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| RESEARCH ARTICLE

Access to Land under the Cameroonian Land Tenure System: The Vicissitudes of Illegality

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| ABSTRACT
Land has been observed in economic and development expressions as a vital resource having intrinsic value that shapes economic and social structures around and which developmental activities revolve. Access to land in Cameroon has increasingly appear to be complicated and costly as years go by, especially in urban centers as well as in rural areas in the country. This has been compounded by the issue of land grabbing perpetrated through administrative conspiracy by some unscrupulous individuals and the administrative officials in charge of land tenure. Due to the improper comprehension of the existing legal frameworks in place on land tenure, many have been lured into illegal land transactions in the country. This study therefore set out to make an assessment of how individuals gain access into land in Cameroon, evaluating it from the different land tenure regimes and equally evaluate the various patterns of land grabbing and illegal land transactions in the country. Methodologically, the study employs the qualitative research methodology. It adopts and analyses primary data in the form of laws, decided cases, unstructured interviews, as well as observations. Secondary data are derived from encyclopedias, text books, peer review journals, and other internet sources. The major findings in this study reveal that accessing land, especially in urban and rural centers, have become expensive as the days go by; meanwhile cost of land acquisition decreases in rural areas. As rural areas become urbanized, the quest for lands in both urban and rural areas have witnessed an exponential increase over the years. This has led to land grabbing, which has taken various perspectives as well as illegal land transactions. It is also observed that civil servants play a major role in land grabbing in various parts of the country through corrupt practices and go away with impunity. The study recommends that the government must adopt strict policies in the implementation of the land laws of the country and also that land disputes of all sorts be managed by the courts exclusively and not the administration.

| KEYWORDS

Access, Land, Tenure, Illegality.

| ARTICLE INFORMATION

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1. Introduction

Land has been observed in economic and development expressions as a vital resource having intrinsic value that shapes economic and social structures around and on which developmental activities revolve.[1] Consequently, every country has placed a very significant political interest in the management and sustainable use of land as a crucial

[1] Tan, Y (2025). 'Historical Institutionalism, political settlement and land ownership system in Nigeria'. *International Journal of Urban Sustainable Development*. 17(1), 136-153; J. N. Ashukem & C.C. Ngang (2022). 'Land Grabbing and the implications for the Right to development in Africa, *African Human Rights Law Journal*, 22, pp.403-425:406

natural resource both for the present and the future generations. The evolution of the Cameroonian land tenure system can be traced and divided into three major periods: from the precolonial set up, to the colonial era and right up to the present date. In the precolonial era, the notion of individual land holding was held to be foreign to native ideas. This view was well captured by Viscount Haldene in *Amodu Tijani v. Secretary, Southern Nigeria,*[2] who, sitting at the Judicial Committee of the Privy Council, held as follows:

> The next fact which it is important to bear in mind in order to understand the native land law is that the notion of individual ownership is quite foreign to native ideas. Land belongs to the community, the village or family, never to the individual. All the members of the community, village, family have equal right to the land, but in every case the Chief or Headman of the community or village, or head of the family, has charge of the Land, and in loose mode of speech is sometimes called the owner. He is to some extent in the position of a trustee, and as such holds the land for the use of the community or family. He has control of it, and any member who wants a piece of it to cultivate or build a house upon goes to him for it. But the land so given still remains the property of the community or family. He cannot make important disposition of the land without consulting the elders of the community or family, and their consent must in all cases be given before a grant can be made to a stranger. This is pure native custom along the whole length of this coast, and wherever we find, as in Lagos, individual owners, this is again due to the introduction of English ideas. But the native idea still has a firm hold on the people, and in most cases, even in Lagos, land is held by the family. This is so even in cases of land purporting to be held under Crown grants and English conveyances. The original grantee may have held as an individual owner, but on his death his entire family claim an interest, which is always recognized, and thus the land becomes again family land…[3]

The above exposition is typical in elucidating the customary land tenure system as it obtained in the precolonial era. Historically, Cameroon has undergone a triple colonial rule with the Germans,[4] and then the French and the British rule from 1919 to when the territory attained its independence. During the colonial era, beginning with the Germans, and then with the British and the French, land reforms were introduced which compelled the Cameroonian people to register lands if they wanted to lay claims over such lands. This was true with the German imperial government that enacted the German *Kronland* Act of 15th July 1896. This Act provided that all lands which were not effectively occupied by the natives were *herrenloss* land (land without master). thus, these lands were incorporated as part of German oversea dominions and, as such, the property of the German imperial government.[5] The British and the French colonial administrations were not different, as they equally called on some sort of registration and certification.

Soon after Cameroon achieved independence in 1960 and the unification of the French-speaking and English-speaking parts in 1961, the two tenure systems inherited from colonization were used. The idea of a collective national heritage cropped up during the first attempt to harmonize the two tenure systems on 9 January 1963, by decree to lay down rules governing land tenure in Cameroon.[6] In Cameroon, the land tenure system has undergone a number of reforms which have resulted in various classification and categories of lands in the country. Cameroon's land laws are embodied in in sectorial legislation comprising laws (parliamentary acts) on the one

[2] (1921) 2 A.C. P.399, 403

[3] Ibid

[4] Frankline Anum Ndi (2017) 'Land Grabbing, Local contestation, and the Struggle for Economic Gain: Insights from Nguti Village, South West Cameroon', *Sage Journals (Open Access)* at p.5; See Victor Julius Ngoh (1996), *History of Cameroon since Since 1800* (Pressbook: Limbe).

[5] Lotsmart Fonjong, Irene Sama-Lang and Fombe Lawrence Fon (2010), 'An Assessment of the Evolution of Land Tenure System in Cameroon and its Effects on Women's Land Rights and Food Security', *Perspectives on Global Development and Technology*, Vol. 9, pp.154-169:159

[6] Samuel Assembe-Mvondo, Carol J. P. Colfer, Maria Brockhaus & Raphael Tsanga (2014) 'Review of the legal ownership status of national lands in Cameroon: A more nuanced view, *Development Studies Research: An Open Access Journal,* 1:1, 148-160:149

hand,[7]ordinances, decrees and orders (executive acts) on the other hand,[8] which, from a constitutional approach, are capable of being enforced by the courts and other authorities so empowered.

Improper or unauthorized access into state land constitutes an infraction of legal provisions in force and a form of land grabbing.[9] Land grabbing has been defined metaphorically from the construction of expressions and understanding. According to the Chambers 20th Century Dictionary, to grab is to seize or grasp suddenly; it also refers to an unscrupulous seizure of something, in this case land.[10] The non-declaration of assets as constitutional prescribed under Article 66 of the Constitution has encouraged land grabbing by government officials and some unscrupulous individuals even within Government Residential Areas (GRA). This highhandedness is undoubtedly due to the government's laxity and administrative conspiracy in curbing illegal acquisition of wealth. It is contended that the acquisition of land entails legitimacy and must be accessed following due process of the law. This has widened the gap between the rich and the poor in Cameroon as only the strong and the powerful (rich) can enter these lands without being cautioned.

1.1 The Problem Statement

Cameroon maintains different land tenure regimes which have evolved significantly since colonial times following the various policies and laws adopted by the colonial masters. Since 1974, the land tenure system was reshaped, albeit with respect for indigenous rights to land. Access to land was therefore controlled, and this was echoed through to access to the livelihoods of the citizens, which now emerged as a fundamental concern. The local people became affected by land grabbing and other illegal land transactions.[11] Accessing land in Cameroon under the present dispensation in urban and rural areas in Cameroon have become increasingly complex and complicated over the years. This is true in major towns and cities in the country and even in rural areas closed to these towns, especially in the administrative headquarters of the 10 regions of the country.[12] Inadequate understanding of the various categories of lands in Cameroon has led many to engage in illegal land transactions and, in turn, numerous law suits in our courts and before the administration throughout the country. The Cameroonian law prohibit individuals from acquiring more than one parcel of land within the same urban center.[13] Other sectoral legislation further prohibits illegal occupation of state lands as well as the sale of national lands, without prior authorization under pain of imprisonment and fine.[14] Notwithstanding these regulations in force on the management of national lands and private property of the state, including mechanisms for imprisonment, citizens with the help of the local administration still persist in illegal land transactions over these lands. Illegal occupation of state lands attract both judicial and administrative measures for defaulters, yet these defaulters occupy these lands with impunity. This is

[7] Examples include, Law No. 76/25 of the 14th of December 1976 to establish regulations governing cadastral surveys and records, Law No. 80-21 of the 14th of July 1980 to amend Certain Provisions of Ordinance No. 74-01 of the 6th of July 1974 to establish rules governing land tenure, Law No. 80-22 of the 14th of July 1980 to repress infringements on landed property and state lands, Law No. 19 of the 26th of November 1983 to amend the provision of Article 5 of Ordinance No. 74-01 of the 6th of July 1974 to establish rules governing land tenure, Law No. 85/09 of the 4th of July 1985 to Lay down the procedure governing expropriation for public purposes and the conditions for compensation, etc.

[8] Some of these Ordinances include, Ordinance No. 74-01 of the 6th of July 1974 to establish rules governing land tenure, Ordinance No. 74-02 of the 6th of July 1974 to establish rules governing state land, and Ordinance No. 74-03 on the Expropriation of Land for Public Purposes.

[9] Section 8 of Ordinance No. 74-01 of the 6th of July 1974 to establish rules governing land tenure, as well as Section 2 of Law No. 80-22 of the 14th of July 1980 to repress infringements on landed property and state lands punishes those illegally enter land without prior authorization of those empowered to give them and sanctions any transaction thereof as a nullity.

[10] J. A. Mope Simo (6-8 April 2011), ' Land grabbing, governance and social peace-building issues in Cameroon: Case study of the roles of elites in land deals and commoditization in the North West Region', (Paper presented at the International Conference on Global Land Grabbing) Organized by the Land Deals Politics Initiative (LDPI) in collaboration with the Journal of Peasant Studies and hosted by the Future Agricultures Consortium at the Institute of Development Studies, University of Sussex.

[11] Ndi Frankline Anum & Batterbury Simon (2017) Land Grabbing and the Axis of Political Conflicts: Insights from Southwest Cameroon, *Africa Spectrum*, 52(1), pp. 33-63:37

[12] See Circular No. 0001 of 24 March 1994 to fix the Minimum Selling Prices of State Land; Decree No. 2006/3023/ PM of the 29 December 2006 Fixing the Modalities for the Administrative Evaluation of Buildings in Fiscal Matters; Decree No. 2014/1881/PM of 4 July 2014 Fixing the Modalities for the Administrative Evaluation of Buildings in Fiscal Matters; Decree no. 2014/3211/PM of September 29, 2014 laying down the minimum prices applicable to the transactions on the land falling within the private property of the State, etc.

[13] Section 30 of Decree No.76/167 of the 27 of April 1976 to establish the terms and conditions of management of the private property of the state. (Amended and supplemented by Decree No.77/339 of the 3rd of October 1977).

[14] See Law No. 80-22 of the 14th of July 1980 to repress infringements on landed property and state lands

obviously due to administrative conspiracy, as the competence to institute legal proceedings or to take administrative measures have been placed largely in the hands of the Senior Divisional Officers as per the regulation in force. The legal departments, on their parts, have failed to institute criminal proceedings in so many instances to circumscribe these illegal occupations of state lands despite their general powers to do so notwithstanding other special laws.

2. Methodology

This research study adopts the qualitative research methodology and employs the socio-legal methods of data collection. It also includes a historical and contextual review of the literature on Cameroon and with much emphasis in the South West Region of the country to be precise. To complement this analysis, the researcher conducted field research in various government residential areas and state layouts in Fako Division, notably of Buea, Tiko, and Limbe. In order to fully grasp the complexity of the relations that sustain the land governance process, the natives who are the primary actors involved in or impacted by decisions around this area are taken into consideration. The researcher made use of interviews that included governmental officials of different levels, peasants, NGOs, university professors, land experts, lawyers and magistrates. Personal observations constitute a key method of data collection during this research study.

2.1 The Clasiification of Lands under Cameroonian Land Tenure

The term tenure has been defined as a system of landholding.[15] Land may be held in Cameroon by way of a freehold or leasehold provided that such land is registered in the name of the seller or lessor prior to the sale or lease.[16] In practice however, many people hold land under the customary regime without registering their real property rights or interest on such lands. This has brought about uncertainty in several land transactions and land related criminal offences in the courts.[17] Shortly after the referendum of the 20th of May 1972, the state of Cameroon enacted three ordinances to regulate land tenure in the country.[18] The recognition of customary tenure and prominence of the authority of the State over all lands in Cameroon equally emerged as a product of the 1974 Ordinances.[19] Within the Cameroonian context, access to land will depend on the nature of land as classified under statute either as national land, state land, or land covered by private rights. These ordinances laid down various classifications of lands and the procedures by which access to these lands, including state land, can be achieved by both natural and corporate bodies.

Understanding the classification of lands in Cameroon is crucial, especially in the ways in which individuals can enter land and hold land. There are essentially three broad classes of lands which are further grouped into subcategories. These includes national lands, state lands, and lands covered by private rights. This aspect of the study discusses different categories and their sub categorizations in line with applicable case law examples in Cameroon. Analogy may also be drawn elsewhere to justify certain observations and positions upheld in this work.

2.2.1 National Land

These category of lands constitute, as of right, those which, on 5th of August 1974, the date of entry into force of Ordinance No.74-01, have not been classified either as private or public property of the state and other public bodies or covered by private rights.[20] Section 14(3) of Ordinance No. 74-01 also considers as comprising national lands, owners of land who failed to convert their deeds, certificates of occupancy, land register books, or final judgments to establish or transfer interest in realty, within the prescribed time limits of ten years and fifteen years

[15] Mary Imelda Nwogu, (2023) 'Ownership and Possession of Land Under the Nigerian Customary Land Tenure System: A Legal Appraisal' *Nnamdi Azikiwe University Law Journal*, 19(2) pp.86-95:86

[16] Article 8(2) of Ordinance No.74-01 of the 6th of July 1974 to establish rules governing land tenure.

[17] Author's Observation as from June 2018-2025 as a legal practitioner.

[18] Following the reunification of the two federated states (East and West) Cameroon in 1972, some uniform laws were enacted to reflect the unitary system of Government. This was the case with the land tenure laws of the country. In 1974 the President of the Republic was empowered by parliament to legislate by way of ordinance for a limited period of time in the domain of land tenure which remains the exclusive preserve of the legislative arm of government.

[19] Section 1 of Ordinance No. 74-01 of the 6th of July 1974 to establish rules governing land tenure.

[20] Section 14(1 and 2)

for lands in urban and rural areas respectively. National lands are further divided into two categories. The first category has to do with lands occupied with houses, farms and plantations, and grazing lands, manifesting human presence and development.[21] It follows therefore, that any land manifesting human presence, no matter how slide and however, should invariably fall in this category. This, nevertheless, is not the case, as the second category deals with lands free of any effective occupation. Therefore, for someone or a community to assert claims over national lands, his presence on the land must be well establish, and at the same time he must show effective occupation.

This classification poses a serious problem when it comes to the presence of indigenous communities in vast forest areas who migrate from place to place within the same forest, and have the graves of their ancestors within such sites. Similarly, issues of places of worship becomes crucial for indigenous people who reserve such places for ritual and libation. For instance, the pygmies in the East Region of Cameroon live in thatch houses which are never permanent. Other communities like the Bakweri people in the South West Region holds Mount Fako as an ancestral and religious site, where their god "*ipasa moto*" resides.[22] In fact, the state recognizes the ancestral power of this clan and usually invite the chiefs for libation to appease their 'god' before the Mt. Cameroon race of hope. Yet, the state claim that these lands are free of any effective occupation. This trend is similar to the view taken by the High Court of Australia in *Mabo v. Queensland* (No. 1), which deemed Australia as land belonging to no one prior to British colonization. However, in *Mabo v Queensland* (No. 2),[23] the decision was groundbreaking, primarily because it overturned the terra nullius doctrine in Mabo v Queensland (No. 1). The Court in this case acknowledged that the Meriam people (the aboriginals of the Murray Islands in the Torres Strait) had a traditional connection to the land that predated and survived the assertion of British sovereignty in Australia. This acceptance led to the institution of native title in Australian law. The court's decision was based on the historical occupation and use of the land by the Meriam people, the nature of their connection to the land, and the incompatibility of the *terra nullius* doctrine with contemporary principles of justice and human rights.

In Cameroon, the 2nd category seems to be undesirable as no such lands (lands free from any effective occupation) do exist in principle. It is submitted here that considering the scope of the right established in the first category, it is generally difficult to find land in a particular locality, be it a village or town, manifesting no human presence at that time. By 1974, Cameroon had about 70% of its population engaged in agriculture on the one hand,[24] while some of its citizens engaged in hunting and grazing of cattle on the other hand. The land tenure laws in Cameroon, as earlier noted, recognizes indigenous rights over the land which they have inherited and occupied as communities or as individuals from time immemorial. Section 17(2) of Ordinance No. 74/01 of the 6th of July 1974 to establish rules governing land tenure in Cameroon recognizes the right of every Cameroonian, indigenous people and their communities, to continue to occupy and enjoy national land and may even apply for land titles. The right to ancestral ownership of land was given judicial recognition by the Supreme Court of Cameroon in the case of *Ekobena Fouda Jean Inheritors v. The State of Cameroon (MINDAF)*.[25] In this case, the Petitioner challenged the state for issuing a land certificate to one Kemongne David in disrespect of her ancestral rights. The said land certificate was, on the score, withdrawn. The above dictum was reverberated in the case of in the case of *The Struggle to Economise Future Environment (SEFE) v. S.G. Sustainable Oils Cameroon Ltd & 1 Or.*[26] In this case, Forbang J sitting in the High Court of Ndian, Mundemba had this to say:

> As said earlier, the prolonged stay by the local indigenes on these lands gives them customary possessory rights which are predicated on ancestral ownership. These rights to ancestral ownership make it mandatory for anybody or groups or organizations dealing with such land for whatever

[21] Ibid, Section 15

[22] Unstructured interview with the Secretary General of the Chiefdom of Buea (Mr. Molea Ndive Simon), at Buea on the 12 January 2026.

[23] Reported in (1992) HCA 23, (1992) 175 CLR 1

[24] Aloysius Ajab Amin (2002): 'An examination of the sources of economic growth in Cameroon', *African Economic Research Consortium*, (Research Paper 116), pp:1-42:1

[25] Judgment No. 50/06-07 of the 28th of February 2007

[26] CCLR part 16 at p65

> purpose to take these ancestral rights into consideration. The indigenous people cannot therefore be ignored or disregarded, mindful of their aged old possessory rights on the land.

It is essential to resonate that a state's responsibility, like that of Cameroon, which seek to assume its human rights obligation under the Constitution and treaties, exist at least in three different dimensions in the protection of the rights of its citizens. The state has a duty to protect, respect, and to fulfill the fundamental rights of its citizens under the triple pronged theory.[27]

2.2.2 Private Property/Land Covered by Private Rights

The notion of private property in Cameroon existed even before the emergence of German rule in the territory.[28]Even though it was known to be collective ownership as opposed to individual landholding, land ownership was not, however, a new idea. With the Germans and the British, like the French, the idea of registration of land emerged as a creation of colonization. Ordinance No. 74-01 primarily recognized the land tenure systems which existed from the inception of alien rule in Cameroon. Section 2 of Ordinance No. 74-01 defines private property as those constituting registered lands, freehold lands, lands acquired under the transcription system, lands covered by final concessions, and lands entered in the *Grundbuch*. Under German Krundland Act of 1896, anyone laying claims over land was required to register such lands in the *Grundbuch*.[29] This brought about some clarity in the documentation of real property rights. During the British administration in the territory, the introduction of the Town and Country Planning Ordinance of 1946 marked a decisive moment in colonial land governance.[30] This Ordinance dismantled the diverse precolonial land ownership system and allowed individuals to be able to acquire and dispose of land hitch free. Such titled lands were considered as freehold lands with no government interest attached to it. As such, it could be held in fee simple, fee tail, or for a term of life.[31] Similarly, lands which are the subject of final concessions will be those lands which are the subject of final agreements with the state after payment of the statutory fees and taxes.

Lands covered with land certificate inscribed in the names of individuals, associations, corporate bodies and other non-state entities are considered lands with private rights.[32] Section 1 of Decree No.76/165 of 27 April 1976, to establish the conditions for obtaining land certificates as amended, enacts:

> Article 1
> (1) The Land Certificate shall be the official certification of real property rights.
> (2) Subject to the provision of Article 2(3) and 24 of this Decree, Land Certificates shall be unassailable, inviolable, and final. The same shall apply to documents certifying other real property rights.
> (3) When recorded in a special register called a Land Register, a real property right shall be deemed registered and may be opposed to third parties.

Echoing in pertinent part the aphorism of the Supreme Court while reverberating the above provision in the case of *Niba Jude Thaddeus Ndenge v. Che Gordons & 4 Others*,[33] your Lordships had this to say:

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[27] Shue, Henry (1980) *Basic Rights: Subsistence, affluence, and U.S. foreign policy*, (Princeton, N.J.: Princeton University Press)

[28] This is more or less the land tenure system as expounded in *Amodou Tijani v. Secretary, Southern Nigeria* (1921) 2 A.C. P.399, 403. By 1921 when this decision was reached, the Southern Cameroons (present day North West and South West Regions) constituted an integral part of Nigeria by virtue of Article 9 of the Mandate Agreement.

[29] Lotsmart Fonjong, Irene Sama-Lang and Fombe Lawrence Fon (2010), 'An Assessment of the Evolution of Land Tenure System in Cameroon and its Effects on Women's Land Rights and Food Security', *Perspectives on Global Development and Technology*, Vol. 9, pp.154-169:159

[30] Tan, Y (2025). 'Historical Institutionalism, political settlement and land ownership system in Nigeria'. *International Journal of Urban Sustainable Development*. 17(1), 136-153

[31] Section 1 of the Law of Property Act 1925

[32] Decree No. 2005/481 of the 16 December 2005 to amend and supplement some provisions of Decree no.76/165 of the 27 April 1976 to establish the conditions for obtaining Land Certificates.

[33] Judgment No. 02/COM of the 04th February 2021, reported in SWEMAC Law Report Vol. 11 p. 1 at 6

> …Owners and co-owners of landed property covered by land certificates have the following inalienable and absolute rights over land subject to exceptions above.
>
> 1) The right of using the land.
> 2) The right of enjoying profits of fruits from the land. ….
> 3) Finally, the right to dispose of the landed property by way of sale, donation or assignment…

It follows from the interpretation of the Supreme Court that expropriation of landed property falling under this category must be subject to adequate compensation. Nevertheless, it should be noted that a land title can be withdrawn if there were errors or irregularities in the procedure for obtaining the said land certificate.[34] This provision has been invoked in recent times by the Minister of State Property, Surveys and Land Tenure to the extent that land certificates have become one of the most vulnerable documents in the country with multiple withdrawals. This has followed a great deal of petitions before the administrative courts for their review and possible rehabilitation or reinstatement.

2.2.3 State Lands

Even though Ordinance No. 74-01 does not expressly make use of the nomenclature state lands, in defining what constitutes national land, the said ordinance makes use of the expression private or public property of the State and other public bodies.[35] State lands in essence include private or public property of the State and other public bodies by the wordings of Ordinance No. 74-02 of the 6th of July 1974 to establish rules governing private property of the state.[36] Public property of the state comprises all personal and real property of which, by nature or intended purpose, is set apart either for the direct use of the public or for public service.[37] It follows therefore that government or administrative properties such as installations, buildings and other movable properties belonging to public institutions constitutes public properties. Examples include administrative offices, public schools, public hospitals, public corporations and parastatals, etc. Public property of the state is inalienable, imprescriptible and unattachable.[38] By inalienability, it mean that the public property of the state cannot be sold, transferred, or lease out to third parties; public property being imprescriptible implies that its nature cannot change simply because of lapse of time; and unattachable here means that it is not subject to forcible seizure or foreclosure in the event of a writ of execution against the state or other public bodies.[39]

Public properties of the state are divided into two categories, namely; the natural and artificial public property. Natural public property of the state has not been expressly defined by the law. The law has rather outlined the coast lands, waterways, subsoil and the air space as comprising the public property of the state.[40] The coast lands include the sea shore to the highest tide mark and a further zone of fifty meters measured from the said tide mark, the banks and estuaries of waterways subject to tidal influence to the highest tide mark and a further twenty-five meters from it, and the soil and subsoil of territorial sea.[41] Waterways, on its part, constitute navigable or floatable waterways, marshlands (excluding developed farms), non-navigable and non-floatable waterways, lakes, ponds, lagoons, etc.[42] The sub-soil and airspace invariably connote the lands beneath all buildings harbouring human activities and settlements and the space above respectively. Natural public properties are therefore those which are designed by nature to be of general interest and in which a duty is created for their maintenance by the state for the common good.

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[34] Section 2(3) of Decree No. 2005/481 of the 16 December 2005 to amend and supplement some provisions of Decree No.76/165 of the 27 April 1976 to establish the conditions for obtaining Land Certificates.

[35] Section 14 of Ordinance No. 74-01 of the 6th of July 1974 to Establish Rules Governing Land Tenure.

[36] Section 1 Ordinance No. 74-02 of the 6th of July 1974 to Establish Rules Governing State Lands.

[37] Ibid, Section 2(1)

[38] Ibid, Section 2(2)

[39] Article 30 of the OHADA Uniform Act on Simplified Recovery Procedure and Measures of Execution.

[40] Section 3 of Ordinance No. 74-02 of the 6th of July 1974 to Establish Rules Governing State Lands.

[41] Ibid

[42] Ibid

On the other hand, artificial public property of the state is man-made or those that have been triggered by man's activities but however serves the entire public. These include motorways and land extending one hundred (100) meters, on either side of the central line of the highway. This land is by law reduced to ten (10) meters in town, beginning from the external edge of the pavement.[43] A proper application of this provision, having regards to the reality on the ground, will show that most houses and installations in our towns and cities, with some even titled, are in fact found on motorways. The law has, however, recognized the rights of those who are owners and those who had occupied these lands in good faith before the entry into force of this law, and has conferred on them the right to compensation in the event of expropriation.[44] National and provincial (regional) highways, divisional roads, local tracks passable or not passable for vehicles, railway tracks, commercial sea or river ports, military sea or river ports, telegraph and telephone lines, alluvium deposited downstream or upstream, public monuments and building set up and maintained by the state, concession of traditional chiefdoms, open markets, cemeteries and museums, etc.[45]

Private property of the state has been articulated under Section 10 of Ordinance No. 74-02 of the 6th of July 1974 to establish rules governing state lands to include: personal and real property acquired by the State without consideration or for valuable consideration according to the rules or ordinary law; lands which support buildings, considerations, structures and installations established and maintained by the State; properties struck off the list of public property of the state; lands expropriated for public purposes; grants of urban and rural lands which are forfeited by effluxion or title or confiscation; property withdrawn from national lands by the State in pursuance of the provision of Article 18 of the Ordinance to establish rules governing land tenure. In addition, properties in rural areas, which from the 5th of August 1974, the date of entry into force of Ordinance No. 74-02 of the 6th of July 1974 to Establish Rules Governing State Lands, have not been maintained or regenerated for at least ten (10) years may after due notice remained ineffective, be incorporated as private property of the state without compensation.[46]

Now, meanwhile it is well established that both public and private properties of the state are under the management and control of the State, their dissimilarity is entrenched in the fact that meanwhile public property of the state remains inalienable and imprescriptible, private property of the state may be allocated or assigned to either as a freehold or a leasehold to both public service or bodies and to natural and corporate bodies.[47] Therefore, natural or corporate bodies may also gain access or acquire state property, like in the case of national land and lands covered by private rights.

2.3 Access to Land and the Management of Lands in Cameroon.

In the Cameroonian context, the state has adopted a rather centralized approach in the management of lands. Even with instruments of title, the state could still expropriate the same for public purposes, subject to compensation.[48] Customary rights envisaged under the country's land tenure legislation are those invested in native communities, indigenous people thereof, as well as individuals of Cameroonian nationality who have been on such lands before the 5th of August 1974, the date of entry into force of Ordinance No. 74-01 of the 6th of July 1974 to establish rules governing land tenure.[49] Such communities, indigenous people and individuals are entitled to continue to use or exploit these lands unperturbed, and they are therefore eligible to apply for a land certificate. Those whose lands were registered in the *grundbuch* or acquired through the transcription system, holders of land register books, certificate of occupancy and final judgment were all required to cause the said deeds to be entered in the provincial land registers or converted into land certificate under penalty of forfeiture.[50] The time limit for such registration was ten years for urban areas and fifteen years for rural areas.[51]Access to land in Cameroon may take many dimensions

[43] Ordinance No. 77-02 of the 10th of January 1977 on Artificial Public Property of the State.
[44] Section 6 of Ordinance No. 74-02 of the 6th of July 1974 to Establish Rules Governing State Lands.
[45] Ibid
[46] Ibid, Section 11
[47] Section 9 of Ordinance No. 74-02 of the 6th of July 1974 to Establish Rules Governing State Lands.
[48]Ordinance No.74-03 concerning the procedure governing expropriation for a public purpose and the terms and conditions of compensation.
[49] Section 17 of Ordinance No. 74-01 of the 6th of July 1974 to establish rules governing land tenure.
[50] Section 2, 3, 4 and 5 of Ordinance No. 74-01 of the 6th of July 1974 to establish rules governing land tenure.
[51] *Ibid*

and follow different procedures for extinguishing or acquiring real property rights. In Cameroon, land can be acquired either by outright sales, assignments, gifts, or through a leasehold, granted by the state or by private individuals. Both natural persons may acquire land through customary or ancestral rights (inheritance), outright sales, concessions between them and the state (this can take many dimensions), etc.

2.4 The Nature of a Land Certificate

In Cameroon, title over land is established only when a land certificate has been issued following laid down procedures. The proper document therefore evidencing ownership of land remains the land certificate. By virtue of Decree No.76/165 of 27 April 1976 to establish the conditions for obtaining land certificates, the law protects the owners of land certificate in absolute terms from third parties, trespassers who invade and/or occupy such titled lands. Article 1 of Decree No.76/165 of 27 April 1976 to establish the conditions for obtaining land certificates enacts:

> Article 1
> (1) The Land Certificate shall be the official certification of real property rights.
> (2) Subject to the provision of Article 2(3) and 24 of this Decree, land certificates shall be unassailable, inviolable, and final. The same shall apply to documents certifying other real property rights.
> (3) When recorded in a special register called a Land Register, a real property right shall be deemed registered and may be opposed to third parties.

A succinct interpretation of the above provision was elaborated by the Supreme Court of Cameroon in Judgment No. 02/COM of the 04th February 2021 in the case of *Niba Jude Thaddeus Ndenge v. Che Gordons & 4 Others*,[52] wherein the learned Justices had this to say:

> …. the reason advanced by the court of Appeal of the North West for refusing to evict the Respondent from the land covered by Land Certificate No. 10268/Mezam is not only palpably wrong, but constitutes a negation of justice and an affront to common sense. The said Court also relied on several of its previous decisions (cited in its judgment) in which the same wrong reasons were set out for refusing to grant an order of eviction from titled land. What the Court of Appeal did was nothing short of reiterating and recounting its flawed judgement…. Finally, the court of Appeal of the North West region, apparently lost sight of the meaning of having absolute rights over landed property. Owners and co-owners of landed property covered by land certificates have the following inalienable and absolute rights over the subject to exceptions above.
>
> 1) The right of using the land.
> 2) The right of enjoying profits of fruits from the land. ….
> 3) Finally, the right to dispose of the landed property by way of sale, donation or assignment…[53]

The meaning of owners of land certificate having absolute rights as define by legal provisions and as per the decision of the Supreme Court of Cameroon under reference, suggest that whenever a claim in title emerges, the courts must protect the person in whose name the title is inscribed. In a nutshell, the law protects absolutely rights owners of properties covered by the land certificates. In the light of the forgoing, the right to use the land implies that any court faced with a case of trespass or illegal occupation of land covered with a land certificate must cause the trespasser or illegal occupant to leave forthwith. Thus, a land certificate is unquestionable, conclusive and incontrovertible evidence of land ownership. Secondly, Section 8(2) of Ordinance No. 74-01 prohibits and considers

[52] reported in SWEMAC Law Report Vol. 11 p. 1 at 6
[53] Ibid

null and void sale or lease of land which is made over lands which are not registered in the names of the seller or lessor. Thus, a land certificate gives legality and propriety to landed property transactions even by way of mortgage or pledges.[54]

The Supreme Court in the case of *Niba Jude Thaddeus case* went further to explain instances where a land certificate will cease to have its legal effect in the following expression:

A land certificate cease to have the above legal effect only if:

- It is withdrawn pursuant to Section 2(3) of Decree No 2005/481 of the 16 December 2005 to amend and supplement some provisions of Decree no.76/165 of 27 April 1976 to establish the conditions for obtaining land certificates;
- It is declared null and void pursuant to Section 2(7) of the above cited Decree;
- The deed of sale of landed property is canceled and the land certificate issued to the purchaser as a result of the said sale is transferred back to the name of the original owner pursuant to Section 24(1) of the above cited Decree.

The above scenarios operate as the only circumstances under which a land certificate like salt loses its taste. It should be noted that recently, land certificates have become more and more vulnerable in Cameroon. This is because of some shady practices within the land tenure administration both in the regions and at the Ministry of State Property, Surveys and Land Tenure. The Minister has canceled land certificates even in instances beyond the scope of his statutory authority and in his own right. In some cases, he claimed to have been misled by the petitioners thereof. In a petition pitting *Pangop Louis Betipene v. Prof. Simon Mbua Ngale Efange*,[55] the Minister in December 2024 rejected a Petition to cancel the Land Certificate of Prof. Efange on grounds that the latter followed the right procedures to obtain his land certificate. Curiously, in January 2025, one Esunge Johnson Waka petitioned the same land certificate, and it was canceled by the same Minister,[56] and subsequently rehabilitated by him in June 2025.[57] All these rigmaroles point out to the corrupt practices on the part of the Minister's collaborators who often conduct the investigations or lack of competence on their part.

2.5 Procedure to Obtain Land Certificates in Cameroon

This aspect of the study shall therefore examine the various ways by which individuals can access land and acquire good titles, quite apart from mere possession of the land. Decree No. 2005/481 of 16 December 2005 to amend and supplement some provisions of Decree No.76/165 of 27 April 1976 to establish the conditions for obtaining land certificates has laid down the procedure to obtain a land certificate in Cameroon. This Decree has laid down three means by which individuals and corporate bodies may acquire land certificates over landed properties. This includes by means of conversion of miscellaneous deeds, acquisition of a land certificate for occupied or exploited national lands, and acquisition of a land certificate following assignments, decision, or merging of registered properties. Thus, after identifying the various categories of lands in Cameroon, it is worthwhile to analyze how land titles can be acquired over such lands.

2.5.1 Conversion of Miscellaneous Deeds into Land Certificate

The Cameroonian legislature recognized the existence of previously registered instruments evidencing title in land from a historical perspective. In this connection, it took steps to providing a mechanism and procedure whereby these previously registered lands and their instruments of title do not lose their legal force.[58] The use of the word miscellaneous here connotes various deeds as it obtained in previous land tenure regimes. So therefore, those who

[54] See the OHADA Uniform Act on Securities 2010.

[55] Correspondence No. 021620/Y.6/MINDCAF/SG/d2/1300/EA/NBA of the 17th of December 2024

[56] Order No.00802/Y.6/MINDCAF/D2/1100/NDS of the 11th of April 2025 declaring null and void Land Certificate No. 015026/Fako issued to Mr. Efange Simon Mbua Ngale.

[57] Order No 01425/Y.7/MINDCAF/SG/D6/S200/S220/HNY of the 24 June 2025 on the rehabilitation of Land Certificate No. 015026/Fako.

[58] See Section 2 of Ordinance No. 74-01 of the 6th of July 1974 to establish rules governing land tenure

registered their lands under the colonial eras of the German, the British and the French were obliged to convert those instruments, deeds drawn up from such instruments as well as final judgments flowing therefrom into land certificates.[59] Besides those categories of landed properties, bearers of final allocation orders for a grant of state lands are equally eligible to apply for a land certificate under this procedure.[60]

The initial step for the registration process begins with a stamped application containing the full names of the applicant, date and place of birth, his parental affiliations, profession, domicile and family status.[61] In addition, the application should provide all the information identifying the property as well as any encumbrances on the property such as a mortgage, lease, transfer or any other liability. The application is equally required to be accompanied by a plan and a filed report of the demarcation of the property and all the contracts of private or public deeds establishing the real property rights.[62]

In the event that the property is not marked out with surveys beacons, the head of the regional land service is supposed to cause the same to be done in the presence of the neighbours and at the instance of the owner of the property sought to be registered. If there is a dispute, the disputed part shall be calved out and referred to either the Minister of Lands or the competent court if the land is state land or private property, respectively.[63] The deed may not be converted into a land certificate until the Regional Land Service would have been notified with a final decision in the matter.[64] In case of a certificate of occupancy, the application shall further be accompanied by a valuation report on the extent of the development carried out on the land and a certificate from the competent land service attesting that all dues and rents have been paid by the holder.[65]

2.5.2 Acquisition of Land Certificate Over Occupied National Lands

Many scholars and commentators of land tenure and land law in Cameroon have often taken this particular procedure as the only mechanism to acquire a land certificate in the country. This is perhaps because this procedure offers the opportunity for customary rights over land to be converted into land certificates. Besides this conundrum, another fiction, albeit a misinterpretation of the salient contours of the land tenure legislation, is the question of being of a certain age to be able to apply for a land certificate under this category of land. To be eligible to apply for land certificates under this Section 9 of Decree No.76/165 of 27 April 1976, to establish the conditions for obtaining a land certificate, states:

> Section 9: The following persons are eligible to apply for a land certificate for national lands which they occupy or develop:
> (a) Customary communities, members thereof, or any other person of Cameroonian nationality, on condition that the occupancy or the exploitation predates 5 August 1974, the date of publication of Ordinance No. 74-01 of the 6th of July 1974 to establish rules governing land tenure;
> (b) Persons who have forfeited their rights as a result of application of Articles 4, 5, and 6 of the above-mentioned Ordinance No. 74-01 of 6 July 1974.

The argument of being of a certain age to be eligible under this procedure emerged from the fact that the above law depicts that the applicant community or individual must have been on the land before the 5th of August 1974. Thus, it is common to find persons who are not necessarily co-owners applying as such because an applicant who is

[59] Section 3 Decree No.76/165 of the 27 April 1976 to establish the conditions for obtaining Land Certificates
[60] Ibid
[61] Ibid
[62] Ibid, Section 4
[63] Ibid, Section 5
[64] Ibid, Section 6
[65] Ibid, Section 7

born after that date will not want to follow the procedure for a grant as provided for by the law.[66] Nevertheless, Section 10 gives a possibility for individuals to make application for direct registration of properties which had been previously in the occupation of their ascendants or deceased relatives. Provided that such deceased relatives were on the land before the 5th of August 1974, the date of entry into force of Ordinance No.74-01. This section provides that 'the trustees of an inheritance may not obtain land certificate for its properties in their own name'. A literal interpretation of this provision will suggest that representatives of deceased estates may not apply for land certificates in their personal names. This may, however, be possible if such a representative was the sole beneficiary to the said estate or where the other beneficiaries have given their consent. In such a case, there will be no objection to the said application or future oppositions. Hence, a representative of an estate may apply for a land certificate over a deceased property and subsequently follow the procedure for assignments as shall be hereinafter treated. This procedure is open exclusively for Cameroonian citizens (nationals), whether natural persons or corporate bodies and communities.

The applicant under this procedure is required to prepare a file containing four copies of his application, the original of which must carry a stamp having the full names, parentage, domicile, profession, form of marriage, nationality, the name in which the property is to be registered and a description of the property sought to be registered, (i.e. situation, area, nature of occupancy or exploitation, estimated value, details of liabilities with which it is encumbered).[67] The law is settled that such an application may cover only one parcel of land, and if a road or watercourse cuts across the land, the number of application shall be equal to the number of separate parcels.[68] By dint of Section 12 of Decree no. 76/165 of 27 April 1976 under reference, the file is lodged at the office of the District Head or Divisional Officer of the area were the land is found against acknowledgement of receipt to be issued within 72 (seventy-two) hours. In the same vein, the District Head or Divisional Officer is bound to transmit the file within 8 (eight) days to the Divisional Delegation for Land Tenure. Upon reception, the Divisional Delegate is expected with 15 (fifteen) days to request the Divisional Head for Land Tenure to publish a summary of the application, posting it at the District or Divisional Officer, the City Hall or at the palace of the village concerned.[69] At the request of the Divisional head of Land Tenure, the competent district head or Divisional officer shall fix a date for the assessment of the occupancy and exploitation. In case of effective occupation, a sworn surveyor shall be directed to demarcate the property in the presence of neighbours.[70] If the exercise cannot be entirely carried out in the presence of neighbours, the law empowers the Chairperson to set up an ad hoc committee to monitor the exercise, of which the chief and his notables must be part of such committee.[71] Any demarcation done in the absence of the neighbours or by the surveyor alone shall render the entire exercise a nullity.[72]

Upon completion of the exercise and a report thereof, the detailed report shall be signed by the constituent members of the Land Consultative Board and the neighbours. The Divisional Delegate shall transmit the file submitted together with the detailed report of the Land Consultative Board to the Regional delegate for Land Tenure within thirty (30) days for publication in the Land notice Bulletin.[73] The essence of the publication is to give any interested party the widest publicity of the procedure and for him to register any objection. Before publication, the objection shall be made to the competent Land Consultative Board. If it is made after the demarcation exercise but before registration, it shall be lodged with the Land Conservator. If, after the time limit for the publication, the intervener does not withdrawal the objection, it shall be forwarded to the Land Consultative Board to make recommendations to the Governor to that effect. When the disputes touches on development and the boundaries

[66] Section 11 (4) of Decree No. 2005/481 of the 16 December 2005 to amend and supplement some provisions of Decree No.76/165 of the 27 April 1976 to establish the conditions for obtaining Land Certificates as read with Decree No. 76-166 of the 27 April 1976 to establish the terms and conditions of management of national lands.

[67] Ibid

[68] Ibid

[69] Section 13 of Decree No. 2005/481 of the 16 December 2005 to amend and supplement some provisions of Decree No.76/165 of the 27 April 1976 to establish the conditions for obtaining Land Certificates.

[70] Ibid

[71] Ibid Section 13(7).

[72] Ibid Section 13(8).

[73] Ibid Section 16

of administrative units, the commission for boundary set up for boundary disputes instituted by Decree No.74/490 of 17 May 1974 shall alone be competent to give a ruling to the exclusion of the Land Consultative Board.[74] The Governor, on his part, may decide to order that the land certificate be issued or exclude the dispute parcel from the land certificate or even refuse that it should not be registered.[75] The Governor's decision is subject to appeal before the Minister in charge of Lands, whose decision is equally subject to appeal before the Administrative Courts. In the event of no opposition or objection or a final decision following an objection, the land certificate will be issued by the competent land conservator.

2.5.3 Acquisition of Land Certificate following Assignments, Decision and Mergers of Land Covered by Private Rights.

Owners of lands covered by private rights have absolute right over such properties to use and disposed of them.[76] This may be individuals, communities, or even corporate bodies as the case may be. The focus here is given to transferring ownership (title) from one owner to another. It should be recalled that in Cameroon, land covered by private rights is evident by the existence of a land certificate. Such lands may be disposed of or assigned during the lifetime of the owner (*inter vivos*) or following his death (Inheritance).[77] During the owner's lifetime, he may decides to sell the land entirely or partial or make a gift *inter-vivos* to take effect immediately or make a gift in a Will. The transfer may, however, emerge as the product of a judgment or judicial decisions.

a) Sale or Gift *Inter Vivos*.

The sale or assignment of a land with or without consideration entails the transfer of the initial land certificate to the purchaser or assignee.[78] In case of an outright sale, the phenomena of an agreement obtain *mutatis mutandis*. Nevertheless, when it has to do with a gift, consideration must not be furnished, and whatever the case, they all constitute private real transactions.[79] To extinguish real property, the deeds establishing such transfer must be drawn up by a notary under penalty of being declared null and void.[80] In accordance with the provision of Section 23 of Decree No. 2005/481 of the 16 December 2005 to amend and supplement some provisions of Decree No.76-165 of the 27 April 1976 to establish the conditions for obtaining Land Certificates, the notary who draws up the sales deed or deed of gift *inter vivos* must address to the Land Conservator, A stamped application stating the full name, affiliation, domicile, marital settlement and the nationality of the purchaser or assignee; a plan of the property duly signed by the Head of the Divisional Service for Surveys of the place where the property is situate;[81] the notarial deed; and a copy of the initial land certificate.

In case of a partial transfer, the transferor must apply to the competent surveys service for demarcation of the property sought to be transferred.[82] The application must contain the aforementioned information and, in addition, the name of the person acquiring it. The surveys service involved is required to do the exercise free of charge and prepare a report which must be signed by the owner. It is after this requirement has been fulfilled that that a notary would be seised by the parties thereto.[83] In case of a complete transfer, these requirements are not necessary. The land service, upon verification of the documents contain in the file, may establish a land certificate thereof or return the file to the notary in case of an incomplete file.[84] A new land certificate is required to be issued for each parcel of the property which is subject to the dismemberment. It should be recalled that when the sale is canceled by a

[74] Ibid Section 21

[75] Ibid Section 20

[76] *Niba Jude Thaddeus Ndenge v. Che Gordons & 4 Others*, Supreme Court Judgment No. 02/COM of the 04th February 2021, reported in SWEMAC Law Report Vol. 11 p. 1 at 6

[77] *Patricia P. Timungwa v. Bonu Innocent*, Supreme Court Judgment No. 12/COM of the 06/04/2023 Reported in SOWEMAC Law Report Vol. 14, pp. 1-33

[78] Section 22 of Decree No. 2005/481 of the 16 December 2005 to amend and supplement some provisions of Decree No.76/165 of the 27 April 1976 to establish the conditions for obtaining Land Certificates.

[79] See Decree No. 79-17 of 13 January 1979 relating to Private Real Transactions.

[80] Section 8(1) of Ordinance No.74-01 of the 6th of July 1974 to Establish Rules Governing Land Tenure.

[81] Section 3(1) of Decree No. 79-17 of 13 January 1979 relating to Private Real Transactions.

[82] *Ibid*

[83] *Ibid,* Section 5

[84] *Ibid,* Section 8

decision of the competent civil court, the land certificate issued to the purchaser or assignee reverts back to the original owner.[85]

b) Inheritance (testate and Intestate Succession)

The owner of a private property may decide to dispose of such property through a Will or, in the absence of a Will, upon his death, the property automatically devolves to his successors.[86] Where letters of administration has been granted with or without a will attached, the competent notary, in accordance with the discussion in the subtitle above, is to proceed to prepare deeds of assent to each and every beneficiary as per the court's decision. The Administrators or Executors, as the case may be, becomes the personal representative of the deceased and to sit in his stead to endorse all the transactions thereto, in relation to his estate.[87] The file is to be submitted to the competent land service for a land certificate to be issued. The Administrator(s) of the deceased estate may equally enter into valid transactions in relation to the said estate with third parties as well which comes into estate, subsequent to the demise of the *de cujus*.

c) Access to Unoccupied and Unexploited National Lands

The remainder of all categories of land and how individuals and corporate bodies can have access to it has to do with the category of national land classified as unexploited and unoccupied.[88] The main legal instrument on the management of national lands which are unoccupied or unexploited is Decree No. 76-166 of the 27th of April 1976 to establish the terms and conditions of management of national lands. This instrument provides for a system through which interested persons, be it natural or corporate persons, can apply for a grant either on a temporal basis or for an absolute grant or a long lease.[89] By Sections 2 and 3 of the afore cited decree, a temporal grant is one destine for a developmental project which may not exceed a period of 5years, and in exceptional cases it may be extended on reasons advanced in an application submitted by the grantee. It should be noted that grants of less than fifty hectares are sanctioned by an order of the minister in charge of lands, while over and above fifty hectares are issued by dint of a presidential decree.[90] On the other hand, upon the expiration of the time limit for accomplishing a temporal grant, the same may be transform into an absolute grant if the purpose for which the temporal grant was given has been achieved.[91] However, for foreigners (natural persons or corporate bodies), only a long lease can be proposed by the Senior Divisional Officer (Prefect) to the competent authority.[92]

The decisions for grant are generally based on recommendations of the consultative board setup by the Senior Divisional Officer (Prefect) within a district or subdivision.[93] Such Consultative Board consists of the Divisional Officer (Sub-Prefect) or District Head as the chairman, a representative of the Lands Service as secretary, a representative of the Surveys Service, a representative of the Town Planning Service in case of urban projects, a representative of the ministry concern with the project; a chief and two leading members of the village or community where the land is situate.[94] The recommendations of the Consultative Boards are adopted by simple majority and can only be valid if the Chief and one leading member of the village or community participated in the proceedings.[95] It should be noted that national land in this category can be allocated to public bodies or incorporated as part of the private property of the state, and individuals may acquire the same following the procedure open for the acquisition of private property of the state as stated supra.[96]

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[85] Section 24 of Decree No. 2005/481 of the 16 December 2005 to amend and supplement some provisions of Decree No.76/165 of the 27 April 1976 to establish the conditions for obtaining Land Certificates.

[86] See T. A. Nzouedja (2024) *Succession Law and Practice in the Anglophone Regions of Cameroon* (Generis Publishing: Chisinau, Moldova).

[87] Section 25 of the Administration of estate Act 1925 as read with Section 10, 11 and 15 of the Southern Cameroons High Court Law (1955).

[88] Section 15(2) of Ordinance No. 74-01 of the 6th of July 1974 to Organize rules Governing Land Tenure.

[89] See Sections 2 and 9 of Decree No. 76-166 of the 27th of April 1976 to establish the terms and conditions of management of national lands.

[90] *Ibid,* Section 7.

[91] *Ibid,* Section 9.

[92] *Ibid,* Section 10(3).

[93] *Ibid,* Sections 12 and 14.

[94] *Ibid.*

[95] *Ibid,* Section 15.

[96] *Ibid,* Chapter IV.

3. Land Grabbing and Illegal Land Transactions in Cameroon

The notion of land grabbing does not suggest a legitimate acquisition of land or land holding. In the context of this study, it does not also imply that all illegal transactions on land amounts to land grabbing. While this study investigate and analyse the distinction between both ideas with salient examples, it equally proceeds to identify each concept and their implication in the land tenure system of Cameroon. It must, however, be noted that both illegal land transactions and land grabbing emerged as a result of the scramble for land in strategic locations within the country because of economic gains. One of the major problems affecting the socioeconomic platform in the country today is the drive towards mass acquisition of land. This has resulted in many lands grabbing deals and illegal land transactions within the country. This is evident in the proliferation of various land disputes perceivable with the numerous land matters in the High Courts, Administrative Courts, and the Courts of First Instance. Thus, land stands out to be of very high interest and the basis for these disputes. Curious, little efforts have been made in the domain of prosecuting individuals who engage in illegally land transactions and land grabbing. While private land disputes linger and covers a majority of the court cases around the country,[97] it is hardly heard of the public interest (interest of the state) of those who illegally sell or occupy these lands without prior authorization.

3.1 Land Grabbing

The notion of land grabbing is a controversial subject which has become a catch-all to described and analyze in terms of large scale transnational commercial land transactions.[98] Indeed, it has been observed that one of the contemporary problems, in addition to the developmental challenges which the African continent had to grapple with, is the phenomenon of land grabbing.[99] Land grabbing has been defined as the acquisition of land by public or private, foreign or domestic, actors of rights to large tracts of arable land with the aim of developing industrial farming to produce foodstuffs or agrofuels destined primarily for export.[100]

3.2 Forms of Land Grabbing

Land grabbing in Cameroon is a phenomenal issue which has taken many diverse forms. In fact, the level of administrative involvement in it makes it to almost look legitimate. It is organized and highly so organized in such a way that tracing it may not be easily perceived until it starts to manifest and the adverse effects that it has on the *bona fide* occupants of such lands. In most cases, it is done or perpetrated through a mechanism which cloaks all possible suspicion and follows a systematic pattern. In most cases, government officials are involved, and they engage communities that have been extinct or create such new communities under the guise that they had once been in existence. In other cases, the level of conspiracy within the administration in charge of land and the apparent illegitimate concession arrived at tells it all. On the other hand, those in positions of responsibility grab lands and registered them in the names of their family members while multinationals engage in large scale acquisition of these lands without regards to indigenous rights thereof.

3.3 Land Grabbing through the Creation of Villages and installation of Fake Chiefs.

In Cameroon and in some places like the South West Region in particular, where the chieftaincy and the institutional set ups of villages are not tied down to ancestral roots, the administration has turned to project puppet chiefs or rather create simulated villages. There are a number of villages within the Fako Division of the South West Region, for example, wherein the inhabitants (both native and non-natives) decried the issue of the creation of illegal villages and land grabbing.[101] The case of Lower Ewonda Village in Buea Subdivision appears to be characteristic

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[97] Justice Fonkwe J. Fongang (2026) *Address of the Chief Justice of the Supreme Court of Cameroon; Solemn Court Session for the Installation of the Procureur General at the Supreme Court and the Solemn Reopening of the Supreme Court, 2026*. (keynote address) Supreme Court, Yaounde-Cameroon, at p. 3.

[98] V. N. Fru (2014), 'Land Grabbing: The Case of Herakles Farms in Cameroon', *International Centre for Environmental Education and Community Development* (ICENECDEV), p. 3

[99] J. N. Ashukem & C. C. Ngang (2022), Land grabbing and the Implications for the Right to Development in Africa', *African Human Rights Journal*, pp. 403-425:404

[100] Camille Bethoux & Antoine Bouhey (2010), 'Land Grabbing a Threat to Food Security', C2A Notes: Agriculture and Food in Question, coordination *Solidarite Urgence Developpement*, Issue No.3, p.1

[101] Morine Tanyi, (August 2023), 'months after Cancelling: MINAT boss orders rehabilitation of 15 Chiefdoms in Fako', *The Guardian Post*. Available at https://theguardianpostcameroon.com/post/1453/en/months-cancelling-minat-boss-orders-rehabilitation-of-15-chiefdoms, last

and a textbook example of land grabbing, teleguided by administrative authorities. In a suit at law, between *Ewonda Village Community (represented HRH Chief Thomas Njie Motutu) & Ors. v. The State of Cameroon & others*,[102] the Administrative Court in suspending the effects of a Regional Order of the Governor of the South West Region,[103] which restrained the Ewonda people from using their ancestral land and for a land certificate to be issued to the Lower Ewonda Village (newly created), the court found that the Ewonda people owned houses, plantations and other attachments. This decision was not only timely but equally salutary in that it arrested an eminent danger and exposed the lapses and connivance by the Governor of the South West Region to enable land grabbing of about 85 hectares of inhabited land. Even though by the time the decision was being arrived at the land Conservator for Fako Division had issued the land certificates, following a petition by indigenes of Ewonda Village Community, the Minister of State property, Surveys and Land Tenure ordered the suspension of the effects of these land certificates.[104] These land certificates, which were nine in number, were all subsequently withdrawn by the Minister in charge of Lands.[105] The Ewonda land saga stands out as one among many of those cases wherein administrative conspiracy at the highest regional level enable land grabbers to dispossess the indigenous populations. Quite apart from the scenario above, it has been posited that rural communities in Nguti are facing a range of skirmishes resulting from large scale land acquisition which is threatening land-use practices and access to land.[106]

3.4 Administrative Grants to Multinational Companies

A grant or a concession over national land is only permissible for lands which have not been effectively occupied or exploited by native communities, indigenous people thereof and persons of Cameroonian nationality. As observed in *Mabo v. Queensland No. 2 supra*, almost, if not all, lands in Cameroon manifests human presence in that these lands exist in rural communities that are the custodian of their ancestral lands. These Cameroonian communities have ancestral attachments to these lands, and that is why the traditional rulers and their council always constitute statutory members of the land consultative boards or site board commissions. Nevertheless, multinationals come in with the view to dispossess these communities of their longstanding heritage. Following a field visit on the 5th of June 2025, led by the National Synergy of Peasants and Villagers of Cameroon (SYNAPARCAM) at Mbonjo Village located about 8km along the National Road No. 5 in the Moungo Division of the Littoral Region, it was realized that there was tension between the villagers and SOCAPALM over allegations of land grabbing.[107] During the field trip, villagers expressed fear of not being able to feed their families or having a small place to build a house, as all remaining lands are being occupied with palm trees owned by SOCAPALM.[108] The President of SYNAPARCAM noted that while they were in the field in February 2025, security agents stormed the area and the soldiers brought by SOCAPALM stopped all work, claiming that the site was within SOCAPALM's concession.[109] Similarly, it was reported in 2023 that it was already three years since nearly 4000 inhabitants of Apouh, a village in East Cameroon, were locked in an intractable conflict with SOCAPALM.

accessed 6th October 2025; Nchendzengang Tatah, (2024) 'Cameroon indigenous people want land grabbing stopped', *Cameroon News Agency*, available at https://cameroonnewsagency.com/cameroon-indegenious-people-want-land-grabbing-stopped/?amp=1 last accessed 6th October 2025

[102] Ruling No. 011/RPSE/PC/2025 of the 10th of April 2025 on an application for stay of execution in Suit No. SWAC/UAA/018/2024, (Unreproted).

[103] Regional Order No.013/RO/G/GSW.79/S.I/SG/IRSTD of the 20th of September 2024 to settle a land dispute pitting HRH Chief Thomas Njie Motutu of Upper Ewonda against Lower Ewonda Village Community represented by Tonga Vefonge, over a parcel of national land situated in Lower Ewonda in Buea Subdivision.

[104] Letter No. 014386/L/Y.7/MINDCAF/SG/D6/S200/HNY of the 2nd of May 2025 bearing on the Petition for the Withdrawal of Land Certificates No.016324, 016326, 016327, 016328, 016329 and 016332/Fako.

[105] Order No. 03570/MINDCAF/A100/A110 of the 11th of November 2025 on the nullification of Land Certificates No.016324, 016326, 016327, 016328, 016329, 016330, and 016332/Fako, issued to Lower Ewonda Village Community; and Order No. 00794/MINDCAF/A100/A110 of the 4th of March 2026 on the nullification of Land Certificates No.016325 and 016331/Fako, issued to Lower Ewonda Village Community.

[106] Tichafogwe, T Juscar, N. (2020) Indigenous Land Grabbing and Forest Rights Defilement by Small Farm Holders in Nguti, Cameroon. *Current Urban Studies*, 8, 129-139

[107] Elizabeth Banyi Tabi (June 2025), 'Cameroon: Community Leaders Decry Persistent Threats of Land Grabbing by SOCAPALM', *The Gaurdian Post*.

[108] SOCAPALM a local subsidiary of Belgian Agriculture giant Scofin which owns plantations in a dozen African countries.

[109] *Ibid*.

Furthermore, the indigenous communities of Biwoung, Nkoambang and Mengang, remote localities in the Savanna Region of Upper Sanaga, raised serious concerns of land grabbing of over 250Hectares of their ancestral lands by a Chinese company.[110] Following a complaint to the Senior Divisional Officer at Nanga Eboko, the indigenous people were made to understand by the administrative authority that what the Chinese were doing was legal, notwithstanding that they indigenous communities were never consulted. It is contended here that most of these concessions are based on bribery along the corridors of the administration and they are so granted without any due process as provided for by regulations in force.

3.5 Administrators Allocating to Family Members (state land)

In recent times in major towns and cities where private property of the state exists, civil administrators like other political big wigs have triggered the allocation of lands to their family members in huge quantities. These are all in an attempt to hid or conceal all the traces which may give rise to seizure or annulment measures by the competent authority. This is particularly because Decree No. 76-167 of 27 April 1976 (as amended and supplemented by Decree No. 85/146 of August 4, 1985) regulating the management of the private property of the State in Cameroon restricts individuals from holding multiple parcels of private property of the state in the same urban center.[111] These provisions aim to limit the excessive concentration of land by a single individual and ensure better management of the state's private property. Nevertheless, exemptions may be granted by a special Decree of the President of the Republic, depending on the importance of the investment program proposed. Now, in order to go around the law, civil administrators like land tenure administrators tend to allocate these lands in the names of trusted family members and close allies.[112] In a press release dated 19 March 2021, the Chairman of the National Anti-Corruption Commission invited occupants of lands in government residential area appear at the Conference Centre of the Commission in order to ascertain the legality of their occupancy.[113] This was following complaints and allegations made by some stakeholders and persistent media reports.

3.6 Infractions of the Law (Impunity)

Infractions here mean the outright violation of the law. The administration has, on a number of instances, created an atmosphere of chaos, prompting individuals to act with impunity. These individuals enter into and even sell state land and land in the hands of nationals under the protection and backing of the administration. For instance, administrative officials in Fako Division, after creating a village (Lower Ewonda village) within the Ewonda Community in 2021 without consulting other neighbouring villages, the so-called chief of the newly created village proceeded to registered lands belonging to individual families in conspiracy with local administrators. After investigation, the Minister of State Property, Surveys and Land Tenure proceeded to declare these land certificates a nullity on grounds of fraud.[114] Despite the withdrawals of these land certificates, the military and the police are according the Chief of the said village protection to bulldoze these lands spanning around 85 hectares, to create a layout over people's properties with impunity. It should be recalled that there is a recent trend wherein the perpetrators of these acts are serving at the Central Administration (Ministry of Land-MINDCAF in Yaounde). They often make sure that files with complaints about land grabbing are missing or removed even before it gets to the Minister or frustrated with no results. Recently, the Batoke Village Community in Limbe II Subdivision in the Fako Division of the South West Region wake up to have discovered that about thirty hectares of their ancestral land have been calved out by a group of individuals involving high level administrative officials to established a layout.[115] Similarly, individuals in most government reserved layouts, including state employees, enter and occupy state lands without the prior authorization of the competent authority, who is the Minister of Lands. According to MINDCAF, therefore, land disputes account for 85% of the cases instituted before the Administrative Courts and 65% of those

[110]Vanissa Mafouokeng (October 2021), Cameroon: How Chines Massive Land Grabs deprive the Population of their Main Sources of livelihood (Farming and Hunting), Journal du Cameroun , available at https://rainforestjournalismfund.org/stories/cameroon-how-chines-massive-land-grabs-deprive-population-their-main-sources-livelihood, last access 1st November 2025.

[111] Section 30

[112] Researchers Observation.

[113] Correspondence No. 4100/2397/B/0538/CONAC/DI of the 19th of March 2021.

[114] Ministerial Order No.03570/MINCAF/A100/A110 of the 11th of November 2025 on the nullification of Land Certificates No. 016324, 016326,016327, 016328, 016329, 016330 and 016332/Fako issued to Lower Ewonda Village Community.

[115] Unstructured Interview with the Chief of Batoke Village: 'The Illegal Creation of a Layout in Batoke Village) on the 6th of 30th of January 2026

brought before the ordinary law Courts.[116] Land issues often top Cameroon's list of problems in the World Bank's Doing Business ranking, which measures the ease of doing business around the world.[117]

3.7 Illegal Land Transactions

The expression 'illegal land transaction' as opposed to land grabbing is used in this studying to express those transactions and practices expressly forbidden by law as far as land related matters are concerned. These include illegal occupation of private property or state lands, sale of unregistered lands or state lands by individuals, the conclusion of landed property transactions which are not provided for by law, etc.[118] These transactions have been expressly prohibited by law, and attached to them are penal sanctions. Statistics indicate that more than 50 % of Court litigation in Cameroon hinge on land issues.[119] Law suits on double selling of land, unlawful occupation of land, and other fraudulent and illegal land transactions are frequent in Courts. The Supreme Court had in the case of *Patricia P. Timungwa v. Bonu Innocent*,[120] noted that 'acts' of notaries relating to real property transactions must be legal acts, that is provided for in the arsenal of Laws on private real estate transactions in Cameroon. Despite the aphorism of the Supreme Court *supra*, public notaries and the parties to private real transactions continue day in day out to maneuver their ways through and engage in these high-risk transactions with no property rights guarantee. In the *Patricia P. Timungwa* case, the Supreme Court took the view that land transactions which are not in consonance with the principles laid down in our domestic legislation but valid in England cannot be considered valid in Cameroon. Thus, a deed of mortgage, like other real property transactions, must be on registered lands.[121]

In Nguti Subdivision, a locality in the South West Region, it has been posited that palm holders clear large portions of forest lands indiscriminately, causing a lot of environmental degradation and thereby threatened the livelihood sources of these forest communities.[122] This is in gross violation of the land laws of the country,[123] and the forestry and wildlife law, which enhances sustainable forest management and regulates its exploitation and valorization.[124] The fear that usually arise from such illegal land transactions having no property rights guarantee is that it often lead to unwarranted land disputes, provoked violation of forest community rights, and environmental degradation.[125] The upshot is that the purchaser is expected to assume all the risk that goes with such a property, which is not registered in the name of the seller prior to the sale.[126] This is all the more when someone surfaces with a land certificate. In the case of *Kouanjou Noukecha Watat Roger Guy v. Ambe Samuel Che & others,*[127] the High Court of Fako Division, while evicting the Respondents and their assigns who had sold and bought unregistered lands, noted that the applicant's land certificate issued since 2002 conferred on him unchallenged rights, notwithstanding that the respondents had developed the property with buildings. Even when a deed of conveyance complies with the provision of Section 8(1) and (2) of Ordinance No. 74/01, it may be annulled in the event of fraud. In *Sendze Veronica v. Abandaa David Esang*,[128] the Supreme Court held that 'a deed of conveyance which complies with the provisions of Section 8(1) and (2) of Ordinance No. 74/01 to establish the rules governing land tenure must be canceled if there is evidence that it was executed by fraud'. The fraud in this case emerged as a result of the fact

[116] Business in Cameroon (2022), 'Land ownership: Cameroon Suspends Land Sales in 21 Departments', available at https://www.businessincameroon.com/economy/2904-12532-land-ownership-cameroon-suspends-land-sales-in-21-departments, last access on the 20 February 2026.

[117] *Ibid*.

[118] *Ibid.*

[119] CRTV (2022), 7:30 News, available at https://web.facebook.com/CRTVweb/videos/statistics-indicate-that-more-than-50-of-court-litigations-in-cameroon-hinge-on-/461404269235810/ last accessed on 11 February 2026

[120] Supreme Court Judgment No.12/COM of 06/04/2023 reported in SOWEMAC Law Report Vol.14 at p. 1-33.

[121] *Ibid.*

[122] Tichafogwe, T, Juscar, N. (2020) Indigenous Land Grabbing and Forest Rights Defilement by Small Farm Holders in Nguti, Cameroon. *Current Urban Studies*, 8, 129-139; Nguti Council (2008). Programme for the Sustainable Management of the Natural resources (PSMNR), SWR, *Nguti Council Monographic Study*, p 306.

[123]Section Law No. 80/022 of the 14th July 1980 to repress infringements on landed property and state lands.

[124] Law No. 2024/008 of the 28th July 2024 to lay down the Forestry and Wildlife Regulations.

[125] *Ibid.*

[126] Section 8 of Ordinance No. 74/01, *supra*.

[127] Suit No. HCF/493/M/2023 (unreported).

[128] Supreme Court Judgment No. 06/COM of the 02/03/2023, reported in SOWEMAC Law Report Vol. 14 at p. 34-74

that the respondent knew that the land had been sold to the Appellant's husband with a house built on it and proceeded to acquire one and the same land from the same vendor.

It must be taken on a very serious note that individuals or even authorities within the region are by no law or regulation in force empowered to sell or make allocation of state lands. The only competent authority to lease out lands or to sell by private treaty is the Minister of State Property, Surveys and Land Tenure.[129] Individuals and state employees who sell or occupy state lands are not only committing criminal offences, but such transactions remain null and void *ab initio*.[130] On a site visit to Government Residential Area, Buea, the Quarter Head noted that there are a number of potential buyers who have brought allocation letters issued by the Senior Divisional Officer to individuals who wants to sell to them.[131] Individuals wishing to acquire state land must follow the disposition of the law provided under Decree No. 76-167 of 27 April 1976 to establish the terms and conditions of management of the private property of the State and submit their application to the Minister of Lands. Upon the issuance of a final order, the said individual can then proceed to have his land certificate. Such final orders usually enjoin the bearer to ensure that he uses the land for the purpose for which it has been sold under pain of forfeiture. Therefore, the land certificate often carries a conventional clause which renders it inalienable.[132] Except and unless such a clause is uplifted, the land remains encumbered and cannot be sold to third parties. In other words, real property rights cannot be extinguished.

3.8 Related Offences associated with Illegal Land Dealings

Illegal land transactions may give rise to a number of criminal offences classified as misdemeanour. To ensure compliance with the regulations in force, the legislature has, through the land tenure regulations, define measures to repress infringements on landed property rights. Notwithstanding that the law considers any land transaction (sale or lease of land) in which the land is not registered in the name of the seller or lessor prior to the sale to be null and void, it equally attaches a penal sanction to it. Section 8(4) of Ordinance No. 74-01 punishes the following land related offences with a fine of 25.000F to 100.000F or imprisonment of 15days to 3years, or with both such imprisonment and fines:

- Notaries who draw up deeds over unregistered lands or lands not registered in the name of the seller prior to the sale;
- Persons selling or leasing one and the same lands to two or more people (double selling or leasing);
- Persons effecting sales or leases of lands belonging to others, not being so empowered;
- Notaries who assist the above two last forgoing offences or who draw up deeds beyond their territorial jurisdiction;
- Individuals who knowing fails to mention encumbrances on the land at the time of its registration.
- Persons who use or occupy land which does not belong to them and without the authority of the person who is qualified to give them.

Furthermore, in its Section 2 punishes with a fine of 50.000F to 200.000F or imprisonment of 2 months to 3years, or with both such imprisonment and fines:

- Persons who use or occupy land without the authorization of the owner;
- State employees guilty of complicity in land transactions likely to facilitate the unlawful occupation of another's property;
- Persons who illegally use and occupy private property of the state, public property of the State or national lands.

[129]Section 8 of Decree No. 76-167 of the 27 April 1976 to establish the terms and conditions of management of the private property of the State.
[130]Section 2(a and b) of Law No. 80-022 of the 14 July 1980 to repress infringement on landed property and state lands.
[131]Magistrate Njonjo John Njie (Quarter Head of GRA Buea), Unstructured Interview on Illegal Occupation of Land in Government Residential Area (July, 2025)
[132] The conventional clause follows the Ministerial Order approving the sales which specifies the purpose for which the land was sold and serve as a covenant running with the land for a specified duration.

In the penal code, the most common and often recurrent offence flooding the courts today is the offence of disturbance of quiet enjoyment of land.[133] This offence, which is liken to trespass to land in its civil equivalence, seeks to maintain public peace and to circumscribe change of possession without due process of the law or consent on the part of the person in possession. Besides, destruction of boundary marks or beacons also appears to be associated with land disputes,[134] destruction of crops,[135] threat of life or conditional threats, usually when opposing parties threatened, for instance, the other with force or any interference if he set foot or enter the disputed land,[136] etc. also arises from land related disputes. Besides, double selling or leasing also culminates in the offence of false pretenses to the person or persons not able to gain access in to the land.[137] The quest for land has equally proliferated chieftaincy disputes, especially in the coastal regions like in the South West Region and in Fako Division in particular where land surrender has been experienced over the past few years.[138]

4. Discussion on the Findings

Cameroon's land tenure is complex in nature, and this complexity emerges as a result of the numerous legislation governing various land regimes in the country. It is observed that the land tenure system of Cameroon adopted a historical recognition of indigenous rights through the precolonial, colonial and post-colonial eras. Thus, there is an interaction between native land rights, which is established by dint of the occupancy or possession of land by indigenous communities, indigenous people thereof, and persons of Cameroonian nationality who have been on this land before the 5th of August 1974. Notwithstanding the recognition of these rights, indigenous communities and the indigenes therefrom, as well as Cameroonians occupying land under the customary land tenure regime, cannot freely transfer these lands to third parties. This can only be done if the same has been registered and they now become the holders of a land certificate. This is the reality of our land tenure law of the present day. Nevertheless, so many land transactions take place over unregistered lands said to have been held under customary land tenure regimes.[139] Thus, when these transactions run into problems, the upshot is that the parties generally are entangled in law suits which often times take a criminal approach. It should be recalled that a large proportion of lands in Cameroon are still unregistered. This partly explains the plethora of land related cases in our courts today.

furthermore, the procedure to transform this indigenous tenure to obtaining land titles are complicated, cumbersome, and costly. A sweeping view of the law and the procedure does not look cumbersome until one engages in it. This is couple with corruption on the part of various land services that collect monies from applicants without official receipts.[140] Despite the plethora of legislation put in place and institutional mechanisms accompanying it, the state of Cameroon has not fully lived up to the expectation of an average Cameroonian. This is essentially as far as the management of lands for rational use and for the economic development and progress of the country is concern. Land tenure in Cameroon has become a system where business tycoons enrich themselves as well as state employees. Civil servants enter into private property of the state with impunity and have so amassed vast estates for themselves, their children, and even grandchildren in violation of the law.[141]This attitude by public servants is explained by the fact that the land tenure laws of Cameroon were enacted in the form of ordinances, which emanating from the executive arm of government, which gave an overwhelming competence to the executive arm of government (administration) to determine issues of title and how people can access lands in Cameroon. Compounded with the highly centralized system of government, the administration has dispossessed individuals, native communities, as well as indigenes in these communities from their rightful entitlements. The *Ewonda Village Community case* is a glaring example, like in many other villages in the Fako Division of the South West Region.

[133] Section 239 of the Penal Code.
[134] Section 317 of the Penal Code.
[135] Section 316 of the Penal Code.
[136] Sections 301 and 302 of the Penal Code.
[137] Section 318(1c) of the Penal Code.
[138] Researcher's observations as a Legal Practitioner in Buea, Fako Division of the SW, Region.
[139] Ibid
[140] Researcher's observation as a Legal practitioner.
[141] Section 30 of Decree No. 76-167 of the 27 April 1976 to establish the terms and conditions of management of the private property of the State.

Besides the above quagmire, the composition of the land consultative board does not suggest that its members are experts in conflict resolution and are quite vest with the legal expertise to interpret the land tenure laws. The consultative boards do not allow the presence of lawyers to assist their clients; they do not adhere to rules of evidence and accept all kinds of inadmissible evidence before them, including photocopies. Indeed, they have no rules of procedure and, at times, fundamentally depends on the opinion of the Divisional Office (Sub-Prefect), who is the chairman. It should be recalled that chiefs (traditional rulers) who have been made auxiliaries to the administration usually succumb to hierarchical pressures from the Divisional Officers and at times supports their views even when they know that it is inconsistent with the evidence adduced during the proceedings, and what they know concerning the indigenous right to the land.

This study has argued severally that it is inconceivable to have unoccupied and unexploited national land as suggested by is Decree No. 76-166 of the 27th of April 1976 to establish the terms and conditions of management of national lands. Indeed, while Section 15 of the Ordinance No.71-01 talks of land free from any effective occupation, its decree of application talks of unoccupied land and unexploited land. This poses a serious conflict in connotation and exemplification, as no such land existed at the time of passing such law. This category, to my mind, seems to be imaginary or fictional because most inter-tribal wars were based on trespassed on inter-communal boundaries.[142] Population movement in Cameroon took place in the 18th and the 19th Century,[143] and by the 20th Century, when the country achieved independence, indigenous communities had been well settled with defined boundaries as communities and families owning their own heritages. If Section 17(2) of Ordinance No.74-01 gives native communities the right to continue to use lands in their possession, then it may properly be stated that native communities inhibited these lands and exploited them as their customary inheritance. This is all the more as indigenous communities still have a say in their management, which stems from their mere fact that they are present in the land. This is evident in the various contests by indigenous communities following grants/concessions granted to multinational companies. It has been contended that while commonly required by law in many host countries, the consultative process between investors and local communities have been criticized for not adequately informing the indigenous communities of their rights, negotiating power, and entitlements within land transactions.[144] This is the case of Cameroon, where the military is often being misused to crackdown indigenous claims and rights over lands allocated by way of grants/concessions.

The notion of land grabs in Cameroon has been proliferated because of administrative tolerance and connivance on the part of land administrators. This is certainly aimed at making unjust enrichment from these land related transactions to the detriment of the state. It has taken diverse forms, not only on the basis of large-scale acquisition of land. Even in spatial allocations of empty state lands for economic gains by administrative officials or through perverse land consultative board recommendations.

5. Conclusion

The Cameroonian land tenure system is set out by the combination of laws embodied in sectoral legislation. Key aspect of these laws seeks to protect indigenous rights of occupancy, as indigenous people, native communities, and persons of Cameroonian nationality who have been in effective occupation of land are being protected from being dispossessed of their lands.[145] Thus, the recognition of indigenous rights and the customary land tenure system. Access to land, therefore, in Cameroon is a constitutional guarantee to both corporate and natural persons irrespective of their origin. People can access land in Cameroon once they pay the economic price thereof and comply with the regulations in force. Land has been classified variously as state lands, national lands, and lands covered by private rights or private property. These lands have different ways by which people can access them and

[142]Ngwogeh V., Ojuku T, Ndi Roland (2022).'Intertribal Land Conflicts and Implications on Development in Balikumbat Sub-Division, North West Cameroon, *Saudi Journal of Humanities and Social Science*, 7(8), pp.345-362:345

[143] Forka Leypey Mathew Fomine (2025). Population Movements and Gene Flow in the 18th and 19th Century-Cameroon: Synopsis of Cameroon's demographic History, *European Journal of Humanities and Social Sciences*, 5(2), pp.5-15.

[144] V. N. Fru (2014), 'Land Grabbing: the Case of Herakles Farms in Cameroon', *International Centre for Environmental Education and Community Development* (ICENECDEV), p.7

[145] Section 17(2) of Ordinance No. 74-01 of the 6th of July 1974 to establish rules governing land tenure.

acquire land certificates. Of course, the land certificate is the only official certification of real property rights, and when presented, it is conclusive, irrefutable, unquestionable, and incontrovertible. Nevertheless, the Minister of State Property, Surveys and Land Tenure is empowered to withdraw the same in the event of fraud or irregularity on the part of the Administration in the procedure for its acquisition. In recent times, the land certificate has been more and more vulnerable as several flaws in administrative procedures have led to their cancellation. Most of the procedures for land acquisition are laid down by regulations and their implementation largely depends on administrative compliance. While public notaries play a vital role in land related transactions, the courts, on their part, have almost an insignificant role to play. In fact, when it comes to issues of title and disputes over title on unregistered land, the jurisdictions of the courts have been completely ousted. This competence rest entirely with the administration, who are not trained in dispute resolution or at times possess the requisite knowledge in the construction and interpretation of statute law. These lapses have transcended so many land disputes from this quasi-judicial bodies (such as the consultative boards and commissions set up within the administration) to unscrupulous administrative decisions and further to litigation in various courts for the review of these decisions. It should be emphasized here that because of the overbearing role of the administration in handling and resolving land disputes, especially on title at first instance, it has led to many illegal land transactions and land grabbing in the country. The proliferation of illegal land transactions and land grabbing is overwhelming because of too much administrative involvements.

6. Recommendations

The State should adopt strong policies aimed at deterring recidivist and perpetrators of illegal land transactions. In criminal cases, individuals involve should continue under detention, like in cases of felonies punishable with death or life imprisonment. Thus, shady land dealings should be included among the offences which are unbailable. This is justified by the rampant nature of illegal land transactions by notaries and other persons who knowingly engage in selling one and the same piece of land or encumbered properties to others. The punishment should equally be taken upwards to fines of from 1.000.000F to 10.000.000F and with imprisonment from 5years to 15years. This is how a country that wants to resolve problems must act. Irrespective of restitution procedures for the *corpus delicti* to the victims, the government must also set disciplinary mechanisms on state employees who are connected to or facilitate these illegal transactions and encourage land grabbing.

The need for urgent land tenure governance reform to remedy the excesses created by the administration. The administrative authorities have created multiple land problems than resolving them. This has led to the proliferation of land disputes over administrative acts on land pending before the Administrative Courts for review. Most of our land tenure problems stems from high administrative interest in land by unscrupulous administrators who claims to be resolving the same; meanwhile, they are actually the authors. In the South West Region, the Ewonda land saga and the Batoke Village land crisis are characteristic examples, with the Regional, Divisional and Subdivisional authorities failing year in year out to resolve them. It is therefore clear that they benefit from these land problems both directly and indirectly.

This study also recommends the complete shift from the administration (executive arm of government) adjudicating in land related disputes to the Courts. To this end, the complete dissolution of land consultative boards in favour of a special composition of the Court of First Instances, which are situate in every subdivision and sitting with two customary assessors. These customary assessors should be the Chief and one of his notables or two other notables designated by the Chief of the village concern. While the judge or college of judges exercise a judicial role in the adjudication and direct the proceedings, that of the customary assessors should be civic and morally to establish indigenous claims to lands between owners of adjacent properties found in their communities. In case of inter-communal or interurban land disputes, it should be subject to the High Court of every Division with two customary assessors who must be traditional rulers other than those affected by the dispute. The said traditional rulers should be designated by the court from among the list of traditional rulers within the division and in which subdivision the dispute arose. The essence of shifting disputes from the administration to the courts is in view of reducing the length of litigation which usually ends up at the courts. Besides, the evidential standards will be clearly established, like that in other civil matters, and the decision will be in the form of a judgment, unlike recommendations of the

Land Consultative Boards with no binding force. Administrative proceedings are hardly on record, and civil administrators often times are not trained judges. Besides, lawyers are often excluded because of the absence of a magistrate to preside over the boards, thereby making their findings and recommendation watery and at times a charade.

This paper also proposes that the Courts should be empowered to cancel or withdraw land certificates in a judicial process and not the Minister of Lands. It is contended that when a land certificate is challenged, by dint of Section 17 of Law No. 2006/022 of the 29th of December 2006 to lay down the Organization and Functioning of the Administrative Courts, the petitioner must proceed first to the competent administrative authority who issued the challenged administrative decision before reverting to the administrative court for adjudication. If the administrative court, or on appeal the Supreme Court, takes a decision in the matter, the competent authority to withdraw the land certificate still remains the Minister. Besides, if the ordinary court also establishes fraud in the procedure of obtaining a land certificate, competence have been given to the Minister in charge of Lands to proceed with the withdrawal or cancellation of the land certificate as the case may by. The Supreme Court in the *Sendze Veronica case*[146] supra pointed out clearly that while the Minister has the powers to withdraw a land certificate, the ordinary courts can cancel the deed of conveyance which is the subject of a fraud and such a land certificate becomes of no moment as the land automatically reverts to the original owner. The question for determination therefore is: if the ordinary courts can determine fraud in the process of making a land certificate, what excludes them from withdrawing the land certificate? It is submitted that this is a very centralized and complicated procedure in our land tenure laws that proliferates litigation. It is absurd that a court of law, upon determination of an irregularity, cannot take appropriate decisions. This absurdity is all the more conspicuous in cases of final binding decisions flowing from the judicial system. This is a statist approach on the part of the state which seeks to undermine the free had of the judiciary in adjudicating over land matters. The government must therefore decentralize and transfer powers to the courts and empower them to act in every respect so as to limit litigation at all levels.

This study advocates for an immediate law reform to consolidate scattered pieces of legislation found in parliamentary acts (laws), acts of the executives (Ordinances, Decrees, Orders, Circulars, Instructions, etc.) into a land tenure code (Land Tenure Code/Land Use Code) which embodies all the classification of lands, the management of all classes of lands and the procedure for their acquisition, transfer, expropriation and measures of compensation, jurisdiction and competence of the courts, penal provisions for infractions, etc. Thus, complex procedures will be abolished, and easy references and citation of various provisions will be pu in place.

The state should reform the procedure of acquiring a land certificate in relation to the direct registration of lands in category 1 national lands. This will help curb corruption along the various administrative departments were the applications go through. In fact, it is proposed that, after the publication of the application for the registration of a piece of national land and the planting of the pillars by the land consultative board, a land certificate should be issued at the subdivisional level. This presupposes that a recommendation for the government to further decentralize the land registry to the subdivisional levels is herein proposed. This will bring the administration closer to the people and will encourage more registration of national lands. It must be emphasized that the long procedure laid down in our laws today have not resolve the problem of irregularities in the procedure for obtaining land certificates. This is because the minister of lands withdraws and cancels land certificates in Cameroon almost on a weekly basis. Scrutiny in the procedure should be at the subdivisional levels, with all the stakeholders performing a vital role. Objections to the issuance of land certificates should be lodge at the subdivisional land services free of charge as opposed to the current trend of payment of One Hundred Thousand (100.000) FCFA as per the finace law.

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