

ACQUISITION AND USE OF STATE LANDS IN AFRICA:  
A BIBLIOGRAPHY

On April 2-4, 1969, the Faculty of Law of the University of Ghana, Legon, hosted a meeting of representatives from several law faculties in West Africa. A main topic of discussion was the serious lack of communication in the legal field between the anglo-phonic and franco-phonic West African countries, and it was felt that stimulating an exchange of ideas across the linguistic divide through a joint research project would help to resolve this problem in communication. Thus, with the financial assistance of the International Legal Center, New York, the Inter-African Legal Research Program was born.

A preliminary meeting was held to discuss topics that could serve as a basis for a joint research effort. The law faculties represented were: Faculte de Droit et des Sciences Economiques, Universite Federale du Cameroun; Ecole Nationale d'Administration, Democratic Republic of Congo; Faculte de Droit et des Sciences Economiques, Universite d'Abidjan; Faculty of Law, University of Ghana; Faculty of Law, University of Lagos; Faculty of Law, Ahmadu Bello University, Zaria; and Faculte de Droit et des Sciences Economiques, Universite de Dakar. Also in attendance were Mr. John Bainbridge of the International Legal Center and Mr. Quintin Johnstone, Dean, Faculty of Law, Haile Selassie I University.

After a great deal of discussion, the general topic agreed upon was "acquisition and administration of state lands." The importance of land use in the process of economic development had been stressed throughout the conference. Some of the possible specific topics suggested had been: security of title; land as security for financing; relation of family institutions to land tenure; prerogatives and proofs of land ownership; resettlement schemes; and ownership of land by aliens. It was generally recognized that a specific topic was needed that would interest both the public and private law specialists, and that research on the topic should lead to a model for land use which would enable certain African states to avoid the difficulties previously encountered by other states.

Consequently, after further discussion, the conference adopted this final topic: Acquisition and Use of State Lands: Foundations and Problems.

The following bibliography was to provide a very general idea of the problems in the use and acquisition of state lands which could be presented at the second meeting of the conference. The International Legal Center funded the research on the bibliography. Harriet Fran Hunt, former editor of the African Law Studies, began work on this project, but Mr. Vincent Pafumi did most of the research work. The bibliography is organized in the following way: General (including works not specifically on African problems); General: African States (works concerning specific states); Various Legislation; and Various Cases.

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#### Algeria

Ordinance no. 68-69 of March 21, 1968 - land exploitation.  
Decree no. 67-66 of April 25, 1967 - concession of land.

#### Botswana

Deeds Registry (Amendment) Bill [B49/68] - would amend principal Act [No. 36/60].  
Mineral Rights in Tribal Territories Act [No. 31/67].  
Mines and Minerals Act [No. 50/67].  
State Land (Amendment) Act [No. 17/68].  
Tribal Land Act [No. 54/68] - Tribal Lands Boards.

#### Congo (Brazzaville)

Ordinance no. 10-68 of December 14, 1968 - National Commission dealing in verification of and succession to property title.  
Law no. 10-68 of June 27, 1968 - modifies Law no. 32-65, which created an office to control undertakings and exploitation of natural resources.  
Law no. 11-68 of June 27, 1968 - modifies Law no. 34-61, concerning the exploitation of forests and approval of same by the Council of Ministers.

Congo (Kinshasa)

Ordinance-law no. 66-343 of June 7, 1966.

Central African Republic

Decree no. 67-327 PG of November 21, 1967 - maximum use and productivity of forests.

Decree no. 68-066 of February 16, 1968 - Ministry of Development.

Ordinance no. 67-49 of June 16, 1967 - Operation BOKASSA, development of rural areas.

Ordinance no. 68-02 of January 12, 1968 - grants forestry permit to Company of African Industries and Forests in the C.A.R.

East Cameroon

Order no. 343 of July 25, 1967 - under art. 11 of Decree no. 65-160 creates departmental divisions for public land registration.

West Cameroon

Land and Native Routes Ordinance [Cap. 105].  
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Ethiopia

Addis Ababa Land and Building Tax Regulations [L.N. 301/64]  
Private Forest Conservation Proclamation [No. 226/65]  
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State Forest Proclamation [No. 225/65]

Gabon

Decree no. 30/PR-MEF-SF of January 24, 1968 - Ministry of Waters and Forests  
Decree no. 275/PR of May 29, 1968 - Commission of Urbanization  
Ordinance 12/68 of March 7, 1968 - building permits, urbanization in Libreville.

Ghana

State Lands Act [No. 125/62] - see also Legal Instrument no. 591/68.

~~Administration of Lands (Amendment) Decree [N.L.C.D. 233/68] - amends the principal Act [No. 123/62].~~

~~State Lands Act (Amendment) Decree [N.L.C.D. 235/68] - amends the principal Act [No. 125/62].~~

Volta River Development Act (Amendment) Decree [N.L.C.D. 211/67] - regarding the power of the Council to acquire lands.

State Lands Instruments [E.I. 42 to 46 and 58/68] - declare questions of land to be in the public interest.

Forests Order [E.I. 47/68]

Ivory Coast

Law no. 67-302 of July 10, 1967 - 1967-70 Economic, Social, Cultural Development Plan.

Law no. 67-580 of December 20, 1967 - railroad rights of way and public domain.

Ordinance no. 68-56 of February 2, 1968 - land tax.

Decree no. 67-522 of November 28, 1967 - suspends the issuance of permits for exploitation of forests.

Decree no. 68-63 of February 2, 1968 - Commission of Agricultural Production and Industrialization.

Decree no. 68-235 of May 27, 1968 - grants to the African Development Bank permission to use land as site.

Kenya

Land Acquisition Act [No. 47/68]

Land Adjudication Act [No. 35/68]

Land Control Act [No. 34/67]

Land Planning Act [No. 37/68]

National Parks of Kenya Act [Cap. 377]

Trust Land (Amendment) Act [No. 43/68]

Lesotho

Land (Procedure) Act [No. 24/67]

Mining Rights Act [No. 43/67]



Liberia

Executive Order no. IV of May 18, 1967 - equitable rents  
~~Executive Order no. IX of November 15, 1967 - immigrants'~~  
 settlement locations.

Malagasy

Law no. 67-029 of December 18, 1967 - private domain,  
 state property.  
 Law no. 67-030 of December 18, 1967 - property and family  
 law.

Malawi

Customary Land (Development) Act [No. 5/67]  
 Local Land Boards Act [No. 7/67]  
 Malawi Land Act [No. 25/65]  
 Malawi Land (Amendment) Act [No. 8/67]  
 Registered Land Act [No. 6/67]

Mali

Law no. 67-42 AN-CP of November 23, 1967 - National  
 Forestry Fund  
 Law no. 68-16 AN-RM of February 17, 1968  
 Decree no. 189 PG-RM of December 9, 1967 - Commission of  
 Inquiry to study allocation of permits to occupy  
 property and to verify acquisition and possession of  
 same.  
 Decree no. 200 PG-RM of December 26, 1967 - Commission on  
 State Housing.  
 Order no. 1083 MF-CDCC of November 29, 1967 - organizes  
 Conservation of Real Estate, Town Planning, and Trus-  
 teeship on central and regional levels.  
 Order no. 198 SAB-MTPC of March 14, 1968 - Bureau of  
 Homes, Construction, and Urbanism.

Mauritania

Order no. 179 of April 3, 1968 - registry of national  
 forests, woodlands.

Decree no. 67.178 of July 18, 1967 - advisory planning commissions, regional and national.

Decree no. 68.091 of March 16, 1968 - Ministry of Planning and Rural Development.

### Morocco

Royal Decree-Law no. 718-67 of March 1, 1967 - registration and possession of land.

Royal Decree-Organic Law no. 81-68 of March 1, 1968 - Council of National Promotion and Planning.

### Nigeria (Federal)

National Reconstruction and Development Savings Decree [No. 52/67]

Public Lands Acquisition Ordinance (Colony and Protectorate) [No. 9/17, as amended by No. 22/26, No. 14/32, and No. 6/45] (See also: Legislative debates on the Public Lands Acquisition Ordinance, May 5th, 1926).

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### Nigeria (States)

#### Western:

Native Lands Acquisition Law [Cap. 80]

Native Lands Acquisition Law (Amendment) Edict [No. 22/68]

Town and Country Planning Law [Cap. 123]

Land Tenure Edict [No. 11/68]

Communal Land Rights (Vesting in Trustees) (Amendment) Edict [No. 25/67]

#### Eastern:

Land Tenure Law (Amendment) Edict [No. 15/68]

Town and Country Planning Law (Amendment) Edict [No. 15/67]  
- amends the principal Law [Cap. 126].

### Senegal

Law no. 67-46 of October 12, 1967 - national development.

Law no. 66-60 of June 30, 1966 - agricultural plans.

Law no. 68-10 of June 14, 1968 - administration and exploitation of agricultural and industrial lands.

Sierra Leone

Town and Country Planning Act (Amendment) Decree  
[No. 41/67] - amends the principal Act [Cap. 81].

South Africa

Bantu Administration Act [No. 38/27]  
State Land Disposal Amendment Act [No. 61/68] - disposal  
of alienated lands.  
Expropriation Ordinance [No. 32/67]  
Mines, Works and Minerals (Amendment) Ordinance [No. 10/67]  
Reservation of State Land for Natives Ordinance [No. 35/67]

Southern Rhodesia

Agricultural Assistance (Amendment) Bill [A.B. 40/68] -  
land rights.  
Rural Land Act [No. 47/63] - settlement of land  
Tribal Trust Land Act [No. 9/67]

Sudan

Mechanized Farming Corp. Act [No. 14/68] - land-use  
principles, agricultural techniques.

Swaziland

Deeds Registry Bill [No. 32/68]  
Town Planning Law [No. 45/61] - amended by Law No. 7/67.

Tanzania

Land Acquisition Act [No. 47/67] - replaces Cap. 118.  
Land Distribution Decree [No. 5/66] - modified by Decree  
No. 1/68.  
Land Ordinance [Cap. 113]  
Urban Leaseholds (Acquisition and Regrant) Act [No. 2/68]

Togo

Decree no. 67-228 of October 24, 1967 - urban planning.

Tunisia

Decree no. 67-350 of October 13, 1967 - alienation of property.

Decree no. 68-92 of April 6, 1968 - alienation of property

Uganda

Forests Act [Cap. 246]

Public Lands Bill [1968] - control of public land.

Zambia

Land (Perpetual Succession) (Amendment) Act [No. 25/67]

Lands and Deeds Registry (Amendment) Act [No. 9/67]

National Parks and Wildlife Act [No. 57/68] - protection of park areas, wilderness.

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J. Appiah et al. v Basil (Ghana. P.C. Appeal No. 36 of 1959. Judgement delivered on 8 Dec., 1960.) Land: Kumasi---Mortgage---Whether collateral agreement a clog on equity of redemption.

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R. Denning v D. G. Edwards et al. (Kenya. P.C. Appeal No. 13 of 1959. Judgement delivered on 10 Oct., 1960.) Land: Agreement for sale---Action for specific performance---Buyer's charge under Indian Transfer of Property Act, 1882---Whether such charge rendered agreement inadmissible in evidence under Crown Lands Ordinance,

Lands Ordinance, section 88, by reason of the parties' failure to secure the Governor's consent prior to the execution of the agreement to sell.

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Mohamed Haji Abdulla v Ghela Manek Shah. (Kenya. P.C. Appeal No. 10 of 1957. Judgement delivered on 1 Dec., 1958.) Land: Sale of---Duty owed by vendor to purchaser.

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Nana Yao N'Kansah II v Nana Atuobi Yiadom IV. (Ghana. P.C. Appeal No. 15 of 1957, Judgement delivered on 21 March, 1960.) Title to Land: Dispute between two

stools serving same paramount---Previous action involving Paramount's stool and other stools---No formal order drawn up---Whether estoppel per rem judicatem.

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Singh v S. W. Kulubya. (Uganda. P.C. Appeal No. 33 of 1961. Judgement delivered on 22 July, 1963.) Land: Possession of Mailo land by non-African without necessary consents.

Yaw Duedu v Evi Yiboe. (Ghana. P.C. Appeal No. 46 of 1959. Judgement delivered 20 June, 1961.) Estoppel: res judicata---Title to land: Whether a judgement in action for trespass also decided ownership.