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-phonics and franco-phonics 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 Cameroon; 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.

(Ed.)

GENERAL


GENERAL: AFRICA


Thomas, L. V. "L'organisation fonciere des diola (Basse Casamance)," Annales Africaines, 1960, pp. 199-223. (Dakar)


**AFRICAN STATES**

**Botswana**


**Cameroon**


**Congo**


Dahomey


Ethiopia


French West Africa


**Gabon**


**The Gambia**


**Ghana**


**Ivory Coast**


**Kenya**


**Lesotho**


**Liberia**


**Mozambique**


**Niger**

Nigeria


Cameron, D. Note on Land Tenure in the Yoruba Province. Lagos: Government Printer, 1933. (8 pp.)


Jones, G. I. Ibo Land Tenure. 1942. (309 pp.)


Nigeria. Native Land Tenure in the Colony and Protectorate of Southern Nigeria. Lagos: Government Printer, 1911. (5 pp.)


**Rwanda**


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Heyse, T. *Grandes lignes du régime des terres du Congo belge et du Rwanda-Urundi et leurs applications (1940-46).* Bruxelles: 1947. (191 pp.)

**Senegal**


**Sierra Leone**


**Land Utilisation in the Colony Peninsula.** (3 pp.) (Sessional Paper no. 14 of 1948.) (J747.H6 1948)

**Slum Clearance Commission. Interim recommendations regarding the acquisition of land and creation of town planning areas.** (3 pp.) (Sessional Paper no. 4 of 1941.) (J747.H6 1941)

**Soil Conservation Team. Soil conservation and land use in Sierra Leone.** (124 pp.) (Sessional Paper no. 1 of
South Africa


Southern Rhodesia


Sudan


Swaziland


Tanzania


Wilson, G. The Land Tenure of Individuals among the Nyakusa. Livingstone: Rhodes-Livingstone Institute, 1938. (52 pp.)


Tchad


Uganda


Lindsay, A. G. Land Tenure in Native Areas. Entebbe: Government Printer, 1937. (16 pp.)


Mukwaya, A. B. Land Tenure in Buganda. Kampala: East African Institute, 1953. (80 pp.)


Wrigley, C. C. African Farming in Buganda. EAISR Conference, February 1953.
Upper Volta


Zambia


Gluckman, M. Essays on Lozi Land and Royal Property. Livingstone: Rhodes-Livingstone Institute, 1943. (99 pp.)


Kay, G. Changing Patterns of Settlement and Land Use in Eastern Province of Northern Rhodesia. Hull: University of Hull, 1965. (108 pp.)


VARIOUS LEGISLATION

Algeria


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].
Legal Notices 175-181/68

Ethiopia

Addis Ababa Land and Building Tax Regulations [L.N. 301/64]
Private Forest Conservation Proclamation [No. 226/65]
Protective Forest Proclamation [No. 227/65]
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 Instruments [E.I. 42 to 46 and 58/68] – declaring questions of land to be in the public interest.
Forests Order [E.I. 47/68]

Ivory Coast

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 Trusteeship 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).
State Lands (Compensation) Decree [No. 38/68]

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]

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]
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

Rural Land Act [No. 47/63] - settlement of land
Tribal Trust Land Act [No. 9/67]

Sudan


Swaziland

Deeds Registry Bill [No. 32/68]

Tanzania

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. 68-92 of April 6, 1968 - alienation of property.

Uganda

Forests Act [Cap. 246]

Zambia

Land (Perpetual Succession) (Amendment) Act [No. 25/67]
Lands and Deeds Registry (Amendment) Act [No. 9/67]

VARIOUS CASES


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.


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 judicatatem.


