

L'organisation juridique de la propriété foncière au Cameroun*

Robinson Tchapmégni

Abstract

The French and British legal systems inherited by Cameroon from the colonial period have greatly influenced its land law. This legal pluralism places Cameroon's land property law between traditional and modern law.

In fact, there are two conceptions of land property in the contemporary context. The pre-colonial concept, based on customs and traditions, is drawn from the African conception, which is particularly based on the relationship between human beings and the soil and which invests collectivities with land ownership. Then, the post-colonial conception gives land rights to individuals. Cameroon's legal rights are therefore torn between these two conceptions that hardly co-exist and that are impossible to apply, in spite of all the legal reforms that have been made since 1960.

There are two main causes: the incoherence of the actual normative dispositions and the inability of the authorities to elaborate consensual land policies.

The objective of this paper is to analyse the government's land property policy, its seizure of land ownership. It is also an attempt to present some of the causes and to propose an alternative to the state's land property vision. It is concerned with the problematic and basic question: How to give an account of the question of access to land and secure land property in Cameroon? With this in mind, this dialectic study then covers three main aspects:

- the uncertainty of rules granting the right to acquire land, and the determination to dispose of the traditional manner of land acquisition.
- the contestation of all legal categories of land property
- the difficulty for women to have access to land.

The opposition between customary law and the written law in Cameroon is clearly illustrated in the various conceptions of land ownership, as well as in the authorities' concept of land distribution and in the modalities thereof.

Land property legislation in Cameroon, while investing individuals with land ownership, also communities with the possibility to own land.

The concept of national estate, which has replaced the former notions of "vacant land with no owner" or the "national collective estate", has only one objective: to give the control over the land in Cameroon to the state. This notion concretizes the objective of economic and social development adopted by the great reform in 1974. The national estate is then the government's legal instrument for intervention in land property.

However, the government and the local communities have not been able to agree and the conflict is heading towards an impasse. This is characterised by the situation of many women, mostly in the rural sector, who find themselves deprived of their legal right to acquire land, despite the constitutional and legislative regulations giving equal rights to both sexes.

* The Legal Regime of « Land Ownership » (propriété foncière) in Cameroon.

Law, Land Use and the Environment. Afro-Indian Dialogues, Christoph Eberhard (dir.).



<http://creativecommons.org/licenses/by-nd/2.0/fr/deed.fr>