

The Resolution of Disputes Relating to Lands in Cameroon: *The Need for Legal Redress*

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Abstract

Cameroon's legal system is characterized by dual land tenure systems: the customary, which is widely practiced and rooted in traditional norms, and the statutory, which is codified in law. This duality often leads to conflicts, as individuals and communities grapple with competing claims over land rights. The inadequacy of existing legal frameworks to address these disputes effectively results in protracted conflicts, social unrest, and hindered economic development. Worthy of note is that, the settlement of disputes relating to titled lands in Cameroon is stationed by the Land Consultative Board, Common Law Courts (judiciary) and the Administrative Courts. This paper therefore, aimed at exploring the current landscape of land disputes settlement, emphasizing the pressing need for legal reforms and mechanisms that ensure equitable resolution available to individuals and communities. In order to achieve the desired objective, a doctrinal research methodology which involved both primary and secondary sources of data was employed. Against this backdrop, we therefore, recommend that the government should strengthen Dispute Resolution Mechanisms by enhancing the capacity of the Land Consultative Board to handle disputes effectively, providing it with adequate resources and training. The government should also improve access to administrative and common law courts for land dispute resolution, particularly for marginalized groups. This will help bridge the gap between theory and practice concerning the settlement of titled lands in Cameroon.

Keywords: Settlement, Disputes, Land, Titled Lands, Legal, Redress, Cameroon.

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INTRODUCTION

Cameroon is a bi-jural country, which means that two different legal systems operate in different parts of the country. French-oriented civil law applies in eight French speaking regions, and English common law applies in the remaining two English speaking regions. The 1996 Constitution and 1974 Land Law apply nationally. The legal systems also recognize customary law, which, given the country's ethnic diversity, encompasses multiple and evolving traditional rules and norms. In Muslim regions, which are primarily in the north, principles of Islamic law have been incorporated into customary law, although separate Sharia law is also recognized [1] No one can be deprived of property unless it is taken in the public interest, in accordance with applicable law, and subject to payment of compensation as required by law. Cameroon's primary land law, Ordinance No. 74-1 of 6 July 1974, established land

tenure rules following the 1972 unification of the country. [2]

It should be noted that, land transactions cannot be completed without the signing of a land transfer agreement, Deed of Conveyance and eventually the issuance of a land certificate. Generally, an individual or a corporation desirous to purchase land in Cameroon have a duty to consult a property attorney to conduct due diligence and investigate the title of the land at the property land registry so as to ensure the said land is free from all encumbrances like bank mortgages, chieftaincy dispute, court cases and double sales.

In case of conflicting claims over a parcel of land, ownership is ascribing to the person that can proof a better title to the land. If there is no title document, it is sufficient to show that you have been in possession of the land. Evidence of land possession includes but not limited to; cultivation on the piece of land, erection of

¹ See Joseph N.E., (2025), the place of Muslim Law in Cameroons legal system, *Generiert Durch*, p.432-449.

² Ordinance No. 74-1 of 6 July 1974, established land tenure rules.

building or fence and demarcation of the land with pegs or beacons. The purpose of a survey plan in a land case is to identify the land in dispute because who so ever cannot identify a piece of land will hardly convince the court to be the rightful owner. Traditional evidence can also be adduced to proof ownership of land but the court must be convinced as to who founded the land, how the founder founded the land and the names of intervening owners. [3]

On this note, this paper is titled the settlement of disputes related to titled land in Cameroon. The paper is stationed with a critical analysis of the mechanisms put in place for the resolution of disputes relating to registration of title to land in Cameroon. The paper examines types of Land Disputes subjected for resolution, the various structures and mechanisms for resolving disputes related to titled land in Cameroon. Amongst these mechanisms are; settlement of land disputes by the Land Consultative Board. Settlement by Common Law Courts in which we explored how traditional legal frameworks handle disputes such as land under mortgage, trespass to titled land, and leases.

Types of Land Disputes

Alongside the eminently political issues at stake, land disputes are one of the greatest concerns of both the people and the public authorities of Cameroon. [4] The FAO defines land conflict as a dispute over land that arises when individual or collective interests diverge. [5] The dispute can be explained both by the general dynamics of neighborhood relations and by specific land issues. It is a relatively broad and complex concept. It was therefore important for land law makers to devise an instrument capable of defusing land disputes at the root, or at least ensuring that they are dealt with fairly and in advance, so that decisions can be taken promptly and appropriately. [6] The question of the choice of instruments of public action and how they operate is generally presented in a functionalist way, as a matter of simple technical choices. When it is included in the debate, it appears to be a secondary or even

marginal issue compared to other variables such as institutions, stakeholders' interests or their beliefs.

Dispute arise in acquiring land certificate in Cameroon because most land in Cameroon has been obtained through purchase, leasing, borrowing, inheritance, or allocation by traditional leaders. [7] Farmers, and particularly migrants, cultivate forest areas in order to gain rights to land under customary law. Under formal law, Cameroonians occupying or using land as of August 5, 1974 (30 days after the 1974 land laws were passed) could apply for formal ownership rights to the land. [8]

Organs in Charge for the Resolution of Land Disputes

Disputes or conflicts over access to, use of and control over land are as old as humankind and frequently occur everywhere-at the intra-personal level (e.g. between siblings or neighbors), at the intra-societal level (e.g. between different ethnic groups or between the state and local population) and at the inter-societal level. [9] In most countries, a number of formal and informal channels exist through which the litigants can pursue their interests, such as: Judiciary, Administration, Political institutions Party system, customary institutions, religious institutions, civil society-based institutions and private sector mediators. [10] Many of these channels can be addressed or accessed at different levels; others are restricted to only one or two levels. Some channels are more formal and regulated, while others are rather informal and unregulated.

It is quite interesting to note that, the recurrent land disputes in the country is the tension between indigenes and non-indigenes in cosmopolitan areas like Yaoundé, Douala, Bamenda, etc. as well as between indigenous people and the state. Urbanization of the major cities and the policy of nationalization of all unoccupied ancestral land by the state [11] are acting as catalysts for land disputes in the country. In Yaounde for instance, the Bamelikes (non-indigenes) have used their

³ GOC Constitution 1996; Fombad 2009.

⁴ Tchapmegni, R. (2010) *Les mécanismes camerounais de résolution des conflits fonciers*, in Regards multidisciplinaires sur les conflits fonciers et leurs impacts socioéconomiques politiques au Cameroun, sous la direction de François Nkankeu et Christopher R. Bryant, Montréal : Université de Montréal, Département de géographie, Laboratoire Développement durable et dynamique territoriale, P144.

⁵ Mbira C., Arrey W. H. (2024), Searching for Ways of Settling Land Conflicts by Peaceful Means in Cameroon: A Critical Analysis of the Peacemaking Role of the 'Land Consultative Board'. *African Journal of Law, Political Research and Administration* 7(1), 117-134.

⁶ Ibid

⁷ Nessie-Sandra Akun Loh, (2023). Land Ownership in Cameroon: An Overview. *International Journal of Law*

and Policy, 8(2), 49-73. <https://doi.org/10.47604/ijlp.2238>.

⁸ Nessie-Sandra Akun Loh, (2023). Land Ownership in Cameroon: An Overview. *International Journal of Law and Policy*, 8(2), 49-73. <https://doi.org/10.47604/ijlp.2238>.

⁹ Yanou M. *Access to Land in Post-Apartheid South Africa: An African Perspective*, Langaa Books Publishers (2009)

¹⁰ Tijouen, A.D, *Droits Fonciers et Techniques Foncières en Droits Camerounais*, Edition Economica, (1981)

¹¹ See Section 15 of the 1974 land Ordinance. It states that all unoccupied lands that are not registered are incorporated into a collective pool of 'National Lands' controlled by the state.

wealth to amass many hectares of land expropriated by the state leaving the indigenes (Ewondos) landless. The indigenes rioted against the non-natives who have occupied their ancestral land but the struggle was unsuccessful because the non-indigenes bought the land from the state, registered it and built on it. [12]

Although customary law plays a predominant role in resolving land disputes, the state has come up with different institutional settings for the resolution of land disputes. The state equally has variety of land statutes regulating the resolution of land disputes relating to land ownership, land use and boundary disputes. Land being a vital resource for human security, the state enacted the 1974 Land Ordinance [13] as the main law governing land holding in the country as well as ratified many international laws relating to land issues. [14] Even though the provisions of the 1974 law insist that land ownership goes with its registration [15] and also protects the land rights of all, practically under this law, land ownership is based either on self-interest or who is the highest bidder in the society.

The 1974 law was instituted with the intention of guaranteeing the community the right to own land as a constitutional right for self-development. [16] This means that with ownership backed by a land certificate, one's security over land is guaranteed, and the authority of the owner over the land cannot be challenged thereby minimizing land disputes in the country.

As aforesaid, land disputes in Cameroon are frequent because land is a scarce and highly valuable resource, and the legal system around land is complex, blending customary tenure and statutory law. To properly understand how such disputes are handled, we need to look at the Land Consultative Board (LCB), the Judiciary (ordinary courts), and the Administrative Court, since each plays a distinct role depending on the nature of the dispute over land.

The major organs or institution that resolves land dispute in Cameroon is the courts, customary institutions and the administration. However, this will largely depend on the nature of the land in dispute. If the

land in dispute is titled land, the resolution starts with the competent land consultative Board.

Settlement of Land Disputes by the Land Consultative Board

For one to claim ownership over land, the person needs to undergo the registration [17] process which is considered as the main determinant for land ownership in the country. This process is governed by the Land Consultative Board. The Board is the most important statutorily created administrative structure in the country's land resolution model.

Composition of the Land Consultative Board

Land regulation through the Land Consultative Board (The Board) opens up opportunities for consensus building. This instrument offers the possibility of establishing local management of land tenure, encouraged by the participation of stakeholders who are as close as possible to the issues at stake, and who therefore have the legitimacy to define the best determinants of the thorny issue of land governance and its corollary, insecurity. In this respect, the instrumental approach makes it possible to understand the gap between the will captured by the texts and the proven reality of their operationalization.

The Board is constituted by eight members namely the Divisional Officer as chairman, a representative from Lands and Surveys Department, the Head of the Divisional Land Tenure Service, a representative from the service of town planning in the case of an urban project, a representative from the ministry concerned in relation of a government project, the chief of the community where the land is situated, and two leading village notables of the community where the land is situated as seen below:

- a. Divisional Officer (sub-Prefect): Chairman;
- b. Representative of the Lands Service: secretary;
- c. Representative of the Surveys Service: member;
- d. Representative of the Ministry of Agriculture and Rural Development: member
- e. Representative of the Ministry of Town Planning: member

¹² Sone, P. M., (2014), 'Management of Land Disputes: Implications for Peace and Security in Cameroon'. In Ewusi, S.K. (ed.), *Peacebuilding in Sub-Saharan Africa: African Perspectives*. University for Peace, Africa program: Addis Ababa. P.1809-12.

¹³ Land Ordinance No 74-1 of 6 July 1974 on Land Tenure

¹⁴ Such as the Universal Declaration of Human Rights. Adopted by the General Assembly of the United Nations by Resolution 217A (!!!) of 10 December 1948, the International Covenant on Economic, Social and Cultural Rights adopted by the General Assembly of the United Nations by its resolution 2200A (XXX) of 16 December

1966. Entered into force 3 January 1976; the African Charter on Human and Peoples' Rights, adopted 27 June 1981, entered into force on 21 October 1986.

¹⁵ Decree No. 76-165 of 27 April 1976, Article 2. Ownership of land here means the right guaranteed every person by law to freely use, enjoy and dispose of his or her property.

¹⁶ See Cameroon Constitution of 1996.

¹⁷ Articles 1 & 2 of the 1976 Decree establish that a land certificate shall be the official certificate of real property rights and that once a land certificate is obtained void of any form of abnormality, it shall be unassailable, inviolable and final.

- f. Chief and two leading members of the village or the community where the land is situated: members. [18]

It is convened by its chairman (divisional officer) either on his own initiative (very rare), or on the initiative of the senior divisional officer, the governor or the minister responsible for land affairs. In the absence of regulations governing the conduct of its work, the Consultative board is constantly torn between assimilation and adaptation, tradition and modernity, customary norms and written rules, in a constant search for a balance that oscillates between two extremes. In this way, it offers the local population an area of land regulation free from the formalism and rigidity that characterize administrative or judicial institutions. The lack of interest in this instrument in the literature, which is nevertheless rich in land tenure issues, reveals the gap that may exist between the authority granted to it by the legislator and its practical recognition as an instrument of regulation, thus calling into question the theoretical framework for analyzing the instrumentation of public action in Cameroon. [19] These are the central actors in the management of land matters in the country. [20]

Jurisdictional competence of the Land Consultative Board

The board has the competence to examine litigations relating to ownership of land such as: disputes arising before the registration of the land. It is specifically entrusted with the responsibility to resolve disputes over unregistered land as well as processing land certificates. [21] It is interesting to note that, Lascoumes (2004) defines the instrumentation of public action as a generic technical device that conveys a concrete conception of the relationship between politics and society and is supported by a conception of regulation. In this sense, the Land Consultative Board seems the instrument that the state uses to regulate land management, insidiously in its conflictual dimension. [22] This ambition can be seen in its regulatory framework, which is laid down in Cameroon's land

tenure system, as can be seen from three main provisions. According to Article 5 (3-a) of Ordinance no. 74/1 of 06 July 1974, *"the Land Consultative Board shall be responsible for settling the following land-related disputes:*

- a. (...) *Objections to registration, and*
- b. *All claims or disputes concerning the ownership of unregistered land, brought before the courts by communities or individuals"*.

Interestingly, Article 16 of the same text further expands the functions of this board in the following wordings:

National lands shall be administered by the State in such a way as to ensure rational use and development thereof. Consultative Boards presided over by the administrative authorities and necessarily comprising representatives of the traditional authorities shall be established for this purpose.

It is important to specify here that the following are part of the national lands: residential land, land used for cultivation, planting, grazing and pasturage, whose occupation is evidenced by a clear human hold on the land and proven development (not registered); as well as lands that are free of any real occupation. [23] The size of the national estate [24] gives this instrument of land regulation (board) a strategic dimension. This dimension is reinforced by the procedure for obtaining a land certificate. Article 13 (4) of Decree no. 2005/481 of 16 December 2005 emphasizes that:

Only the Land Consultative Board is competent to assess the occupancy or exploitation of the national land of first category in view of obtaining land certificate.

This is therefore an exclusive competence which is clearly established by the provisions of article 14 of Decree no. 76/166 of 27 April 1976 which establishes the procedures for management of the national lands as follows:

¹⁸ Article 12 of decree no. 76/166 of 27/04/1976. It is important to note that there are as many Land Consultative Board as there are sub-divisions in Cameroon, i.e. 366. On the other hand, its composition with

regard to representatives of the traditional authority will be modified according to the locality of intervention.

¹⁹ Mbira C., Arrey W. H. (2024), Searching for Ways of Settling Land Conflicts by Peaceful Means in Cameroon: A Critical Analysis of the Peacemaking Role of the 'Land Consultative Board'. African Journal of Law, Political Research and Administration 7(1), 117-134.

²⁰ This member has been established in practice, with the 1976 decree referring to a representative of the administration involved in the project.

²¹ This is by virtue of article 16 of Decree No. 76/166 of 27/4/1976 as amended in Article 5(3) of Law No 19 of

26th November, 1983 and re-enacted in 1985, Article 12 vesting it with the jurisdiction to resolve land and b. 76/166 of 27/4/1976 as amended in Article 5(3) of Law No 19 of 26th November, 1983 and re-enacted in 1985, Article 12 vesting it with the jurisdiction to resolve land and boundary disputes over unregistered land

²² The regulatory architecture in Cameroon does indeed tend to consider the land issue as conflict genic, in view of the particular interest devoted to it within the various texts: constitution, civil code, penal code, town planning code, land and property regime, etc.

²³ Article 15 of Order 74/1 of 06/07/1974 and subsequent amendments.

²⁴ National lands cover most of Cameroon's land, at least 80%. The rest is divided between the private domains of the State, individuals and the public domain.

The consultative board shall:

- a. Make recommendations to the prefectural authority on the allocation of rural areas to agriculture grazing according to the needs of the inhabitants;
- b. Make reasoned recommendations on applications for grants;
- c. Examines and, if necessary, settles disputes submitted to it under the procedure for allocation of land certificates on occupied or exploited national lands;
- d. Selects the lands which are indispensable for village communities;
- e. Note all observations and all information concerning the management of national lands and transmit its recommendations to the Minister in charge of Lands;
- f. Examines and if necessary, settle all landed property disputes referred to it by the courts pursuant to Article 5 of Ordinance no. 74-1 of 6 July 1974;
- g. Assess the development of lands for the issue of land certificate.

Worthy of interest is the fact that, these are land litigations where two or more persons claim ownership of the land to be registered or claim possession of the said land. They also handle disputes arising during the registration process. This arises during the demarcation process, where an interested third party, who is apprehensive that the registration will infringe on his real property right, opposes the exercise.

In such cases, the Land Consultative Board examines the opposition on the spot and a report of the board's opinion is made and forwarded to the Minister of State Property, Surveys and Land Tenure who has supervisory control and exclusive powers over land matters in the country. [25] The Board is often called up to testify in disputes arising after the issuance of the land certificate for instance, where a person contests that a land certificate is issued in favour of someone who has encroached into his/her land. It is on this base that we criticize the Board for the occurrence of such incidence. They have to use the official site plan during the registration procedure in order to dictate any encroachment thereby avoiding the grant of defective land certificates.

However, the board has been question on its impartiality and transparency in the adjudication of land disputes. For example, in the absence of public funding, its work has to be paid for entirely by the users or a claimant, [26] who does not speak in favour of its

independence or impartiality in dealing with the disputes referred to it and exposes the board to nepotism and corruption. Aware of this impediment, the Prime Minister signed Decree No. 2016/1430/PM of 27 May 2016 establishing the operating procedures of the Land Consultative Board on Land and Property Matters, reaffirming the cardinal function and key role of this instrument. This decree set a ceiling for the meeting expenses of each member and, among other innovations, extended its membership to include the mayor of the municipality (or one of his/her deputies) from among the statutory members. This was seen as an adequate response to the many complaints leveled against the instrument. The said decree was immediately withdrawn the day after it was signed by the same Prime Minister without any further explanation. [27]

From the way it is structured, it is clear that the reins are in the hands of the administration, which is over-represented in strategic positions. In practice, this observation is all the more striking because, in the Cameroonian administrative hierarchy, the village head is an auxiliary of the administration, represented at this level by the divisional officer (or sub-prefect), to the point where the latter becomes the '*chief of the lands*'.

Traditional authority is thus inhibited. In addition, despite the public nature of the meetings, speaking is restricted and decisions are taken in private, often in total secrecy. This raises the very pertinent question of the legal nature of this imprecise instrument: is it a fragmentation of the administration? A public administration? A decentralized structure? An independent body?

The aforementioned 2016 decree provides a curious indication, to say the least, on this question. Article 2(1) of the decree describes the Land Consultative Board as "*a collegiate body responsible for assisting the competent authorities in the management of the national lands*". This provision alone would have sounded the death knell for any form of autonomy. Another restriction is that its decisions, which the legislator considers to be "opinions", must be unanimous in order to be valid, with no guarantee that they will not be called at a later date, thus trapping the land dispute in an endless vicious circle.

By relegating the traditional authority to the role of stooge and restricting freedom of expression, Cameroon's land tenure system has (whether intentionally or not) distorted the 'aggregation' effect expected the instrument, with implications for the

²⁵ See Articles 16-20 of Decree No. 76/165 of 27/04/76 stipulating the roles of the various administrative stakeholders of land disputes in the country. The LCB represents the Minister on Land matters at the Divisional and Regional levels.

²⁶ Our data are supported by interviews conducted with the divisional officers (D.O) of Bamenda, Dschang, Bafia and Kiiki respectively.

²⁷ This also has the merit of reducing or even discouraging potential applicants.

protective role of the Land Consultative Board. Nkou Mvondo (2000) reveals that:

In Cameroon, when a dispute arises between two people, they go to an administrative authority in a purely informal setting. The authority then sets itself up as a judge to settle a dispute that would normally fall within the jurisdiction of the courts. [28]

According to administrative practice, this action is carried out within the framework of the Land Consultative Board.

In addition to its delicate role, the Consultative Board has to compete with missions, special commissions and ad hoc commissions. [29] These are often set up on the initiative of the Minister of Land Tenure (in the case of land disputes or requests for special permits) or the Minister of Territorial Administration in the case of serious disturbances (or risk of disturbances) to public order, with a clearly defined mandate, which makes it even more vulnerable. This shows that, if there was any doubt, that this body is increasingly relegated to a symbolic role, or at the least downgraded. The number of cancelled or contested land certificates [30] in the context of titling procedures and special permits is sufficient evidence of this decline.

In a nutshell, the emergence of the Land Consultative Board was an effective response to the application of concepts such as “participatory democracy” and its many variations, “human rights”, “inclusive dialogue”, “good governance”, etc. By stripping it of its original substance, it has now become an instrument for promoting of the rule of law. By doing this, the legislator, with the support of the state, has rendered it incapable of containing the many land crises that plague Cameroon.

Settlement of Land Disputes by the Judiciary (Common Law Courts)

It should be noted that, the ordinary court system under the Ministry of Justice. The judiciary is competent to settle disputes involving civil rights over land, especially when private parties are contesting

ownership, boundaries, leases, sales, mortgage or inheritance. [31]

Jurisdictional competence of the common Law Courts

The judiciary is the main organ that administers justice when land disputes occur regardless of the status of the disputants as illustrated in cases involving the indigenes and the state officials. As concerns litigation over ownership and possession of land in Cameroon, the civil courts (Court of First Instance, High Court, Court of Appeal, and Supreme Court) handle disputes over who is the rightful owner or possessor of land, especially where parties challenge land sales, leases, or inheritance rights. [32]

It is worth remarking that these court handles land disputes involving only registered land s while unregistered lands are in the domain of the Land Consultative Board. [33] For instance, where there is a dispute over a registered landed property or the court handles issues where several land certificates are issued on the same piece of land. In such a case the first land certificate issued, prevails and the others are legally declared null and void provided the issuance does not involve any anomalies.

Courts can award damages for trespass, order eviction of unlawful occupiers, and compel registration or rectification of land titles. If a land certificate has already been issued but one party alleges fraud, forgery, or misrepresentation, civil courts can cancel or invalidate the title through the administrative bench of the Supreme Court. For example, in the case of *Mfondi Ousmanou & Max Ntangi v Col. Pangop Louis* involved in a dispute over a registered land, the defendant refused to leave a house sold by the landlord on the basis that it ought to have been sold to him as a tenant in the house. The Court of Appeal held that the plaintiff was the rightful owner since he got a land certificate after buying the house. This confirms the fact that the land certificate is the only document which testifies the rightful owner of a property.

²⁸ Nkou Mvondo, *La situation juridique de l'occupant sans titre d'une parcelle du domaine national*, Laws and politics in Africa, vol 33, N°4 (2000), p.490.

²⁹ A case in point is the peace and security commission set up in the Logone et Chari department in the Far North to address the perennial conflict between herders and farmers, which has already claimed dozens of victims.

³⁰ It is the favourable opinion of the board that effectively sets the titling procedure in motion. Cancelling a land certificate is basically tantamount to invalidating the work of the land consultative board, which has exclusive prerogatives under the law. What then would be the legality of such cancellations?

³¹ See article 3 of the 1974 Land Tenure Ordinance of Cameroon.

³² See the 2006 law as revised on judicial organizations of courts in Cameroon.

³³ The Land Consultative Board is the most important statutorily created administrative structure in the country's land management model. It is specifically entrusted with the responsibility to resolve disputes over unregistered land as well as processing land certificates. This is by virtue of article 16 of Decree No. 76/166 of 27/4/1976 as amended in Article 5(3) of Law No. 19 of 26th November, 1983 and re-enacted in 1985, Article 12 vesting it with the jurisdiction to resolve land and boundary disputes over unregistered land.

However, the overwhelming dominance of custom and tradition in ultimately determining land distribution in the country can be deduced from the apex court on disputes over land. The jurisprudence of the administrative bench of the Supreme Court, which is the highest arbitral body over land, established the principle that the land registration process accommodates customary practices of access to ancestral land to the extent of compromising land certificates issued by the state. In the case of *Ekolena Fouda Jean Inheritors v The State of Cameroon (MINDA)*, the petitioner sought the cancellation of land certificate for a variety of reasons, particularly that the land was the 'ancestral property' of the petitioner.

The claims of the petitioner were declared admissible and the land certificate was withdrawn by the Supreme Court. It is particularly instructive that the court recognized and expressly gave credence to the conceptual importance of preserving ancestral property whether it is registered or not. It is worth remarking that the courts' decisions at times are not consistent with the law, as the land laws are numerous and contradictory thus, making its application difficult. Thus, the judiciary acts as the main arbiter of private land rights, enforcing property laws and resolving disputes that the LCB could not settle.

It should be remembered same that, Customary land tenure is still relevant in rural areas. Courts sometimes determine whether customary rules were respected in land transfer or occupation.

Settlement by the Administrative Court

Established by Law No. 2006/022 of 29 December 2006 (on the organization of administrative courts), these are specialized courts competent to hear disputes involving the administration.

Jurisdiction in land disputes

The administrative court examines the legality of decisions taken by land administrative authorities (e.g., the Minister of State Property, Surveyors, Land Registrars, or SDOs) in the issuance of land certificates. This court receives appeals against land titles if a land certificate was issued illegally or arbitrarily, whereby an aggrieved litigant may challenge the act before the administrative court for annulment.

Above all, this court handles disputes over expropriation and public use. When land is expropriated for public purposes such as roads, schools, infrastructure, affected parties can contest the legality of the expropriation and the amount of compensation before the administrative court. The administrative court therefore, ensures checks and balances on the administration,

preventing abuse of discretionary power in land allocation, titling, and expropriation.

Worthy of interest is the fact that, conflicts related to natural resource management, and especially land tenure, tends to be more and more exacerbated. Judicial systems responsible in theory for the settlement of land conflicts have failed to find efficient solutions in the particular context of African countries, where national legislations and traditional customs coexist. This perspective prompts consideration of alternative land tenure conflict management mechanisms (mediation, arbitration etc) as the appropriate option for these countries.

Constraints Surrounding the Resolution of Land Disputes

The legislative and judiciary arms of the government are predominantly made up of men and this discrimination against women resulting in their exclusion from the land dispute resolution process when they are the main users of land [34] is a cause for concern. Whether this exclusion results in injustices for women is beside the point. Excluding a particular and dominant segment of the population from such functions raises doubt on the objectivity and sanctity of the judiciary team. The country's land laws are many, complex and poorly drafted. This dilemma is further compounded by the litany of contradictions and cross references inherent in these laws that makes their application ineffective.

The land legislations used in courts are mainly Ordinances and presidential decrees enacted by the president and ministers and not by parliament who are traditionally, constitutionally and universally vested with powers of law making. This paper argues that executive law making invariably leads to jaundiced justice with the potential to destabilize peace.

Cumbersome, complicated, costly and slow registration and litigation procedures constitute a major handicap in land dispute resolution. There are too many administrative and judicial authorities involved at different levels in the country's land registration model, sometimes with functions replicating and overlapping each other. This often results in unnecessary administrative and judicial bottlenecks, undue delays and high delivery cost for land disputes services. Findings reveal that when a land dispute arises, the parties will be advised to take the matter to the Land Consultative Board and if they are unable to provide valuable solution, they may refer the disputing parties to court which entails its own saga of injustice.

³⁴ Kameri-Mbote, P., Gender Issues in Land tenure under customary law
http://www.capri.cgiar.org/wp/.%5Cbrief_land-05.pdf

accessed on 19/03/2022. 80% of women are involved in subsistence farming.

It should be noted that, though several decisions have shown the limitation of this model of administrative justice in resolving land and resource disputes and their negative impact on peace, *Nana Elias v The Land Consultative Board*, represented by its chairman the Divisional Officer Kumba II and Nana Martin⁴⁰ stands out. The applicant's father's land was grabbed and sold when his father died in 1944 by a total stranger. On becoming of age, he commenced litigation to recover the land in 1964 but the matter which has gone through different structures is still in court till date while the parties have fought battles on the land on several occasions.

The judicial system is bijural in nature. French judges with civil law background are operating in the English-speaking region with little knowledge of English language and they lack good mastery of the common law system. Despite these limitations, the judges are still expected to render justice on land dispute. One wonders how just such decisions can be when offered by someone who knows little or nothing about the intricacies on the common law and customary law surrounding land disputes in the English-speaking region.

Besides, the disputants also face numerous challenges in pursuing justice namely, financial constraints, unfair judgment from biased court officials, delay and ambiguous judgments that may cause the dispute to resurface, language barrier between the parties and the presiding judge, illiteracy or ignorance of the law by the disputants, numerous court adjournments, existence of unscrupulous lawyers. All of these irregularities which have marred the effective functioning of the country's institutions in resolving land disputes should be identified and addressed strictly in order to give justice and peace a chance in the nation.

In addition, most of the traditional rulers and village notables sitting in the board are unfamiliar with the legal rules regulating land. They conceive of their role in the boards as meant to ensure historical family claims to land ownership on the basis of customary rules. In the same light, most land officers, surveyors, civil administrators and ministers have no legal training and base their decisions on mainly administrative thinking which in some cases, are contrary to the law.

The land consultative board members especially the traditional authorities are inadequately remunerated. This invariably leads to the practice of corruption. Lack of means of transportation to the disputed areas allows for exploitation of parties and the influence of decisions by those who provide transport and tips. This is compounded by the fact that the bulk of the population is poor, illiterate and ignorant about the rules governing the management of land disputes. Indeed, the above challenges loudly speak of the lacunae existing in the role of the institutional frameworks in handling land disputes as well as the negative effects of our land resolution

model on the welfare of the citizens, security of tenure and stability of the country due to the recurrent land disputes in the country.

CONCLUSION POSSIBLE RECOMMENDATIONS

The debate on the effective redress of land disputes is still on going because the institutions have not actually proven their worth void of criticisms. Many institutions in addition to government continue to look for better and more pragmatic paradigm to address issues relating to the resolution of land disputes. The chapter demonstrates that the country's land dispute resolution mechanism which is predicated on the 1974 Land Ordinance is incapable of securing an effective resolving of land disputes under the present dispensation. Furthermore, this study discovered that there is no coherent domestic legislation regulating the resolution of land disputes in the country. The existing main land law (the 1974 Land Ordinance) is not reflective of or compatible with the aspirations of the resolution of land dispute in the country. The new land law should institute a new forum in charge of land issues with clear and precise rules that may help curtail or eliminate the existing poor resolution of land disputes in the country.

Looking at all the procedures of resolving land conflicts in Cameroon, we would conclude that it is easier to prevent a conflict than to cure it. In resolving a conflict, we cannot do much about the harm that has already been done. It is therefore a more worthwhile investment for every government to invest in land conflict prevention measures by putting the right policies in place and ensuring implementation of what the policies require.

It is important to point out that people (especially those living in rural areas) do not spontaneously turn to the courts or the authorities in the event of a dispute. The vast majority of land disputes in Cameroon therefore eludes the administrative and judicial authorities and is dealt with according to the mechanisms of traditional African society, which was the major inspiration for the creation of Land Consultative Boards. As the *innovAfrica* (2013) promoters rightly point out in their *l'arbre à palabre et le lien social* project, in short, it is the community and democratic management of the village collectivity that creates and maintains the freshness, shade and humanity, that are sometimes lacking in our urban deserts.

Against this backdrop, we therefore, recommend that the government should strengthen Dispute Resolution Mechanisms by:

- Enhancing the capacity of the Land Consultative Board to handle disputes effectively, providing it with adequate resources and training.

- Improving access to administrative and common law courts for land dispute resolution, particularly for marginalized groups.

It is on the above basis that we argue that the government of Cameroon needs to establish structures that ensure the equitable management and ownership of this vital resource, including, if necessary, further amendment of its laws. Gaps in the law and between legal institutions should be filled through reforms that will lead to the rational allocation of land. In addition, the adoption of dialogue, mediation, and conciliation by all stakeholders in landownership disputes is vital for conflict resolution, prevention, and management in the short term, and in the long term for building a culture of sustainable peace within families and the community. Education on the importance of respecting and enforcing the land laws is a vital prerequisite by the government of Cameroon. In sum, addressing the settlement of disputes relating to titled lands in Cameroon is crucial for fostering social cohesion, enhancing economic growth, and ensuring sustainable development. A comprehensive approach to legal redress is imperative to navigate the complexities of land tenure and to promote justice for all stakeholders involved.

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