

# Immigration and Refugee Board of Canada

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> Responses to Information Requests

## Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website. Please note that some RIRs have attachments which are not electronically accessible. To obtain a PDF copy of an RIR attachment, please email the [Knowledge and Information Management Unit](#).

8 May 2015

### CMR105160.FE

Cameroon: Legislation governing the estate of a man who dies intestate; who has the authority to settle his estate and how his inheritance is divided among his wives and children; whether circumstances exist in which the division of the estate is determined by Bamileke customary law rather than by civil law; possible court remedies in the event of litigation within the extended family (2014-May 2015)  
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

#### 1. Cameroonian Legislation on Estates

Sources indicate that when there is no will, the legislation governs the liquidation of the deceased's estate (CNNC 30 Apr. 2015; Assistant Notary 30 Apr. 2015; Office notarial de Mbalmayo n.d.), specifically the Cameroonian Civil Code (*Code civil*) (ibid.).

#### 2. Inheritance

Sources indicate that the deceased's assets are divided according to the degree of kinship of the co-heirs with the deceased (CNNC 30 Apr. 2015; Lawyer 30 Apr. 2015; Assistant Notary 30 Apr. 2015). For an estate without a will, when the man is married and his legal wife is the mother of all his children, the division is as follows: if the children of the deceased and his surviving spouse are minors, his wife will benefit from the usufruct of the entirety of the deceased's assets until his children reach the age of majority [namely, 21 years of age (Lawyer 1 May 2015; CNNC 1 May 2015; Assistant Notary 30 Apr. 2015)]; if his children are adults, his wife will receive a quarter of his assets in full, while his children will receive equal parts of the rest of the estate (Lawyer 30 Apr. 2015; Lawyer 1 May 2015; CNNC 1 May 2015). The usufruct also ceases when the surviving spouse remarries or dies (CNNC 1 May 2015; Lawyer 30 Apr. 2015). In a telephone interview with the Research Directorate, the President of the Chambre nationale des notaires du Cameroun (CNNC) stated that the surviving spouse who has minor children could choose to receive a quarter of the assets in full rather than benefit from the usufruct of the entirety of the assets until the children reach the age of majority (CNNC 1 May 2015). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

If the intestate man also has children with another woman, the surviving spouse receives a quarter of the assets in full, and the remainder of the estate is divided equally among the children of the two wives (CNNC 1 May 2015; Lawyer 30 Apr. 2015; Lawyer 1 May 2015). In a telephone interview with the Research Directorate, a lawyer practising law in Cameroon stated that, if the children by the other wife are minors, their mother or their designated representative will administer their inheritance until they reach the age of majority (Lawyer 30 Apr. 2015). According to the website of the city of Mbalmayo's Notary's Office (Office notarial de Mbalmayo), the Civil Code states that [translation] "legally recognized natural children whose father or mother, after the children's conception, were engaged in marriage that resulted in legitimate children" receive only half of the part to which they would have been entitled if all of the deceased's children had been

legitimate (Office notarial de Mbalmayo n.d.). Corroborating information or information about the division of inheritances when there is more than one legal spouse could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

### 3. Appropriate Authority for Settling the Estate

The CNNC President stated that it is the deceased's family, for example, the widows and children, who have the authority to settle an estate, [translation] "since the court cannot itself attend" to the matter (CNNC 30 Apr. 2015). In a telephone interview with the Research Directorate, an assistant notary practising in Mbalmayo stated that an estate can be settled directly before a notary if there are no particular problems; otherwise it is done before a judge (Assistant Notary 30 Apr. 2015). According to sources, the professionals who intervene in settling an estate are the co-heir's lawyer, who represents him before the court, and the notary, who distributes the estate (Lawyer 1 May 2015; Lawyer 30 Apr. 2015).

Sources state that an estate may be liquidated under customary law before the First Degree Tribunal (Tribunal de premier degré), but on the condition that all inheriting parties consent; otherwise, the parties must go before the Court of First Instance (Tribunal de grande instance) (Lawyer 30 Apr. 2015; Lawyer 1 May 2015; Assistant Notary 30 Apr. 2015). According to the Lawyer, there are [translation] "many customary laws in Cameroon that ... apply to the liquidation of an estate, according to the ethnicity of the deceased and co-heirs" (Lawyer 30 Apr. 2015). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to sources, it is the Court of First Instance that, in civil law, has authority in estates (SLC n.d.; Lawyer 30 Apr. 2015; Lawyer 1 May 2015). Information on the operation and effectiveness of this tribunal could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Under section 110 of the Cameroonian Civil Code, [translation] "the location where the estate is opened is determined by the domicile" of the deceased (Cameroon 1981).

### 4. Court Proceedings

According to sources, applications under appeal must be submitted to the Court of Appeal, then to the Supreme Court of Cameroon (Lawyer 30 Apr. 2015; Lawyer 1 May 2015). Further information on court proceedings on inheritance could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

### 5. Inheritance Among the Bamileke

Information on inheritance among the Bamileke could be found among the sources consulted by the Research Directorate within the time constraints of this Response. However, on his website, which contains Cameroonian legislation, decrees and regulations (Camer.be n.d.), Eméran Atangana Eteme, who has a doctorate in public law, provides information on sharing the assets of an estate among the Bamileke (Atangana Eteme 21 Nov. 2010). This Internet page is appended to this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

## References

Assistant Notary, Mbalmayo, Cameroon. 30 April 2015. Telephone interview with the Research Directorate.

Atangana Eteme, Eméran. 21 November 2010. "Le partage des biens de la succession." <<http://www.atangana-eteme-emeran.com/spip.php?article71>> [Accessed 24 Apr. 2015]

Camer.be. N.d. "Cameroun : la bibliothèque camerounaise de droit et de gouvernance fête ses dix ans en 2014." <<http://camer.be/31259/11:1/cameroun-la-bibliotheque-camerounaise-de-droit-et-de-gouvernance-fete-ses-dix-ans-en-2014-cameroon.html>> [Accessed 7 May 2015]

Cameroon. 1981. *Code civil*. <<http://www.juriafrica.com/servlet/com.ja.web.servlet.SelectTabServlet?tab=sommaire>> [Accessed 7 May 2015]

Chambre nationale des notaires du Cameroun (CNNC). 1 May 2015. Telephone interview with the president by the Research Directorate.

\_\_\_\_\_. 30 April 2015. Correspondence from the president to the Research Directorate.

Lawyer, Cameroon. 30 April 2015. Telephone interview with the Research Directorate.

Lawyer, Cameroon. 1 May 2015. Telephone interview with the Research Directorate.

Office notarial de Mbalmayo. N.d. Paul Francis Youteu Debana. "La succession légale au Cameroun." <<http://notairembalmayo.blogspot.ca/2008/06/la-succession-legale-sans-testament.html>> [Accessed 7 May 2015]

Société de législation comparée (SLC). N.d. "Cameroun." <[http://www.legiscompare.fr/site-web/spip.php?page=imprimer\\_articulo&id\\_article=529&lang=fr#b](http://www.legiscompare.fr/site-web/spip.php?page=imprimer_articulo&id_article=529&lang=fr#b). Accès aux sites des institutions> [Accessed 1 May 2015]

## Additional Sources Consulted

**Oral sources:** Notary, Cameroon; Notary, Paris.

**Internet sites, including:** Barreau du Cameroun; *Le Droit*; Institut français d'information juridique; Princekmer.

## Attachment

Atangana Eteme, Eméran. 21 November 2010. "Le partage des biens de la succession." <<http://www.atangana-eteme-emeran.com/spip.php?article71>> [Accessed 7 May 2015]

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