promotion of social cohesion, the Republican Police, as well as officials at various levels within the Ombudsman of the Republic. Other institutional actors such as the Prefecture and the Ministry of Justice were also of significant interest for data collection. Ultimately, the principles of diversification and saturation made it possible to interview fifty-two (52) actors. The information obtained from the interviews was manually processed and transcribed using Word software. It was then systematically subjected to thematic sorting and triangulated. The use of content analysis (Bardin, 1991) made it possible to interpret the data in light of Weber’s theory of bureaucracy, supported by observational data.

**Theoretical Model:** Max Weber’s theory of bureaucracy (1922) was used to analyze the data. Weber developed the theory of bureaucracy, which he considered a form of rational organization essential for managing complex daily tasks efficiently and predictably. The basic assumptions of the theory include a clear hierarchical structure, where each level of the hierarchy has well-defined responsibilities and functions, recalling Émile Durkheim’s idea of the division of labor (1895). According to Weber, such a hierarchical structure is necessary to guarantee a precise chain of command accompanied by effective supervisory mechanisms. It involves formalized rules and procedures that are supposed to govern all activities and decisions, thereby ensuring consistency, predictability, and equality of treatment. In his theoretical and operational formulation of bureaucracy, Weber insists on the strict separation between official functions and the personal lives of actors, who must operate within an impersonal and objective framework, symbolizing the legal rationalization of the system. On this basis, Weber argues that in a bureaucratic organization positions are assigned according to qualifications and competencies rather than favoritism, nepotism, inheritance, or any other unofficial means, thereby ensuring the principle of meritocracy. In this perspective, the exhaustive documentation of processes and decisions aims to guarantee transparency and accountability, with the objective of maximizing efficiency, calculability, and control over bureaucratic operations. Max Weber’s theory of bureaucracy proves relevant for analyzing the room for maneuver of the Ombudsman of the Republic in dealing with agro-pastoral conflicts because it sheds light on how formalized rules, procedures, and hierarchies condition administrative action. In this context, the Ombudsman operates within a state structure characterized by clear chains of command and defined protocols, which limits certain discretionary initiatives while at the same time providing a legal and rational framework for action. The formalization of procedures and the documentation required by bureaucracy constitute tools for legitimizing interventions, ensuring the traceability of decisions, and guaranteeing equitable treatment of conflicting parties. However, this advantage may also constitute a limitation insofar as, institutionally, the Ombudsman’s power to act is deprived of any normative possibility of exercising coercive authority in the implementation and monitoring of mediation agreements that it nevertheless helps obtain—often with difficulty—from the parties in conflict.

## RESULTS

In a context where mediation has become an essential governance tool for managing conflicts between herders and farmers, it is important to identify the roles and mechanisms of action of the Ombudsman of the Republic (OR), which in Benin constitutes a major administrative body in the management of disputes. Doing so first requires examining the organization of the institution, its responsibilities, and its mode of operation. This diagnosis makes it possible to situate the institution within the overall architecture of public governance of crises and to identify its real capacities for intervention, particularly in the mediation of conflicts between farmers and herders.

### *The Ombudsman of the Republic in Brief*

**Organizational Structure of the Ombudsman of the Republic:** The Ombudsman of the Republic is organized into interdependent services under the authority of the institution's administration. This administration includes, on the one hand, the Cabinet, composed of all the services attached directly to the Ombudsman, and on the other hand, the General Secretariat. The Cabinet is headed by the Chief of Staff. It is also composed of three mission officers, a legal adviser, a communication unit, an audit and internal control unit, a public procurement control unit, a protocol service, and a private secretariat, each of which has specific responsibilities. According to Decree No. 2015-266 of May 22, 2015, the Cabinet is responsible for proposing strategic orientations for the institution in order to effectively promote within communities the culture of mediation and to encourage social appropriation of the service (Art. 7). The General Secretariat, for its part, includes the Secretary General, the Directorate of Administration and Finance, the Directorate of Appeals, the Directorate of Self-Referral, the Regional Delegations, the Administrative Secretariat, and the Information Technology, Documentation, and Pre-Archiving Service. It also includes the Service for Relations with Regional Delegations and Correspondents, the Monitoring and Evaluation Unit, and the Public Procurement Commission. Working in close collaboration with the Cabinet, the General Secretariat is responsible for coordinating the activities of the technical directorates and the regional delegations. It also assists the Ombudsman of the Republic in the administration and management of the institution. The functioning of the institution is therefore based on a structure organized around two main pillars (the Cabinet and the General Secretariat), each fulfilling specific strategic and operational functions. This arrangement recalls the complex bureaucratic models highlighted by H. Mintzberg (1982), in which coordination between specialized unit's conditions overall institutional performance.

**The Official Powers of the Ombudsman:** Decree No. 2015-266 of May 22, 2015, concerning the powers, organization, and operation of the Ombudsman, clarifies the institution's powers primarily in two paragraphs: the first and the second. Article 1 stipulates that:

The Ombudsman receives complaints from citizens regarding the operation of central government departments, decentralized local authorities, and public institutions, and examines them in order to find equitable solutions. The Ombudsman submits proposals to the Head of State aimed at ensuring the proper functioning and efficiency of public services.

The Ombudsman contributes generally to improving the rule of law and administrative governance.

At the request of the President of the Republic, the government, or members of any other institution of the Republic, the Ombudsman may participate in any conciliation activity between the public administration and social and/or professional groups.

He may also be called upon by the President of the Republic for specific missions relating to reconciliation and peace issues at the national, regional, or international level. (art. 1)

As for the second article, it states that:

The Ombudsman may, on his own initiative, take up any matter within his jurisdiction whenever he has genuine and serious

grounds to believe that a person or group of persons has been harmed or is likely to be harmed by the act or omission of a public body or public service concessionaire. (art. 2)

A final article (Art. 3) of the decree, which addresses the powers of the Ombudsman, clarifies the disputes that fall outside the institution's jurisdiction. These include, on the one hand, conflicts between private individuals or legal entities, and on the other hand, disputes between central government departments, decentralized authorities, and public institutions, on the one hand, and their employees, on the other. Furthermore, Article 3 removes from the Ombudsman's prerogatives the right to intervene in ongoing legal proceedings or to challenge a court decision. In conclusion, the Ombudsman does not possess the binding power that a judicial institution might have. Thus, as in any process of devolving power to institutions, the decree has striven to define the Ombudsman's areas of competence, thereby conforming to the need to foster complementarity among institutional roles without encroaching on each other's responsibilities, within a context of institutional coexistence. At first glance, the structure of the Ombudsman's responsibilities places the institution within a respectful balance between institutions, contributing to strengthening cohesion without undermining the existence of each. The institution therefore demonstrates, through the structure of its terms of reference, a more or less harmonious articulation of institutional powers—political, administrative, or judicial—within a framework of peaceful governance. However, a more in-depth analysis is required to determine the institution's actual room for maneuver, given its official prerogatives.

### *The Ombudsman of the Republic: Targeted and Flexible Powers Constrained by Institutional Structures*

**Responsibilities Focused on Citizen-Administration Tensions:** Article 1 (para.1) of Decree No. 2015-266 of May 22, 2015 stipulates that the Ombudsman of the Republic (OR) is primarily responsible for handling complaints from citizens relating to the functioning of public administrations, including local authorities and public institutions, and for providing equitable solutions. In addition, the same paragraph states that the OR “suggests to the Head of State proposals aimed at ensuring the proper functioning and efficiency of public services.” These prerogatives place the institution at the center of vertical relations between the State (or its decentralized bodies) and citizens, making it a mechanism of governance through mediation (J. Faget, 2008) intended to promote greater administrative justice and equity in access to public services. However, this republican and institutionalized conception of mediation quickly reveals its limitations when confronted with agropastoral disputes. Indeed, agropastoral conflicts are rarely administrative disputes in the strict sense, opposing a citizen to the administration. One of the primary criteria for identifying this type of conflict is undoubtedly the fact that they are primarily horizontal disputes. They fall, so to speak, within what C. Lefort-Rieu (2022) describes as “community conflicts,” most often marked by localized economic, financial, territorial, and cultural issues.

Nevertheless, the Ombudsman is competent to resolve conflicts between citizens and administrations and is able to issue advisory opinions to the Executive aimed at improving the performance of public services. However, the legal impossibility for the institution to intervene in the absence of explicit involvement of the administration remains a limiting factor. As such, it illustrates the effects of legal frameworks on public action, which can both enable and constrain it (M. Foucault, 1975; A. Giddens, 1991). Thus, the figure of the Ombudsman of the Republic, while positioning itself as a pivotal actor in the architecture of public governance of crises, appears to embody an institution whose real powers remain marginal. Positioned within an institutional dynamic where the regulation of conflicts between users and the administration is the priority, the organization appears, in fact, as a space of tension between its own ambitions (mediation within the republic, and thus in the broadest sense) and its normative limitations. Further paragraphs in the decree somewhat relax these constraints by introducing exceptions.

**The Ombudsman Facing Agropastoral Conflicts: Exceptions and Levers for Intervention:** By examining the powers of the Ombudsman beyond the first paragraph of Article 1 of the decree, it appears that the legislator provided two interesting openings in the normative framework, making it possible to envisage interventions in conflicts that do not necessarily involve the administration and citizens, thereby opening the possibility for the management of agropastoral conflicts. Indeed, according to paragraph 3 of the decree, the OR may participate in conciliation activities between the public administration and social and/or professional groups, but only at the request of a public authority. Furthermore, as indicated in paragraph 4, the Ombudsman may be called upon by the presidential authority for special peace missions, which may include (at the national level) agropastoral conflicts within communities, well beyond the strict field of relations between users and administrations. These provisions thus broaden the prerogatives of the institution, albeit under certain conditions. Their introduction in the decree may be interpreted as a desire to align the interests of the Ombudsman with those of the Executive, implicitly highlighting the hierarchical and functional dependence of the institution on political power. Moreover, the need to ensure social cohesion or national security may justify the creation of these institutional “windows,” which allow a functional extension of the body’s prerogatives. In any case, the additional prerogatives authorized by these paragraphs enable the Ombudsman to extend its mediation power by contributing to the resolution of crises between citizens and the administration, in a logic of pacification and social justice. However, despite this extension of the OR’s powers, the fact that its intervention is subject to a mandate from public authorities still reflects a desire to control the institution’s actions. This, in a certain way, compromises the autonomy of the Ombudsman, especially since its real fields of action are consequently reduced. The circumstantial mandates introduced by paragraphs 3 and 4 therefore constitute a form of conditional authorization, aimed at promoting flexible but controlled regulation of public action, based on forms of regulated exceptions (P. Lascoumes and P. Le Galès, 2004). This form of controlled autonomy becomes even more evident in Article 2 of the decree, which revolves around self-referral.

**Self-Referral: Between Formal Opportunity and Practical Limitations:** According to Article 12 of the law governing its functioning, the Ombudsman of the Republic is authorized to “seize a case on its own initiative” in order to propose mediation. However, this is only possible if the disputed act or fault originates from a public body or a concessionaire of a public service. In other words, disputes between private actors, such as those between farmers and herders, are excluded, unless the public administration is at the origin of the dispute or its inaction contributed to its escalation—which is generally rare. Yet, the majority of agropastoral conflicts are private and community-based. Consequently, the mechanism of self-referral appears to be motivated by the logic of formalizing disputes (J. P. Chauveau and L-D. Philippe, 1998) as a condition for their administrative handling by the Ombudsman. Thus, self-referral may prove effective when a dispute between farmers and herders occurs in a context where local authorities remain inactive or, conversely, where the situation is aggravated by land allocations considered “non-compliant” (J.-P. Olivier de Sardan, 1995) carried out by those same authorities. In other words, when the Ombudsman is informed that some parties feel wronged in the management of the conflict by these authorities, the institution may take up the matter on its own initiative. Likewise, when the authorities demonstrate inaction in the face of an agropastoral conflict likely to threaten social cohesion, the same approach remains applicable. These possibilities, although useful, remain conditional upon the existence of a reliable information mechanism capable of objectively establishing the failure of authorities.

Indeed, while the mere observation of the inaction of authorities in managing a conflict case greatly opens the possibility for the Ombudsman to intervene directly through self-referral—which may apply to agropastoral conflicts—the effectiveness of such interventions depends on a major condition: information monitoring. In practice, in order to successfully seize a case on its own initiative, the Ombudsman must have a coherent, proactive, and efficient system

for collecting information on all forms of conflict, including agropastoral conflicts that may worsen due to the governance of public administration or its lack of initiative. For this purpose, the legislator has provided for regional delegates and correspondents within public administrations, with the Service for Relations with Regional Delegations serving as their main contact within the institution of the Ombudsman (Art. 28). However, the effectiveness of information monitoring requires that this service function flawlessly and collaborate closely with the Self-Referral Directorate, which is notably responsible for “conducting investigations into all issues concerning the malfunctioning of public administration of which the Ombudsman takes cognizance on its own initiative” (Art. 23).

In practice, investigations have revealed that things do not actually function as planned and that there is a problem regarding the performance of regional delegates and correspondents. Rather than acting as information sentinels on crisis governance to motivate self-referral, their functioning tends instead to contribute to the underperformance of the institution.

[...] “There are coordination concerns between services which, moreover, do not always have sufficient human, material, and financial resources to properly handle the workload assigned to them. As for the transmission of information, that is also a problem. Correspondents are often civil servants within administrations who are made responsible as focal points. This gives them additional work, while they are not particularly motivated.” (Agent of the Ombudsman of the Republic, Cotonou, 15 March 2025).

While the organization of the Ombudsman allows it to ensure broad functional coverage, reality shows that the institution nevertheless suffers from well-documented biases in the literature on public action such as: lack of coordination between services, workload overload, demotivation of agents not exclusively dedicated to the institution, failures in information circulation, etc. (M. Crozier and E. Freiberg, 1977). Thus, information monitoring, which is decisive for the operationalization of self-referral, proves rather problematic in practice. This weakness calls into question the capacity of the Ombudsman of the Republic to fully exercise its right of “self-referral,” which is nevertheless essential for intervening in conflicts not directly covered by its initial competencies. When this weakness is added to the fact that it is relatively rare to observe conflict situations in which local authorities remain passive, it becomes clear that although the prerogatives of the Ombudsman of the Republic are broadened in legal texts, they do not always translate effectively in the field of community disputes, such as conflicts between farmers and herders.

**The Ombudsman in Action: A Fragile Landing in the Field of Farmer–Herder Conflicts:** As previously demonstrated, the Ombudsman has “tailor-made” responsibilities that make it primarily competent in managing grievances between users of public administrations and public services. The functional extensions added to its prerogatives are limited to the possibility of issuing advisory opinions to the Executive or being mandated to participate in conciliation activities or peace-building initiatives. It is precisely this window, combined with the institution’s ability to seize conflict cases on its own initiative, that makes agropastoral disputes eligible for its intervention—provided that it has an official mandate on the one hand or, on the other hand, observes governance problems among local authorities in the management of specific cases. In other words, in the absence of any link with the administration, the legal texts have not granted the organization the prerogatives to intervene directly in mediating community conflicts. However, in 2021, the Head of State entrusted the Ombudsman of the Republic, on the occasion of his swearing-in ceremony, with the responsibility for political and socio-community dialogue—a purely oral mandate that does not rely...

[...] “You will have, much more than in the past, to ensure—to the satisfaction of all of us—the necessary dialogue between different actors at all levels: at the political level, at the social level, at the trade-union level; discussions and dialogue are necessary between

Beninese men and women taken individually with the State, with the institutions and structures of the State” (P. Talon, 2021).

There is therefore a significant range of conflict situations that are clearly informal and that escape the institution’s direct field of action. This is all the more evident since the only rare indications of the institution’s intervention within the framework of this investigation revolve around testimonies recalling one or two awareness-raising activities carried out within communities for educational and preventive purposes.

“The people from the Ombudsman of the Republic came to our village once for mobile hearings and awareness-raising sessions on conflicts between herders and farmers. They gave us good advice and invited us to always prioritize the path of peace rather than confrontation. Apart from that, they rarely come here.”(Farmer, Zagnanado, February 18, 2025).

Thus, the real possibilities for the Ombudsman to intervene within communities regarding disputes between farmers and herders revolve mainly around the conflict-prevention component. Through its Department of Relations with Regional Delegations, the institution works on organizing mobile hearings and awareness-raising sessions in the decentralized territorial communities of the country (Art. 28). Under these conditions, the institution is not strictly involved in the local and contextual production of mediation agreements, particularly when agro-pastoral disputes occur in community spaces in which it has not intervened. Having not effectively participated in the drafting of mediation agreements, the Ombudsman is less inclined to intervene to ensure their enforcement. Consequently, its effective involvement in the implementation of such agreements appears virtually nonexistent, at least in the municipalities investigated: Covè, Zagnanado, and Za-Kpota. Overall, although the Ombudsman’s room for maneuver appears flexible in the legal texts, this flexibility is eroded by structural, organizational, political, and social constraints. The use of the right of initiative—such as self-referral or special ad hoc mandates from public authorities—can only fully produce results, as demonstrated, in a context where information circulates effectively. The effect of political will and functional requirements such as human, material, logistical, and financial resources should not be underestimated.

Referring to the work of D-A. Wardel and C. Lund (2006) on the margins of the State, the analyzed data highlight the differentiated logics of public conflict governance in a context characterized by plural spaces (administrative space and social/community space) and the legal requirements that accompany them. In this sense, the Ombudsman appears in certain respects as an “in-between” actor, caught between constraining legal boundaries and social expectations. These dissonances illustrate the limits of the institution’s real power in the effective exercise of its prerogatives in conflict mediation, particularly those opposing farmers and herders over natural resources. It thus becomes a privileged indicator of the tensions between formal legal norms, governance practices, and social/community imperatives. Ultimately, the mediation carried out by the Ombudsman of the Republic is constrained by legal and administrative limitations that tend to restrict its scope of action and affect its effectiveness. Although its institutional organization is relatively well structured, its prerogatives are mainly focused on relations between citizens and public administrations, particularly regarding access to public services. By contrast, in agro-pastoral conflicts—which are more closely related to community and private disputes—its intervention remains conditional, or even marginal. The possibility of self-referral or intervention by mandate constitutes an opening, but it remains strictly framed and subject to rigorous legal filters. Furthermore, deficiencies in information-reporting mechanisms and coordination difficulties appear to weaken the organization’s performance. These institutional constraints clearly contribute to weakening mediation activities and limiting their impact on the sustainable resolution of disputes. Thus, despite the political will to position the Ombudsman at the center of societal pacification dynamics, its role often appears largely symbolic. This situation calls for a bold redefinition of its prerogatives if mediation initiatives are to

achieve greater success in addressing increasingly complex social conflicts, particularly in the pastoral sector.

## DISCUSSION

The institutionalization of the Ombudsman of the Republic in Benin took shape with Law No. 2009-22 of January 3, 2014. The body thus became an institution serving citizens, with the essential mission of acting as a free intermediary between the public administration and citizens. Its existence aims to improve relations between the administration and citizens who feel wronged by facilitating the search for solutions to problems opposing the parties. It therefore appears as a guarantee for the promotion and preservation of democratic values and as a sign of respect for the principles of good governance, peace, and social cohesion. As D. M. Kiatti (2024) points out: “Given the delicate nature of the missions entrusted to the Ombudsman of the Republic, he is granted the status of an independent authority endowed with proven integrity, honesty, and impartiality, in addition to professional competence and a strong commitment to peace.” Over the years, many authors have emphasized that the Ombudsman of the Republic can hardly confine itself to its original mission as an interface between the administration and citizens. In practice, its areas of intervention have expanded, calling for a revision of the legal modalities of its action, which now lies at the crossroads of multi-scale and diverse demands. This is all the more necessary since the institution—through the fundamental principle of its mandate, mediation—finds itself at the intersection of the daily needs of communities in terms of mediation, administrative action, and political activity (G. J. C. Mebiama, 2010). As M. D. Kiatti (2024) also notes: “The multiple requests and expectations expressed by the populations lead this institution to invest more in the search for and preservation of peace and in ensuring social harmony.” Thus, in order to preserve peace and social cohesion, the institution engages in socio-community conflicts, particularly those opposing farmers and transhumant herders. However, its functioning faces difficulties that undermine its effectiveness in resolving such conflicts.

In any case, the Ombudsman of the Republic positions itself more on the preventive dimension of conflicts rather than on their concrete management. This choice is nonetheless relevant since it helps prevent confrontations and atrocities that might result. This is at least the view expressed by the interlocutor below, interviewed in Za-Kpota:

“The Ombudsman came to talk to us about conflicts between herders and farmers and about the need to preserve peace and seek peaceful means to resolve our disputes since we are bound to live together. [...] The training sessions are truly enlightening. We also had the opportunity to present some cases and they tried to advise us on how to resolve them.”(Member of the Local Committee for Transhumance Management, Za-Kpota, February 8, 2025).

Regarding the follow-up in the field of cases under resolution, particularly in terms of implementing agreements, it appears empirically that the Ombudsman does not have formal and dedicated mechanisms equipped with the necessary operational resources.

“In its functioning, the institution tries to interact with the protagonists as much as possible by keeping in contact with them, including with the competent decentralized state institutions in the concerned areas. We try to ensure follow-up with the limited means available, relying on the regional delegations. But to say that we have a dedicated structure with specific resources to closely monitor cases, with frequent field visits—this is not yet really the case.”(Officer at the Ombudsman’s Office, January 15, 2025).

This near absence of mechanisms for monitoring mediation agreements clearly constitutes a major obstacle to the sustainable resolution of tensions. Without a structured monitoring framework, it

becomes difficult to assess the evolution of tensions, anticipate risks, and ensure the effective implementation of agreements concluded. Consequently, commitments made by the parties may not be respected, potentially generating new tensions. This situation reduces the institution's room for maneuver and, consequently, undermines the effectiveness of its actions. When attempts at amicable resolution of agro-pastoral conflicts fail, the protagonists may bring the case before official judicial bodies to seek justice and compensation. Although the surveyed populations sometimes see greater guarantees of justice in the judicial institution—despite accusations of corruption—this option remains less favored due to the perceived slowness of procedures and the high financial and time costs involved. Moreover, resorting to the courts is sometimes perceived as destabilizing social cohesion and coexistence, unlike amicable settlements, which are considered more conducive to preserving peace and community harmony. Across all localities in Benin, the recurrence of agro-pastoral conflicts is a tangible reality. To curb this phenomenon, successive governments have adopted several measures, including laws, decrees, and the creation of mediation and conflict-management structures. The adoption of the Pastoral Code, the issuance of decrees governing the pastoral sector, and the establishment of the High Commission for the Sedentarization of Ruminants have nevertheless shown their limits. Despite being a national body and a voluntary intermediary whose mandate is supposed to be strengthened by these mechanisms, the Ombudsman of the Republic remains significantly weakened in handling such disputes due to the legal framework governing the institution. This limitation stems mainly from the law, which does not grant the institution coercive powers, nor the right to intervene in disputes between private individuals or legal entities, disputes between administrations and their agents, or cases already brought before the courts (Article 10 of Law No. 2009-22 of January 3 establishing the Ombudsman of the Republic). However, conflicts between farmers and transhumant Fulani herders fall within the private domain. It is therefore clear that by introducing this provision into the law, the legislator significantly reduced the Ombudsman's powers.

Nevertheless, as an institution responsible for promoting peace, it may initiate action on its own initiative, under certain conditions, when situations threaten social cohesion and peaceful coexistence. Given its current importance within the conflict-resolution framework, the restriction contained in Article 10 of the law establishing the Ombudsman deserves to be reconsidered because this article:

“[no longer corresponds] (...) to the spirit of institutional mediation and should be reduced in order to broaden the institution's field of action and intervention, enabling a larger segment of the population to benefit from its services. Aware of this need for institutional reform, some Ombudsmen have initiated mechanisms to review the fundamental texts governing the functioning of their institutions.” (D. M. Kiatti, 2024).

Taking this statement into account, it is essential that the institution be rethought, particularly through the legal framework that established it, in order to transform it into a genuine mediation body. It could also be considered as an umbrella institution for national mediation bodies, since it currently shares its competences with other state institutions whose missions sometimes overlap with its own.

## CONCLUSION

The governance of agro-pastoral conflicts in Benin reveals a complex institutional dynamic in which the Ombudsman of the Republic plays a significant role as an intermediary actor with limited powers. The analysis conducted in the Zou department highlights the tension between an ambitious institutional mandate and restrictive operational conditions. Legally, the Ombudsman operates within a normative framework that grants it prerogatives in conflict prevention and dispute resolution. However, the absence of coercive means to enforce mediation agreements substantially limits the effectiveness of its action. Max Weber's theory of bureaucracy sheds light on this

paradox: the hierarchical and rationalized structure governing the institution ensures coherence and transparency but does not confer coercive authority. This situation hinders the translation of administrative decisions into concrete results, particularly in agro-pastoral conflicts where economic interests and customary practices intersect. The analyses confirm that the internal bureaucracy of the Ombudsman—organized into interdependent services under a clearly defined hierarchy—provides a structured framework for carrying out its missions. Yet the sustainable monitoring of agreements remains difficult, especially when reconciling legal requirements with the local socio-economic realities of farmers and transhumant herders. The gap observed between institutional intentions and operational practice reflects the persistent tension between bureaucratic rationality and social contingency, where normative texts alone cannot guarantee the effectiveness or efficiency of action. From a Weberian perspective, administrative rationality, although organized and impersonal, does not automatically translate into efficiency in the field. The Ombudsman's room for maneuver therefore depends on the articulation between the formal framework and local contexts. Its performance relies not only on internal organization and procedural compliance but also on its capacity to negotiate, coordinate, and influence within an environment where formal law and community practices meet—and sometimes conflict. Thus, bureaucracy appears not only as an instrument of legitimization and rationalization but also as a structuring and limiting factor of the Ombudsman's effective room for maneuver. Its action lies along a continuum between institutional mandate and practical constraints, illustrating the complexity of agro-pastoral conflict mediation in the Zou department and the need to reconcile administrative rigor with adaptation to local realities.

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