

The Role Of The Institutions Put In Place To Protect And Promote Land Acquisition In Cameroon: A Critical Analysis

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Abstract—The protection and promotion of land acquisition in Cameroon is ensured through a number of legal and administrative institutions established by the State to regulate land ownership, guarantee security of tenure and ensure land transactions are conducted in accordance with the law. These institutions operate within the framework established by the 1974 Land Ordinances, which reorganized the Land tenure system and create mechanisms for the management and allocation of land. Key institutions such as the Ministry of State Property, Surveys and Land Tenure, Land Consultative Boards, local administrative authorities and the courts play significant roles in supervising land registration, resolving disputes and ensuring that the procedures for acquiring both private and public land are respected. Despite the important, the effectiveness of these institutions is sometimes challenged by administrative delays and corruption. Nevertheless, their existence remains fundamental in promoting secure land tenure, facilitating lawful land transactions and strengthening confidence in the administration system in Cameroon. This article is based on the hypothetical premise that the role the institutions put in place to protect and promote land acquisition in Cameroon is ineffective. It seeks to examine the effectiveness of the role of the institutions in protecting and promoting land acquisition. Adopting the Doctrinal research method, the paper concludes that with improved coordination, institutional reforms, greater transparency and stronger enforcement of land laws, these bodies can more effectively fulfil their mandate of ensuring secure land tenure, reducing land disputes and encouraging sustainable land development and investment in Cameroon.

Keywords—Critical, Analysis, Institutions, Protection, Promotion, Land Acquisition, Cameroon

Introduction

In Cameroon, the protection and promotion of land acquisition are not left solely to private individuals; rather, they are regulated and supervised by a network of institutions established by law, because land constitute an important economic and social resource and its acquisition must therefore be properly regulated in order to guarantee security of ownership, prevent conflict and promote sustainable development¹. These institutions notably the Ministry of State Property, Survey and Land Tenure (MINDCAF), Land Consultative Boards, administrative authorities and the judiciary, play complementary roles in supervising land allocation, verifying ownership, registering land rights and resolving disputes. Through their combined efforts, they contribute to the protection of land rights and the promotion of orderly land administration², land registration, issuance of land certificate, advisory control over concessions and judicial review of contested transactions; they protect individuals and communities from fraud, unlawful dispossession and procedural irregularities. Together, these bodies promote orderly land acquisition, strengthen public confidence in the land tenure system and contribute to sustainable development and social stability in Cameroon. Despite all these, these institutions face some challenges which are also worth examining.

¹ Fombad Charles Manga, 2014, « Introduction to the Law of Cameroon », Pretoria University Law Press, 2nd Ed, p. 210.

² Fonjong Lotsmart & Fokum Victor, (2015), Land Tenure System and Land Conflicts in Cameroon, Langaa Research & Publishing CIG, 1st Ed, p. 89.

THE INSTITUTIONS AND THEIR ROLES IN THE PROTECTION AND PROMOTION OF THE ACQUISITION OF LAND IN CAMEROON

These institutions put in place to protect and promote the acquisition of land are worth examining with their functions.

1. The Ministry of Property and Land Affairs (*Ministere des Domaines et des Affaires Foncières*, MINDAF).

MINDAF which is referred to as the ministry of State Property and Land Tenure, is the primary public actor in the land section in Cameroon, it is the central government body responsible for land administration in Cameroon. MINDAF has authority over all land and they are overall responsible for land allocations, land development and land surveys. MINDAF divisions includes; the Department of lands, Department of land tenure, Department of state land, Department of surveys. In the year 2010, the ministry opened an office dedicated to support commercial investors. Also, the ministry's structure provides for provincial and prefect-level offices that were intended to have primary responsibility for many land matters, including land allocations and land use planning.

MINDAF is in charge with the issuing of land titles and certificates, overseeing land surveys and cadastral maps. Also, MINDAF manages state and national land (public and private state land)

2. The Land Consultative Board

The land consultative Board (LCB) is a local, multi-stakeholder committee involved in land governance, especially where land rights, land registration and land use planning intersect with government administration. These boards play an important advisory and procedural role in many countries in Africa, especially Cameroon.

In Cameroon, the Land Consultative Board (LCB) plays a crucial role in the land acquisition and allocation process, particularly regarding the conversion of land from customary (non-registered) to state (registered) land. It is especially relevant in rural areas, where much of the land is governed by customary tenure but may be sought for development, investment or formal ownership.

It is an administrative body created by Article 16 of Ordinance No. 74-1 of 6th July 1974 to establish rules governing Land Tenure in Cameroon, as well as Article 12 of Decree No. 76-166 of 27 April 1976³. This Board meets at least once after three months⁴, when convened by the chairman⁵ who as a requirement shall notify other members of the board on the date and furnish them with the agenda of the meeting at least 10 days before the date of the meeting⁶. The agenda shall be posted on the notice board at the offices of the D.O or S.D.O where the land is situated. Such notice shall indicate the situation of the land, its approximate area and the project planned.⁷ These are all pre-registration formalities which the board is charged with to ensure that the land to be registered is properly identified. Article 5 of Ordinance No. 74/1 of 6th July 1974 gives the board the jurisdiction over matters relating to land disputes and taking disputes emanating from land registration off the courts.⁸

The Composition of the Board

The board consists of eight members namely; The Divisional officer as the chair-person, Divisional chief of service of land certificate as the secretary; Divisional chief of service of town planning in the case of an urban project as a member, Divisional chief of service of Agriculture in case of farmland or rural project as a member, the traditional head with two notables from the community where the land is situated as members. The members of the community are intended to ensure that the rights of the members therein are protected. They are to provide information on certain points of customary law, for instance, ownership of land, gift of land to

³ This Decree establishes the terms and conditions of management of national lands by the appointed board members.

⁴ Legal framework of the management of national lands in Cameroon, available online at <http://researchguru.pro>, consulted on 20/11/2025, at 5pm

⁵ Section 13(1) of decree No. 76/166 of 27 April 1976 establishing the terms and conditions of management of national lands.

⁶ Ibid, section 13(2)

⁷ Ibid, section 13(3)

⁸ Nessie-Sandra A., (2023), « Land Ownership in Cameroon : An Overview », International Journal of Law and Policy, Cameroon, vol.8, Issue 2, p. 66

strangers, customary tenancy and the extent of members' right on customary land.⁹

Functions of the Board

The functions of the Board are set out in section 14 of Decree no. 76/166. The principal goal of the Board is to ensure the rational use and development of national lands. This Board makes recommendation on land use, including herding and cropping and they reviewed and act on applications for rights to national land. Recommendations of the Board shall be adopted by a simple majority of members present, and shall be valid if the chief and one leading member of the village or community participated in the proceeding¹⁰. In the event of a tie, the chairman shall have the casting vote.

The Board examines and if necessary settle disputes submitted to it under for the allocation of land certificates on occupied or exploited national lands. The Board is also responsible for supervising the demarcation of lands, evaluating rights to land.

This Board selects the lands which are indispensable for village communities for the issue of land certificate. This board which is charged with managing land matters has the responsibility to inspect land for registration, and to resolve land and boundary disputes over unregistered land. It is worth mentioning that each division of the regions has a land consultative board. This board is not a court. The board by its composition is purely an administrative agency. It is merely a consultative organ set up to give advice to disputing parties on land matters and renders recommendations for the minister in charge of lands to take a decision if need arises¹¹. Its conclusions are not decisions but

recommendations. The minister is at liberty to accept or reject recommendations as he pleases.

It is worthy of note that any decision that is later taken by the minister will be an administrative act which can be challenged only before the administrative bench of the supreme court.¹²

The above procedure denotes that only the board and the minister have jurisdiction over land disputes. Hence, the law gives no other official even the Senior Divisional offer, the power to determine who is to receive a land certificate over an unregistered land under dispute¹³. If a party is dissatisfied with the recommendations of the board, the person to consult or appeal is the minister who alone has competence to review the recommendations of the Board.¹⁴

More so, by virtue of the 2005 Decree, issues relating to land disputes are not resolved judicially but administratively. Also section 5(3) of the 1974¹⁵ land ordinance states that all cases dealing with landed property pending in courts and which are introduced outside the scope of the registration procedure shall fall within the jurisdiction of the land consultative board provided for in Article 16 of the same ordinance. The dossier relating to such cases is to be transferred to the said Board when the ordinances shall have entered into force.

3. Land Registry

Land registry is a public administrative institution responsible for recording, verifying and preserving information relating to land ownership and interests in land. In Cameroon, the Land Registry operates under the authority of the Ministry in charge of State Property and Land Tenure and plays a central role in the land tenure system established by the 1974 Land Ordinances¹⁶. The primary purposes of a land registry is to establish clear and secure property rights, facilitate transactions, prevent disputes,

⁹ Kelese George N., (2018), *Land Law Lecture Notes*, university of Dschang, level 1, p. 42.

¹⁰ Section 15(1) of Decree No. 76/166 of 27th April 1976 to establish the terms and conditions of management of national lands.

¹¹ In the case of *Frida Sirri V. John Milla*. Appeal No. BCA/25.L/79. It was held that on the procedure for contesting the decisions of the board, where a party is dissatisfied with the decision of the board, the party must petition to the minister in charge of lands and by reason of section 20 of Decree No. 76/165 of 27/4/76, the minister acting as a 'ministerea juge' would give a decision which could only be appealed against at the Administrative Bench of the supreme court.

¹² Ordinance No. 72/4 of 24/8/72 on Judicial Organisation.

¹³ In the case of *Namange Ngombe J. V. Molua Simon Mereve & others*. Suit No. Caswp/'/2004.

¹⁴ This is clearly stiputed by section 20(1) of Law No. 9 of 26th November 1983 amending Decree No. 76/165 of 27 April 1976.

¹⁵ Ordinance No. 74-1 of 6 July 1974 establishing the rules governing land tenure in Cameroon.

¹⁶ Charles Fombad, (2014), *Land Law in Cameroon*, Presses Universitaires d'Afrique, Yaounde, 2nd Ed, p. 112 .

and provide a reliable record of land ownership¹⁷. The functions of the land registry in land acquisition are worth examining;

Firstly, in the protection of land acquisition, the Land Registry plays a fundamental role by ensuring that once land is registered and a land certificate is issued, the title serves as conclusive evidence of ownership, except in cases of proven fraud. This principle of indefeasibility safeguards lawful owners against competing claims and unlawful dispossession. Through the system of registration, the registry also guarantees publicity and transparency, enabling potential buyers and interested parties to verify the legal status of land ownership, mortgages, leases and other encumbrances, the Land Registry Prevent fraudulent practices such as double sales and unauthorized transfers. In the event of disputes, courts rely heavily on registry records as credible proof of ownership, thereby reinforcing legal security¹⁸.

Beyond protection, the Land Registry promotes land acquisition by facilitating confidence in land transactions. A reliable registration system reassures purchasers and investors that their rights will be legally protected, which encourages investment and economic activity. Registered land can also be used as collateral to obtain loans from financial institutions, thus enhancing access to credit and promoting development¹⁹.

Furthermore, proper record-keeping reduces the incidence of land disputes and lengthy litigation, making the process of land transfer more efficient and predictable. By encouraging individuals to formalize their land rights through registration, the Land Registry strengthens tenure security and contributes to the orderly administration of land.

4. Divisional and Sub-Divisional offices

In Cameroon, divisional and sub-divisional offices (under the ministry of Territorial Administration) play crucial roles in land acquisition, especially with regard to public and customary land. Their roles are both

¹⁷ Land registry explained, available online at <https://www.emsleymavor.co.uk>, consulted at 22/11/2025

¹⁸ Ngwasiri C.N., (2013), Real Property Law in Cameroon, Unique Printers, Buea, 1st Ed, P. 95

¹⁹ Ndzi P., (2016), « Security of Land Tenure under Cameroonian Law », Faculty of Law and Political Science, University of Dschang, P. 45

administrative and supervisory, ensuring that land processes comply with legal frameworks and government procedure, acting as intermediaries between the government and local communities. They are responsible for managing state lands, overseeing land transfers and ensuring that land acquisition processes comply with the law. Both the DOs and SDOs collaborate with traditional authorities, land consultative boards, local land commissions, ministry of state property, surveys and land tenure (MINCAF), Surveyors and cadastral services. Their roles are worth examining.

The roles of the divisional and sub-divisional officer as regard to the protection and promotion of the acquisition of land in Cameroon

1. The Role of the Divisional Officer (DO)

The Divisional officer is the chief administrator of a division and plays a key intermediary role between local communities and higher authorities in land matters. Their roles are as follows:

Firstly, Approval and Endorsement. They review and endorses land transfer and acquisition files at the division level. They ensure that customary land sales comply with the law.

Secondly, Land Acquisition for Public Use. They participate in the preparation and supervision of compulsory acquisition of land for public purposes (schools, roads, hospitals). They organize public consultations and land investigations in affected communities. They also provide reports and recommendations to the Senior Divisional Officer (SDO) or the Ministry of State Property (MINCAF).

Furthermore, Conflict Resolution. They handle and mediates on land disputes, particularly those involving traditional rulers, private individuals or communities.

Lastly, Monitoring and Enforcement. They monitor compliance with land regulations at the divisional level. They ensure that illegal sales or encroachments on public or communal land are stopped.

2. The role of the Sub- Divisional Officer (SDO or Sous-Préfet)

The sub-divisional officer oversees a sub-division and is often the first point of contact in land

related processes involving individuals or communities. Their roles are as follows;

Firstly, Facilitation of land sales and transfers. They receive and processes land transfer documents. They equally verify the legitimacy of parties involved in land transactions. They also ensure customary land is transferred according to recognized procedures.

Secondly, Custodian of Local Land Registers (for customary land). They work with traditional leaders to maintain and validate records of customary land holdings.

More so, Land Acquisition Processes. They conduct or supervises land identification for government projects. They equally participate in land valuation and compensation exercises, in collaboration with land commissions.

Lastly, Liaison Role. They act as a liaison between traditional authorities and technical services (cadaster, survey lands). They channel relevant documentation and recommendations to the Divisional officer.

5. Municipal Councils

In Cameroon, municipal councils play a crucial role in the protection and promotion of land acquisition by acting as local authorities that ensures land is allocated, used and transferred in a lawful and orderly manner. While the State retains ultimate ownership of land, municipal councils function as intermediaries between landowners, developers, traditional authorities and government agencies to safeguard land rights and encourage responsible acquisition.

They protect land rights by monitoring compliance with the 1974 Land Tenure Ordinances, preventing illegal occupation and facilitating dispute resolution, particularly in areas where customary land ownership is recognized. At the same time, municipal councils promote land acquisition through local land planning²⁰, designating land for residential, commercial, agricultural and public use, managing municipal lands for lawful allocation or leasing²¹ and encouraging investment by

²⁰ Law No. 2004/003 of 21 April 2004 Governing Town Planning in Cameroon.

²¹ Law No. 2004/018 of 22 July 2004 to Lay Down Rules Applicable to Councils (Cameroon), especially provisions on management of council property and local development.

clarifying procedures and providing guidance to individuals and businesses. Their effectiveness is reinforced through collaboration with state authorities such as the Ministry of State Property, Surveys and Land Tenure (MINDCAF)²², coordination with traditional leaders and engagement with the public to ensure transparency and fairness in land allocation.

6. Customary Authorities (Chiefs, Traditional Councils)

The state is the ultimate owner of unregistered land, but customary occupation and use are still recognized. Within this framework, traditional rulers such as chiefs, fons, lamidos and village heads acts as custodians of communal land, holding it in trust for their communities rather than as personal owners. They allocate land to members of the community for farming, building or other uses and may also authorize the settlement of strangers subject to customary norms. In this sense, customary acquisition often constitutes the first step in land ownership before formal registration.²³

Customary authorities also play an evidentiary and administrative role in the process of land registration. When an individual seeks to obtain a land certificate over land originally held under customary tenure, customary authorities are often required to attest that the land is free from dispute. During the field verification stage of the registration process, they participate in the Land Consultative Board convened by the administrative authorities. Their role includes identifying boundaries, confirming neighboring landowners and verifying the history of occupation. Their testimony is particularly important in establishing proof of customary ownership prior to the issuance of a land certificate²⁴.

²² Jean-Marie Nyama, (2001), *Régime foncier et domanialité publique au Cameroun*, Presses de l'Université Catholique d'Afrique Centrale (UCAC), 1st Ed, p.45.

²³ Robert Home, (2013), *Land Issue for Urban Governance in Sub-Saharan Africa*, Royal Institution of Chartered Surveyors (RICS) Research Paper Series, London, United Kingdom, Ed 13, p. 5.

²⁴ Ngang Stephen.N.C., (2014), «Land Registration and Customary Tenure in Cameroon : The Role of the State and Traditional Authorities», *Journal of African Law*, Vol. 58, Issue 1, Cambridge University Press, United Kingdom, p. 85.

Also, customary authorities serve as primary mechanisms for dispute resolution in land matters. They mediate conflicts relating to inheritance, boundary demarcation, double allocation and family land disputes according to customary law. Although their decisions are not final where registered land is concerned and may be reviewed by statutory courts, they equally help to maintain social harmony and often prevent disputes from escalating into formal litigation.²⁵

However, the powers of customary authorities are legally limited. They cannot issue land certificates, which remain the exclusive authority of the State, nor can they validly alienate national or state land without government authorization²⁶. Customary allocation alone does not confer indefeasible ownership unless the land is duly registered. Where a chief engages in fraudulent practices such as multiple sales of the same parcel of land, civil and criminal liability may arise.

7. The Judiciary (Civil and Administrative Courts)

The Judiciary in Cameroon plays a fundamental role in the promotion and protection of land acquisition by ensuring that land laws are properly interpreted, enforced and applied in accordance with the Constitution and statutory provisions. As the guardian of legality, the courts protect individuals and institutions against unlawful deprivation of land and ensure that acquisition procedures comply with the 1974 Land Tenure Ordinances. Through judicial review, courts verify that act within the limits of their legal powers when allocating, registering or expropriating land. Where procedures are not respected, such as failure to conduct proper investigations, absence of public purpose, or non-payment of compensation, the judiciary has the authority to nullify administrative decisions, cancel fraudulent land certificates and order compensation to affected parties.

In protecting land rights, the judiciary also plays a central role in resolving land disputes, including

cases of double sale of land, boundary conflicts, customary land claims, succession disputes and illegal occupation²⁷. By adjudicating such matters, courts provide legal certainty and security of tenure, which are essential for promoting confidence in land transactions and encouraging investment. The High Courts and Courts of Appeal handle most land litigation, while the Supreme Court ensures uniform interpretation of land laws and administrative legality. Through consistent jurisprudence, the judiciary clarifies ambiguities in land legislation and strengthens respect for due process in acquisition procedures²⁸.

Lastly, the judiciary promotes land acquisition by reinforcing transparency and accountability in land administration. When landowners or investors know that an independent court can protect their rights, challenge unlawful acts and enforce contractual obligations, they are more willing to engage in lawful land transactions.

Challenges / weaknesses

First challenge is bureaucratic delay and administrative inefficiency. Procedures for obtaining land certificates, approval of land transfers and expropriation for public purposes are often lengthy and complex. Multiple administrative stages, lack of coordination between services and excessive documentation requirements slow down land acquisition processes, discouraging investment and increasing the risk of informal or illegal transactions. These delays also undermine public confidence in formal land institutions²⁹. This problem reflected in *Minster of State Property and Land Tenure v. Mboh Litumbe*³⁰, where questions of administrative legality and procedure were central to the dispute. In this case, the dispute involved an administrative decision relating to the allocation or cancellation of land. The respondent challenged the legality of actions taken by the Ministry of State Property and Land Tenure (MINDCAF), arguing that due process had not been followed in the exercise of administrative powers. The issue here is whether

²⁵ Martin Dixon, (2007), *Principles of Land Law*, Routledge-cavendish, London, United Kingdom, 5th Ed, p. 23.

²⁶ Fonjong P.F., (2007), « The Dynamics of Land Tenure Systems in Cameroon : A Case Study of the Anglophone Regions» The Netherlands : African Journal of Social Sciences, vol. 7, p. 8.

²⁷ Opcit, Jean-Marie, p. 135.

²⁸ Charles Fombad, (2014), *Decentralization and Local Government in Cameroon*, Langaa Research & Publishing CIG, 1st Ed, p. 78.

²⁹ Opcit, Jean-Marie, P. 200.

³⁰ Unreported

the administrative authority acted within its statutory powers and complied with procedural requirements in allocating or withdrawing land rights. The Administrative bench of the Supreme Court reviewed the decision and reaffirmed that administrative authorities must strictly comply with the law governing land allocation and cancellation of land certificates.

Secondly, there is a problem of limited technical and financial capacity, especially at the municipal level, affects proper land demarcation and planning, contributing to disputes such as *The State of Cameroon v. Dame Mballa*³¹, where the State initiated acquisition of land for a public purpose, but the landowner challenged the process, arguing that compensation was either inadequate or that proper procedure had not been followed under the Expropriation law of 1985. The issue here is whether the expropriation was lawful and whether compensation requirements had been respected. The Court examined the expropriation met the legal requirements of public purpose, prior notice and fair compensation. It enforced that expropriation must strictly comply with statutory safeguards. Moreover, many municipal councils lack qualified land surveyors, urban planners and legal experts. Insufficient funding affects proper land demarcation, record keeping and monitoring of land use³². In rural areas, inadequate infrastructure and poor land information system making land registration and verification difficult, contributing to boundary disputes and overlapping claims.

Also, the judiciary, although essential for protecting land rights, faces challenges such as delays in adjudication, backlog of cases, and enforcement difficulties³³. Land disputes can take several years before final judgment, which discourages aggrieved parties and delays development projects. Furthermore, enforcement of court decisions is sometimes problematic, particularly where influential parties are involved.

Lastly, rapid urbanization and population growth place additional pressure on land

institutions. Increasing demand for land in urban centers leads to speculation, informal settlements and land grabbing, which institutional mechanisms struggle to regulate effectively.

Conclusion

In conclusion, the institutions established to protect and promote land acquisition in Cameroon, such as the Ministry of State Property Survey and Land Tenure (MINDCAF), municipal councils, land consultative boards, traditional authorities and the judiciary, collectively form an important legal and administrative framework that ensures the regulation, protection and orderly transfer of land rights. These institutions play complementary roles through land registration, land allocation, land-use planning, dispute resolution and judicial supervision, thereby safeguarding the rights of landowners and facilitating lawful land transactions. By enforcing land laws, supervising land management and resolving conflicts arising from land ownership, they help to promote transparency, legal certainty and confidence in the land tenure system. However, despite their significance, these institutions face several challenges such as bureaucratic delays, corruption, insufficient technical resources, and weak enforcement mechanisms, which sometimes hinder their effectiveness in protecting land rights and promoting efficient land acquisition. Nevertheless, with improved coordination, institutional reforms, greater transparency and stronger enforcement of land laws, these bodies can more effectively fulfil their mandate of ensuring secure land tenure, reducing land disputes and encouraging sustainable land development and investment in Cameroon.

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3. <http://researchguru.pro>, consulted on 20/11/2025, at 5pm

³¹ Unreported

³² Opcit, Charles Fombad, p. 95.

³³ République du Cameroun, 1974, *Ordonnance no 74-1 du 6 juillet 1974 Fixant le régime foncier, République du Cameroun, 1985 relative à l'expropriation pour cause d'utilité publique*, Journal Officiel, p. 1-10.

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