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# Cameroon : Procedure governing expropriation (...)

lundi 1er avril 2013

Decree N°.87-1872 of 16 December 1987 to implement law N°.85-9 of 4 july 1985 to lay down the procedure governing expropriation for public purposes and conditions for compensation

The president of the Republic

Mindful of the constitution ; Mindful of ordinance N°.74-1of 6 july 1974 to establish rules governing land tenure ;

Mindful of law N°.85-9 of 4 july 1985 to lay down the procedure governing expropriation for public purposes and the conditions for compensation.

HEREBY DECREES AS FOLLOWS

1. This decree fixes the conditions of implementation of law N°85-9 of 4 july 1985 referred to above especially as concerns the procedure governing expropriation and compensation.

PART 1 : EXPROPRIATION PROCDURE

CHAPTER 1 : Expropriation at the request of public services

Section 1 : commencement of the procedure

2. Any ministry intending to undertake an operation for public purpose shall forward to the minister in charge of lands a preliminary file in two copies comprising :

- An application accompanied with an explanatory note indicating the purpose of the operation ;
- An information sheet indicating the main characteristics of the structures to be erected and specifying inter alia ;

(a) The approximate surface area of the land sollicited, duly justified ;

(b) The estimated cost of the project including compensation ;

(c) The approximate date of starting the work ;

(d) The availability of credits for compensation, indicating the budgetary appropriations or all other means of compensation.

3. (1) As soon as he receives the file, the minister in charge of lands shall assess the importance of the project.

(2) where he feels that the project is for public purposes, he shall sign an order declaring the proposed work as being for public purposes and shall define the area of competence of the commission responsible for the expropriation inquiry known as the verification and valuation commission.

Section 2 : the verification and valuation commission

4. The verification and valuation commission shall, by decision of the Minister of town planning and housing, be responsible at the National, provincial or divisional level for :

- Selecting and demarcating the lands concerned at the expense of the beneficiary ;
- Establishing rights making a valuation of the property on the land ;
- Identifying their occupants and owners and putting up signboards indicating the area of the operation at the expense of the beneficiary.

5. The verification and valuation commission shall comprise : (1) At the divisional level :

- The senior Divisional Officer or his representative, chairman ;
- The Official in charge of the Divisional Lands service, secretary ;
- The Official in charge of the Divisional Surveys service, Member ;
- The Official in charge of the local Town planning and housing service member ;
- The competent official in charge of mines and power, Member ;
- The official in charge of the Divisional Agriculture service, member ;
- The official in charge of the Divisional Highways service, Member ;
- The representative of the applicant service or body member ;
- The Member(s) of parliament concerned, Member(s)
- The Municipal Administrator concerned, Member ;
- The traditional authority or authorities concerned, Member(s)

(2) At the provincial level

- The Governor or his representative, chairman ;
- The official in charge of the provincial lands service, secretary ;
- The senior Divisional Officer(s) concerned or his/their representative(s) Member(s) ;

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- The official in charge of the provincial surveys service, Member ;
- The official in charge of the provincial Agriculture service Member ;
- The official in charge of provincial town planning and housing service member ;
- The official in charge of the provincial Mines services, Member ;
- The official in charge of the provincial highways service, member ;
- The representative of the applicant service or body Member ;
- The member(s) of parliament concerned Member(s) ;
- The Municipal Administrator(s) concerned Member(s) ;
- The traditional authority or authorities concerned, Member(s)

(3) At the national level :

- The Minister in charge of lands or his representative, chairman ;
- The Director of lands or his representative, secretary ;
- The senior Divisional Officer(s) concerned, Member(s) ;
- The Director of surveys or his representative Member(s) ;
- A representative of the Minister of Agriculture, Member ;
- A representative of the Minister of Mines , Member ;
- The Director of housing or his representative , member ;
- The representative of the applicant service or body , member ;
- The Member(s) of parliament concerned, Member(s) ;
- The traditional authority or authorities concerned, Member(s).

6. These commissions shall be appointed :

- At the divisional level by an order of the senior Divisional officer ;
- At the provincial level by order of the Governor and ;
- At the national level by order of the Minister in charge of lands.

7. (1) the chairman shall convene the commission as and when necessary.

(2) The convening notice and agenda shall be sent to each member at least 15 fifteen days before the date of the meeting.

(3) The quorum shall be 2/3 (two-thirds) of the members.

(4) Decisions shall be by simple majority of the members present.

(5) In case of a tie, the chairman shall have the casting vote.

8. (1) the duties of the members of the verification and valuation commission shall be honorary. However, where funds are available, a sitting allowance may be granted to the said members, the amount of which shall be fixed by order of the Minister in charge of lands.

(2) The budget of the Ministry in charge of lands shall earmark funds for the functioning of the said commission.

(3) The supply and of boundary marks and signs shall be borne by the applicant service or body.

Section 3 : inquiry

9. (1) As soon as he receives the order declaring the work to be for public purpose the chairman of the verification and valuation commission shall forward it to the senior divisional officer (s) and the Municipal Administrator (s) of the area in question.

(2) As soon as the senior divisional officer receives it, he shall ensure its publication by means of notices posted et the divisional office, the divisional lands service, at the council office, at the sub-divisional office, at the chief-town of the district and at the chef's compound of the areas where the land is situated, as well as by all other means considered necessary according to the importance of the operation.

(3) In order to permit them participate in all the phases of the inquiry, the people concerned shall be informed at lease 30 (thirty) days in advance of the day and time of the inquiry through convening notices sent to the chiefs and dignitaries by the means indicated in the foregoing article.

11. (1) The inquiry shall be conducted in all its phases in the presence of the owners of the land the property it contains as well as the dignitaries of the place and the population, by the entire commission, subject to the rules governing the quorum laid down in article 7 above.

(2) However, the commission may, after having complied the complete list of the owners of the property to be destroyed, set up a technical sub-committee of not less than 3 (three) members to evaluate a category of the said property.

(3) The work of the sub-committee shall be carried out under the supervision and control pf the entire commission which shall countersign its following :

- An inquiry report signed by ail the members present, stating all possible incidents or observations made by the persons whose property has been expropriated ;
- A demarcation report and the parceling plan of the land chosen drawn up by the surveyor who is a member of the commission ;
- An evaluation of the crops, signed by all the commission members ;
- An evaluation of the building and any other land developments, signed by all the commission members.

(2) For the preparation of the expropriation decree, the chairman of the verification and valuation commission shall forward to the minister in charge of lands, as soon as the inquiry is completed, a file comprising :

- The order appointing the members of the commission ;
- The various documents listed above.

13. (1) The expropriation order for public purpose shall be null and void if, within a time-limit of 2 (two) years from the date of notification to the beneficiary service or body, there is not effective expropriation.

(2) However, its validity may be extended only once by order of the minister in charge of lands for a period not exceeding 1 (one) year.

(3) Expropriation orders for public purposes in force on the date of publication of this decree shall remain valid for a non-renewable period of 2 years.

14. (1) In accordance with the provisions of section 5 of law N°85-9 of 4 july 1985, the expropriation order for public purposes shall suspend all transactions, development and the issue of building permits.

(2) However, it shall not bar the continuation of registration procedures of the first category of national land for the benefit of their occupants or exploiters.

CHAPTER II : EXPROPRIATION AT THE REQUEST OF ORTHER CORPORATE BODIES GOVERNED BY PUBLIC LAW.

15. (1) Before expropriation for public purpose on behalf of local councils public, establishments representatives of public services or state corporations in order to carry out projects of general interest, the abovementioned bodies

must first of all negotiate with owners or rightful claimants concerned.

(2) In case of disagreement, the conclusions of the said negotiations shall be submitted to the minister in charge of lands for arbitration.

(3) Where the arbitration fails, the expropriation shall be carried out at the expense of the beneficiary under the conditions provided for above.

16. Corporate bodies governed by public law referred to in the foregoing article shall, in case of successful negotiations, comply whit the rules of acquisition governed by ordinary law.

PART II : COMPENSATION PROCEDURE

17. In addition to the amount of compensation for expropriation fixed in accordance with the provisions of section 3 (2) of law n°85 – 9 referred to above, the expropriation decree shall designate the authority responsible for deciding on the payment of the corresponding credits.

18. (1) compensation for expropriation shall be borne by the corporate body benefiting there from.

(2) As concerns the state, the state, the said compensation shall be borne by the ministry that requested the expropriation.

19. In case of omission from the compensation list, the persons concerned shall refer the matter to the senior divisional officer, the governor or the minister in charge if lands, according to the area of competence laid down in Africa 6 above, who in turn shall submit the claim to the verification and valuation commission for consideration.

20. This decree shall be registered and published in the official gazette in English and French.

Yaounde, 16 december 1987

Paul biya

President of the republic.

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