



Insight on Land Law in the Republic of Congo – Brazzaville and Protection of Rights

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The mandatory registration of land titles addresses historical issues of land insecurity and provides landowners with the legal assurance needed to exercise their property rights fully.

I. Introduction

The land acquisition law in the Republic of Congo is grounded in constitutional and statutory provisions. Specifically, the primary sources are Article 23 of the 2015 Constitution and Law No. 21-2018 of June 13, 2018. This statutory framework is supplemented by six regulatory texts that further detail the rules for land occupation and acquisition.

II. Key Provisions of the Land Law

1. Definition of Land Ownership

Article 17 of Law No. 21-2018 defines land ownership as the right to enjoy and dispose of land in the most absolute manner, subject to legal restrictions.

2. Recognition of Ownership Rights

According to Article 18, paragraph 1, both private legal and physical persons have the right to land ownership.

3. Components of Land Ownership

Article 20 elaborates that land ownership includes real rights, rights resulting from the transfer of ownership, succession, accession, incorporation, prescription, and the constitution of real securities.

4. Acquisition and Transmission of Ownership

Article 21, paragraph 1, lists various modes through which land ownership can be acquired and transmitted, including obligations, recognition of customary lands, succession, donations, accession, incorporation, and prescription.

III. Registration and Protection of Land Ownership

1. Mandatory Registration

As per Article 24, legally acquired land ownership must be registered and updated following the established legal procedure. Registration involves establishing a land title and recording it in the land ownership register.

2. Precarious Ownership Titles

Article 29, paragraph 1, and Article 30 highlight that any ownership title other than a land title is precarious, and individuals occupying land without a land title are considered precarious land occupants.

3. Importance of Land Title Registration

The combination of these provisions implies that landowners must obtain a land title to formalize their property rights. The registration process applies to both customary lands, once recognized by the State, and non-customary lands with acquired ownership rights.

IV. Benefits of Land Title Registration

1. Enhanced Property Rights Protection

The registration of land titles significantly enhances the protection of property rights. It allows landowners, especially those with customary lands, to fully enjoy their status without concerns over their property rights.

2. Prevention of Multiple Sales

The creation of land titles provides a solution to the issue of multiple sales of the same land tenure. It ensures that land allocation and transfers are legally documented, preventing land insecurity caused by overlapping sales.

3. Updating Cadastral Documents

Following land acquisition, owners must present themselves at the cadastre service within 90 days to establish and certify the necessary cadastral documents. This includes updating the section state, descriptive register, cadastral matrix, cadastral plan, and national land ownership register.

V. Conclusion

The land acquisition law in the Republic of Congo, through its robust framework of registration and title issuance, represents a comprehensive mechanism for protecting land ownership rights. The mandatory registration of land titles addresses historical issues of land insecurity and provides landowners with the legal assurance needed to exercise their property rights fully.