

SUPREME COURT OF CAMEROON



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**

*Presided over by Justice FONKWE Joseph FONGANG, President of the Judicial
Bench, sitting in for the Chief Justice unavoidably absent*

25 February 2026

The Right Honorable President of the Senate

The Right Honourable Speaker of the National Assembly

The President of the Constitutional Council,

The Interim President of the Economic and Social Council

The Prime Minister Head of Government,

The Minister of State, Minister of Justice, Keeper of the seals,

Ladies and Gentlemen members of Government,

Members of the Diplomatic Corps and International Organisations,

The President of the Cameroon Bar Association,

The President of the Cameroon National Chamber of Sheriff-Bailiffs,

The President of the Cameroon Chamber of Notaries Public,

The Lord Mayor of the Yaoundé City Council,

The Secretary General of the Supreme Court,

Distinguished Registrars-in-Chief,

Ladies and Gentlemen in your respective ranks and functions,

The Highest Court, through my humble person, expresses its gratitude to you for the sacrifice of your precious time to attend this Solemn Reopening of the Supreme Court.

You are welcome to this premises and we fully appreciate your constant confidence.

Your Excellencies, Ladies and Gentlemen,

On the occasion of the 2026 solemn reopening of the Supreme Court, we have chosen to share with you a topic of concern to our fellow citizens, economic operators, investors, and the State. The theme is: **“The difficult management of land litigations in Cameroon.”**

Exactly four years ago, on the occasion of the 2022 Solemn Reopening of the Supreme Court, we discussed the topic **“the Diminishing value of land certificates in Cameroon”** ⁽¹⁾ and explored ways to restore this key document's historical value as **"certification of real estate ownership in Cameroon."**

Today, we regret to note that land disputes are experiencing unacceptable increase in our country. There are too many land disputes in Cameroon, both in urban and rural areas.

Some authors who have researched on the issue estimate that 70% of litigations in major cities comes from land disputes. ⁽²⁾

The management of these land disputes challenges us and calls for greater responsibility in resolving disputes despite the many obstacles. ¹

1(1) Solemn Reopening 2022

(2) Ngo Nolla Pauline Priscille : *La résolution des conflits d'usage du foncier en contexte d'urbanisation galopante : cas du Cameroun ; société Française d'économie, Février 2022.*

Emmanuel Hyest, *les problématiques foncières urbaines*

In Cameroon, ownership of land has always been, since the time immemorial, a concern for citizens, families, communities, and the state. ⁽³⁾ This is why Professor Stanislas MELONE was able to State: "*We have observed that there are very intimate relationships between man and land in Cameroon. There is a kind of ontological link between man and land.*"

(4)

The development of towns is creating a context of rapid urbanization, and "land disputes are overwhelming in urban areas." ⁽⁵⁾

- How is our land disputes resolution system organised in Cameroon?
- Are the decisions and judgments delivered in land disputes effectively enforced?
- What are the difficulties encountered in the management of land disputes?

Your Excellencies, Ladies and Gentlemen

Jurisdiction over land matters in Cameroon is shared between the administration, administrative courts and ordinary law courts. ⁽⁶⁾

First of all, the administration is involved in land disputes. ²

The majority of authors who have devoted their work to land law⁽⁷⁾ in Cameroon are unanimous that the administration plays a predominant role in the settlement of land disputes.

²(3) Pougoué (P-G), La famille et la terre : essai de systématisation du droit privé au Cameroun. Doctorat thesis, Bordeaux 1977

⁽⁴⁾ Meloné (S), La parenté et la terre dans la stratégie de développement : l'expérience Camerounaise Edition Kleinsiek, Paris 1972, P-36

⁽⁵⁾ Ngo Nolla Pauline, op-cit

⁽⁶⁾ Tchanchou (H), Droit du contentieux foncier au Cameroun, l'Harmatan, September 2018

⁽⁷⁾ Tjouen Alexandre Dieudonne, Techniques domaniales et foncières au Cameroun, Economica, Paris 1982

- Tchapmegni Robinson, le contentieux de la Propriété foncière au Cameroun, doctorat thesis, Nantes, 2008

- Mpeffa Aloys, Le titre foncier devant le juge administratif Camerounais.

- MINKOA SHE Adolphe, plaide pour la protection de la possession en matière foncière. Cited by Ngo Nolla op-cit. p17

The administration intervenes in many ways, sometimes through the decentralized services of the Ministry of State Property, Surveys and Land Tenure, and sometimes through various commissions and, above all, through decisions by the Minister of State Property, Surveys, and Land Tenure.

The Minister can settle the land disputes with the withdrawal of irregular land certificates or proceed with the declaration of the nullity of land certificates that are legally null and void."⁽⁸⁾

The land Registrar may proceed with the automatic rectification of certain irregularities committed in the Land certificate."⁽⁹⁾

In accordance with Article 39 of Decree No. 2005-481 of 16 December 2005, referred to above where omissions and errors have been made on the land certificate or in the entries, the parties concerned may apply for their rectification.

Furthermore, the Land Registrar may, on his own motion, automatically rectify any errors attributable to himself or to one of his predecessors in the documents used for establishing the certificate or in subsequent entries.

Rectifications shall be authorized by an order where they infringe on the rights of third parties. The order shall stipulate, if need be, the conditions for safeguarding the rights of third parties.

In addition, the land Registrar is authorized to issue certificates of ownership of property at the request of the land certificate owner or any person for the purposes of real estate transaction.

As it can be clearly seen, the Minister of State Property, Survey, and Land Tenure, the land Registrar, and the heads of the decentralized services of the MINDCAF

have the authority to settle a good number of disputes. Their decisions may be appealed before the competent administrative court.³

The settlement of land disputes at the administrative level is also entrusted to the Consultative Board and, to a certain extent, to Commissions for Assessment and Evaluation in matters of expropriation for public use.

The organization and functioning of the Consultative Board on land tenure is set out in Decree No. 2016/1430/PM of 27 May 2016.

Article 2 of the aforementioned decree states that: “(1) *the consultative board is a collegial body responsible for assisting the authorities in the management of the national land.*”

It settles all land disputes relating to unregistered land on national land.

It also settles all disputes submitted to it in the process of obtaining land certificates for occupied or exploited national land.

It verifies the development of land for the purpose of obtaining land certificates.
(10)

It also settles all disputes submitted to it in the process of obtaining land certificates for occupied or exploited national land.

Concerning the observation and evaluation commission, it is appointed by the public utility declaration order. It is responsible for verifying rights and assets, but also for identifying their owners.

³⁽⁸⁾ Withdrawal of land certificates is left to the appraisal of MINDCAF

⁽⁹⁾This rectification is carried out under his responsibility.

Secondly, it should be noted that the role of administrative courts in the management of land disputes is undeniable.

Cameroon, like most countries that have opted for the Torrens System, bases land ownership on the registration of real estate rights in a land register. ⁽¹¹⁾

Land certificates are obtained through direct or indirect registration.

In principle, the land certificate obtained is unassailable, inviolable, and final. ⁽¹²⁾⁴

However, Cameroonian law has made some adjustments on the irrevocable nature of the land certificate.

It is no exaggeration to say, in view of the numerous challenges that the land certificate has, it now appears to have a relative probative value. An author affirmed that: "**it has become the administrative act most exposed to destruction.**"⁽¹³⁾

As a unilateral administrative act, it creates rights and obligations and may be subject to appeal for nullification before the competent administrative judge.

The administrative appeal requires conditions of substance and conditions of form to be met.

For conditions of substance, it must be established that the irregular land certificate was issued as a result of an error on the part of the administration or fraud on the part of the beneficiary.

⁴⁽¹⁰⁾ The development before 05 August 1974 for direct registration and the development within the framework of temporal rights

⁽¹¹⁾cf-MPESSA Aloys, le titre foncier devant le juge administratif camerounais : les difficultés d'adaptation du Système Torrens, revue générale de droit, 2004

⁽¹²⁾ On the characteristics of the land certificate:

- Unassailable, it cannot be contested, once issued
- Inviolable, it cannot be modified, except it is rectified
- Final, it cannot be issued just once for a specific plot of land, it is not subject to prescription and does not admit of competing certificate

In principle, an error in government services ⁽¹⁴⁾ concerns only acts committed by state agents in direct or indirect registration process.

Examples include substituting the name of the initial applicant, falsifying documents, superimposition of several land certificates on the same piece of land, the registration of a larger piece of land than that referred to in the documents, the attribution of development carried out by third parties to the land certificate applicant, the affixing of an irregular visa to authorize the purchase of land by a foreign national, and the refusal to take into account of objections raised.

The fault of the administration must be limited to the main or principal land certificate and not be systematically extended to derivative land certificates. ⁵

"Concerning fraud by the beneficiary, Article 2, paragraph 5, of Decree No. 2005-481 of December 16, 2005, amending the aforementioned Decree of April 27, 1976, provides that: **“(5) A land certificate may be withdrawn under the provisions of paragraph (3) above ‘only within the time-limit allowed for appeals against administrative decisions, except where there is fraud on the part of the holder’”**

For conditions of form, there is a pre litigation complaint addressed to the Minister of State Property within two months of the issuance of the land certificate.

The Minister may give an explicit response within two months of his referral.

If there is no response within three months, the request is deemed to have been implicitly rejected.

⁵⁽¹³⁾ Tchakoua (J-M). Cited by NGO Nolla Pricille in his article cited above

⁽¹⁴⁾ Article 8 of Decree No 2005-481 of 16 December 2005: **“State employees who are guilty of or accomplices to irregular acts which cause the withdrawal or nullity of land certificates shall be punished in accordance with the provisions of Article 2 of Law No 80/22 of 14 July 1980 to repress infringements on landed property and state lands”**

⁶⁽¹⁵⁾ Review is provided for in section 41 (2) of Law No 2006/016 of 29 December 2006 to lay down the Organisation and Functioning of the Supreme Court

Within 60 days of the explicit or implicit rejection, the Ministers decision may be challenged before the competent administrative judge.

The President of the competent Administrative Court may be asked to stay execution of the land certificate by a ruling. He may be asked to cancel the certificate that was obtained irregularly or the ministerial order that unjustly withdrew the land title.

The contentious phase of the proceedings may result in the cancellation of the irregular land certificate or the maintenance of the land certificate wrongly classified as irregular.

Depending on the case, decisions delivered by administrative courts may be subject to third-party opposition before the same courts, or to appeal before the Administrative Bench of the Supreme Court. After the Bench's decision, the Panel of Joint Divisions of the Administrative Bench may be seized for review against the judgments delivered by the Administrative Bench and in very specific legal cases. ⁽¹⁵⁾

Thirdly, the role of the other courts in solving land disputes needs to be clarified.

Civil, Commercial, Customary and criminal courts, regularly intervene in the management of land disputes.

Civil courts adjudicate on temporary or conservatory measures or substantive litigations.

- On conservatory measures,
 - Anyone who believes that his land rights are threatened may apply to the judge to request that he or she issues a judicial ruling to be entered as a pre-notation in the land register and on the copy of the land certificate
 - A provisional mortgage registration by the creditor on the land certificate of his or her debtor also constitutes a precautionary measure

- An application by the owner for the issuance of a duplicate land certificate allows the President of the court to declare the lost or stolen copy of the land certificate null and void

Section 43 (New) of 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 stipulates that: **(1) In the event of loss of the duplicate of a land certificate the Land Registrar may issue a new one only upon presentation of a court order issued by the owner at his request by the President of the Civil court in whose area the property is situated.**

- Prohibitive injunction is equally a temporary measure.

➤ On substantive litigation

Section 2 of 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 stipulates that: **(new)(1) Any person whose rights have been encroached upon in consequence of a registration shall have no claim on the property; in the sole event of fraud, he shall take Personal action for damages against the perpetrator thereof.**

2) The action shall be brought before the civil court of the area where the property is situated.

Civil courts are also competent to nullify real estate transactions executed before a notary and relating to the transfer or registration of real estate property.

Here too, land disputes are haphazardly evolving, as notarial deeds are authentic instruments that can only be cancelled after a forgery procedure.

Nullifying these deeds without following a specific procedure undermines the notary public profession.

Commercial courts are also competent to enforce mortgages by means of real estate seizure or forfeiture clauses.

Civil courts are competent to cancel real estate transfers, at a fee or free of charge, relating to joint property.

Customary courts are entitled to the role that the legislator has assigned them; they rule on the protection of registered properties, but also on the ownership on parcels of national land in order to protect customs, social peace, and public order.

With regard to the criminal aspect of land disputes, it should be noted that typically, land disputes were dealt with solely by the civil courts.

However, land disputes have now become so widespread that they can no longer be dealt with by the lenient penalties imposed by the civil courts. ⁽¹⁶⁾

"The fight against land delinquency is now being pursued through the criminal justice system." ⁽¹⁷⁾

Indeed, the criminalization of land disputes seems to be a serious avenue for seeking effective measures against land crime.

Recurring offenses against private property before the criminal courts include:

- Infringement on Landed Property (Law 80-22 of 14 July 1980 referred to above)
- Land fraud (Article 8 of Ordinance 74-1 of 6 July 1974 establishing the land tenure system)
- Double sale (Article 8(1) of the aforementioned ordinance)⁷
- Sale of a parcel of national land (Article 8 of Ordinance 74-1 of 6 July 1974, referred to above)

- Disturbance of quiet enjoyment (239 of the Penal Code)

⁷⁽¹⁶⁾Sergelin Briguel OMBOULA, le droit du Contentieux pénal foncier, édition université Européennes, Aug 2023

⁽¹⁷⁾Idem. P

- Destruction of boundary marks and fences (Article 317 of the Penal Code)
- Destruction of crops and installations (section 316 of the Penal Code)
- Forge or alter public acts, documents or records (Section 205 of the Penal Code)
- Forgery (Section 314 of the Penal Code)
- Deterioration of rented premises (Section 322 of the Penal Code)
- Fraudulent retention (Section 322 of the Penal Code)
- Recurring offences against public property include:
- Misappropriation of public funds (Article 184 of the Penal Code)
- Section 4 of Law No 80-22 of 14 July 1980 to repress infringements on landed property and State lands, persons who use or occupy private property of the State in violation of laws in force.
- Offences provided for by Law No 2004/003 of 21 April 2004 governing town planning in Cameroon. (Public easements, modification of layouts, non-respect of urban planning in force, non-respect of general construction rules, occupation or encroaching on public or private lands of the state or decentralized local authorities).

The management of land disputes by the administration and courts faces many obstacles. There are errors and abuses that undermine the effectiveness of dispute settlement.

Your Excellencies, Ladies and Gentlemen,

The magnitude of the atavism of the administration in land disputes raises some concerns.

In view of the legal provisions protecting land ownership, many disputes could be settled by the Consultative Board, Evaluation Commission, the heads of the decentralised services of the MINDCAF or even by the Minister of State Property, Surveys and Land Tenure, who is responsible for withdrawing irregular land certificates or declaring land certificates established in violation of the law null and void.

There is always the impression that certain Consultative Boards, despite being headed by administrative authorities, act with complacency, and the proliferation of litigation cases is a tangible proof of that.

For example, in the context of direct registration, how can we understand that several land certificates are issued for the same land when the Consultative Board draws up a development report? In addition, the technical services now uses the Global Positioning System (GPS).

Article 2 of Decree No 76/165 of 27 April 1976 amended and supplemented by Decree No 2005/481 of 16 December 2005 stipulates that:

“Where several land certificates are issued on the same piece of land; in this case they all shall be declared automatically null and void and the procedures shall be re-examined in order to determine the legal owner. A new land certificate shall then be established in his name”

What are the criteria to determine the legitimate owner?

Will the administration at fault not recognise the legitimacy of the owner of its choice?

In the past, the anteriority of the land certificate was used to decide between claimants. Similarly, in certain cases, the citizen may have his land certificate reinstated or be referred to a claim for damages against his opponent who has acquired their property by force.

Article 2 of 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 provides many cases where the Minister of State Property, Surveys and Land Tenure may withdraw an irregular certificate established as a result of administrative error.

There are also some scenarios listed in subsection 6 of Article 2 Article, which provides for cases where an established land certificate is null and void as a matter of public policy. In such cases, the Minister of State Property shall issue an order declaring the nullity.

Can the administration declare the nullity of its own acts? I doubt so.

Under the guise of this legal provision, we are witnessing a breakdown in the administration's management of the withdrawal of land certificates.

A land certificate is withdrawn following an appeal, then reinstated a few days later, then withdrawn again, then reinstated a second time, withdrawn a third time, then reinstated a fourth time; in short, a series of contradictory decisions. One dares to believe that the Minister is being misled by his staff.

How much credit can be given to these withdrawals or reinstatements? Without judging the relevance of these acts, one gets the impression that these decisions are questionable. Sometimes authentic orders coexist with counterfeit orders. Sometimes, too, the land Registrar misrepresents the order. For example, a parent land certificate is withdrawn and the land

registrar makes a note to extend this withdrawal to derivative land certificates. He must not misrepresent the order.

There is also a noticeable shift in the administration's management of expropriation for public use.

The preamble of the revised constitution of 18 January 1996 states the following with regard to private property:

"Ownership shall mean the right guaranteed every person by law to use, enjoy and dispose of property. No person shall be deprived thereof, save for public purposes and subject to the payment of compensation under conditions determined by law"

Section 545 of the Civil Code enshrines the right to property and provides for expropriation only for reasons of public utility when it states that: **"No one may be compelled to surrender their property except for reasons of public utility and in return for fair and prior compensation."**

Law No 85/09 of 4 July 1985 and its implementing decrees define the parameters of expropriation for public purposes. Section 4, paragraph 2 of this law states that: **'in principle, expropriation give rights to prior compensation'**.

In Cameroon, a curious phenomenon has been observed for some time: expropriation for private utility. ⁽¹⁸⁾

There is no expropriation for reasons of private utility in Cameroonian positive law. The right to real estate property is sacred.

Sometimes the State enters into a long-term lease on registered land for the benefit of a private individual. This is a form of expropriation for private use.

We are and must remain a State governed by the rule of law and must respect our own laws.

Even in cases where expropriation for public utility is legitimate, compensation is practically a never-ending problem.

Are Consultative Boards always efficient? ⁸

Are they always followed and listened to?

Compensation must be paid in advance and after expropriation only in exceptional cases.

Another source of conflict is the allocation or private sale of piece of land or buildings consisting of the private property of the State. Several allocation decisions are signed in favour of different people on the same piece of land. Sometimes several land certificates are established on the same piece of land consisting of the private property of the State. This is an unacceptable cacophony in the age of information technology.

Regarding administrative courts, a few errors may be worth noting.

Created by Law 2006/022 of 29 December 2006 in each region of the country, the

Administrative Courts carry out their duties effectively.

In the management of direct or indirect land registration litigation, major case-law trends can be observed.

Any fault on the part of the administration results in the cancellation of the irregular land certificate.

On the contrary, any fault on the part of the administration has no impact on derivative land certificates resulting from the sale of piece of land partitioned from the parent land certificate.

⁸⁽¹⁸⁾ Affaire BAT Cameroun tribune n° 13137 du 4 juin 2024 p.20

The judge cannot assess the regularity of the transfer, which is a matter for the ordinary judicial judge, and, in addition, no administrative appeals have been lodged for these derivative land certificates.

Despite the binding precedent of Supreme Court cases, some administrative courts continue to declare the parent land certificate null and void and extend the nullity to all derivative land certificates.

On a completely different note, the administrative judge cannot and must not assess the legality of the transfer of a property based on a notarial act. This does not always seem to be well understood by the Administrative Courts.

However, the administrative judge may, in exceptional cases, find fault with the administration in the process of partitioning, where the plot shown in the plans is different from the one in question. It may be considered that there has been a fault on the part of the administration that must be sanctioned; in this case, the deed of sale is valid, but the land certificate is invalid; the land certificate may be cancelled and the purchaser may apply for a new land certificate. Even in this case, the civil judge may cancel the sale on the grounds of error as to the subject matter.

For the purpose of determining whether development has taken place with a view to obtaining a land certificate, the administrative judge cannot and must not decide on the author or effectiveness of the development by means of a judicial inspection of the site. Only the Consultative Board is authorised to determine whether development has taken place and to draw up a report.

Regarding appeals to the Minister, the Minister of State Property, Survey and Land Tenure has the option of explicitly rejecting the appeal within two months of its referral or, in the event of silence, the implicit rejection is noted three months later. After the informal appeal, the applicant has 60 days to lodge a formal appeal; once the case has been brought before the

administrative court, any explicit response from the Minister of State Property is null and void because it was made after the deadline. The administrative courts do not always seem to have grasped this subtlety.

Another difficulty is the systematic use of third-party oppositions before the administrative courts, which prolong the settlement of disputes indefinitely.

There are numerous of third-party oppositions that are deliberately spread out over time.

Legally, there are no provisions to counter this delay in ending court litigation.

Regarding the ordinary judicial courts, a number of errors can be identified. Firstly, we can mention, with regret, errors in conservative measures. For example, the judge issues a conservative prenotation order without ensuring the existence of a subsequent substantive claim that could consolidate or weaken the order.

The judge appears to base his prenotation order on the decree of 21 July 1932 establishing in Francophone Cameroon the rules governing land tenure which was repealed by ordinance No. 74-1 of 6 July 1974 to establish rules governing land tenure which states in its article 7 subsection 2 that **“regulations relating to liens and mortgages, the prenotation of charge, and distraint of real property, shall be fixed by law”**. Meanwhile in Cameroon, no such law, has been enacted. This important conservatory measure needs an applicable legislation in the whole country.

Similarly, a prohibitive injunction only makes sense if the parties have substantive claims that could settle the matter. An injunction order to stop work is therefore not an end in itself.

There are also orders authorising the land Registrar to issue a duplicate land certificate. However, the specific nature of this procedure lies in the fact

that only the owner of the land certificate can request this issue. Very often, the Presidents of Courts of First Instance do not strictly comply with this requirement.

Secondly, judges do not always take into account that notarial deeds recording property transactions can only be annulled in the event of forgery. While acknowledging the complacency of certain notaries whose deeds are filled with irregularities and errors, it should not be forgotten that notaries are public and ministerial officers and their deeds are authentic and enjoy unquestionable legal force.

By lightly annulling notarial deeds, civil judges undermine the security of real estate transactions.

We can also point out the ambiguity of certain decisions handed down following the irregular sale of undivided real estate.

Similarly, we can mention the claim for annulment of mortgage loan agreements brought by married women in joint property, on the basis of their legal mortgage.

Furthermore, despite ratifying the CEDAW convention, which is only a directive to State Parties, Cameroon has still not internalised and operationalized it in the form of a national law that can be applied by judges.

Thirdly, it should be noted that the role of the criminal judge in land disputes must oscillate between leniency and severity. Judges must use the criminal law with restraint so as not to traumatise citizens who, in good faith and through ignorance of the law, have settled on piece of land belonging to others.

Your Excellencies, Ladies and Gentlemen,

In addition to the errors and abuses noted, it can be observed that the enforcement of court decisions on land matters in Cameroon is not easy.

The right to the enforcement of court decisions is an integral part of the right to a fair trial. A trial is only truly complete if the decision rendered at the end of the proceedings is effectively enforced. A court decision is not a veteran's certificate to be kept for display. The right to enforcement faces several obstacles on a daily basis in land matters in Cameroon. There is a real rebellion at the level of the decentralised services of the Ministry of State Property, Survey and Land Tenure. Rulings, judgments from Courts of Original Jurisdiction, and Administrative Courts, enforceable judgments from the Courts of Appeal as well as judgments of the Supreme Court are served and remain unenforced. MINDCAF officials mistakenly believe that court decisions can only be enforced after approval or no objection from their hierarchy.

They wilfully forget the terms of the executory formula affixed to court decisions.

Article 11 of Law No. 2006/015 of 29 December 2006 on judicial organisation provides that:

"Copies of judgments and judicial warrants, together with engrossments and copies of contracts and all documents capable of enforcement, shall bear the executor formula introduced as follows:

0“REPUBLIC OF CAMEROON”

“IN THE NAME OF THE CAMEROONIAN PEOPLE”

And closed with the following words:

“Wherefore, the President of the Republic commands and enjoins all bailiffs and process-servers to enforce this judgment (or order, etc.), the Procureur General and State Counsel to lend them support, and all commanders and Officers of the Armed Forces and Police Forces to lend them assistance when so required by the law”

When all appeals against a court decision are exhausted, there is no other authority to review the works of judges. Any refusal to enforce a court decision constitutes an offence under Article 181-1 of the Penal Code, which states that: **"(1) whoever refuses to enforce a court judgment that has become final shall be punished with imprisonment for from 1 (one) to 5 (five) years"**.

Regarding the enforcement of court decisions, evictions and expulsions are the responsibility of bailiffs. In the event of difficulties, they must request the assistance of judicial police officers to record the resistance. In the case of resistance, the bailiff may request public force assistance from the administrative authority through the State Counsel.

This request for public force assistance often takes months or even years.

Sometimes it is the people who are to be evicted who oppose enforcement and threaten to disturb public order and social peace. The enforcement of court decisions faces legal and practical obstacles, which does not facilitate the settlement of land disputes.

On the other hand, judges must impose exemplary penalties when land-related offences are grievous. Added to these difficulties is the outdated nature of our legal system.

The management of land disputes in Cameroon is hampered by the obsolescence of our laws. One author has written on this subject that: **"when times change, the laws that remain become absurd"**.⁽¹⁹⁾

The dispute resolution system shared between the administration and the courts no longer meets the requirements of the current context, due to an outdated legal framework,⁽²⁰⁾ which is often out of step with developments in our society.

Some legal provisions are outdated, while others give rise to cryptic interpretations:

- To obtain direct registration of a piece of national land, a Cameroonian must provide evidence of cultivation or construction dating back to before 5 August 1974.⁹

They must therefore be of a certain age for their development to date back more than half a century. This anachronistic provision, which citizens seek to circumvent, is the source of a multitude of disputes. And Consultative Board often proceed by guesswork when it comes to this issue.

Equally, three provisions of Decree No. 2005/481 of 16 December 2005 already cited presents three identical situations with divergent solutions.

Your Excellencies, Ladies and Gentlemen,

What conclusion can we draw?

In Cameroon, the management of land disputes is entrusted to the administration, administrative courts and judicial courts. The high increase in land disputes shows that these structures do not always perform this task efficiently. This can be explained by the existence of numerous errors at the level of the administration, the courts and in the enforcement of court decisions on land matters.

Added to this is our outdated land legislation, which, in many respects, calls for essential reform. There can be no economic development if land ownership and dispute management are not reassuring. This is necessary to restore confidence among our fellow citizens and to reassure economic operators and foreign investors. That is why His Excellency President Paul Biya, President of the Republic and President of the Higher Judicial Council, emphasised in his end-of-year speech in 2024 that:

⁹⁽¹⁹⁾ Montesquieu Dictionnaire philosophique

⁽²⁰⁾Tchantchou (H), Droit du contentieux foncier au Cameroun, l'Harmattan, 2018

“Improving governance... ensures legal protection for private investment and land tenure security, where certain abuses have been noted.

Let me assure you of one thing: appropriate sanctions will be meted out on those found guilty of such offences”.

The management of our land disputes must be part of a development imperative.

And we must do everything we can to secure land ownership in Cameroon. Land must cease to be a hindrance and instead become a catalyst for our economic development. This calls for the objective contribution of all actors in the land system. And both administrative and judicial courts must assume their responsibility to ensure compliance with land laws.

We must always remember what is engraved at the entrance to this courtroom: **"Dura Lex, Sed Lex". “The law is harsh, but it is the law.”**

Thanks for your Kind attention!²