

Mediation in Intertribal Land Disputes: Consequences in Eyumojock Sub-Division

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Abstract: This study examines the concept of mediation and its relevance to inter-tribal land disputes in Eyumojock Sub-Division. It is situated within a context where land remains a vital resource for livelihood, identity, and communal survival, yet disputes over ownership, access, and boundaries have increasingly generated tension among neighbouring communities. The research problem lies in the persistence of such conflicts despite the existence of customary norms and formal legal mechanisms, suggesting that current dispute-resolution approaches are either inadequate or insufficiently harmonized. The main objective of the study is to assess how mediation, particularly within customary and community-based frameworks, can contribute to the peaceful resolution of inter-tribal land disputes in Eyumojock. Methodologically, the study adopts a doctrinal and qualitative approach, relying on library research, relevant legal materials, and analysis of customary practices and secondary sources on land conflict resolution. The study finds that mediation remains a culturally acceptable, flexible, and cost-effective means of resolving land disputes, especially where it is guided by respected traditional authorities and grounded in local norms of fairness and reconciliation. It further reveals that many conflicts escalate because of weak documentation of land boundaries, competing historical claims, and limited cooperation between customary and formal institutions. The study concludes that mediation is a practical and socially sustainable mechanism for addressing inter-tribal land disputes in Eyumojock, provided it is strengthened and integrated with formal land governance structures. It recommends the documentation of customary boundaries, capacity-building for traditional mediators, and closer collaboration between state officials and community leaders to promote lasting peace and prevent future conflicts.

Keywords: mediation; intertribal; land; disputes; intertribal land disputes

1. Introduction

Inter-tribal land disputes have long constituted a significant source of conflict in many communities, particularly in regions where customary land tenure systems prevail and boundaries between tribal territories remain ill-defined. These disputes often stem from competing claims over agricultural land, grazing areas, water resources, or sacred sites, and can escalate into sustained violence that undermines social cohesion, economic development, and political stability. Traditional adjudicatory mechanisms, including formal court systems, frequently prove inadequate in resolving such conflicts due to their rigid procedures, expensive costs, and limited sensitivity to customary norms and indigenous knowledge systems. Mediation emerges as a vital alternative dispute resolution mechanism in addressing inter-tribal land conflicts, offering a flexible, participatory, and culturally responsive approach that prioritizes mutual understanding and consensual outcomes¹. Unlike adversarial litigation, mediation facilitates dialogue between conflicting tribes through the assistance of a neutral third party who guides negotiations without imposing decisions. This process allows parties to articulate their interests, recognize shared concerns, and collaboratively develop solutions that respect customary land rights while addressing contemporary needs. In the context of inter-tribal disputes, mediation holds particular significance because it preserves relationships between communities, maintains social harmony, and generates sustainable agreements grounded in local customs and collective legitimacy. The concept of mediation in inter-tribal land disputes thus represents not merely a technical mechanism for conflict resolution, but a transformative approach that integrates indigenous conflict management practices with modern dispute resolution principles to foster peacebuilding and sustainable land governance.

Eyumojock Sub-Division, like many communities in Cameroon's Southwest Region, has experienced recurring intertribal land disputes arising from competing claims over ownership, use, and control of land. Land in this setting is not merely an economic resource; it is also deeply tied to identity, ancestry, settlement history, and community survival. As populations grow and land becomes increasingly scarce, boundaries that were once understood through oral tradition and customary practice have become sources of tension. These conflicts are often intensified by differences in historical narratives, overlapping customary claims, weak documentation of land boundaries, and the limited effectiveness of formal dispute-resolution mechanisms at the local level.

In response to these conflicts, mediation has remained an important traditional and community-based approach to dispute resolution. Mediation allows neutral and respected persons, often traditional rulers, elders, or local leaders, to bring disputing parties together in order to encourage dialogue, reconciliation, and mutually acceptable settlement. Unlike court litigation, which can deepen hostility and take a long time to resolve, mediation is generally faster, less expensive, and more culturally acceptable to many rural communities. In Eyumojock Sub-Division, it plays a significant role in preserving social harmony and preventing disputes from escalating into prolonged hostility or violence.

However, despite its usefulness, mediation does not always fully resolve the underlying causes of intertribal land disputes. In some cases, agreements are not properly documented, parties later contest settlement terms, or the same conflicts reappear because the root issue of boundary uncertainty remains unresolved. The consequences of these disputes are often serious and wide-ranging. They may lead to mistrust among neighbouring communities, breakdown of peaceful coexistence, disruption of farming activities, loss of livelihoods, displacement, and in some cases destruction of

¹ AUC-ECA-AfDB Consortium. (2010). *Framework and Guidelines on Land Policy in Africa*, Addis Ababa, ECA.

property or physical confrontation. Such consequences show that intertribal land disputes are not only legal issues but also social and developmental problems.

It is against this background that this article examines mediation in intertribal land disputes and their consequences in Eyumojock Sub-Division. The study seeks to understand how mediation functions in practice, the extent to which it helps resolve conflict, and the broader effects of unresolved land disputes on community life.

2. Overview of the Concept of Mediation in Intertribal Disputes

The concept of mediation received legislative recognition in Cameroon for the first time in the ratified OHADA Treaty. The treaty gives the Commissioner appointed to resolve the dispute, power to determine the process for settling the dispute which may include mediating the dispute, conducting a fact-finding exercise and making recommendations to the parties which may be in the form of an advisory arbitration award.¹

2.1 Meaning of Mediation

Mediation is a voluntary, party-centered and structured negotiation process where a neutral third party assists the parties in amicably resolving their dispute by using specialized communication and negotiation techniques.² The process can take any of the two forms: Court referred or Private mediation. Court referred mediation applies to cases pending in Court and which the Court would refer for mediation. In private mediation, however, qualified mediators offer their services on a private, fee-for-service basis to the Court, to members of the public,

to members of the commercial sector and also to the governmental sector to resolve disputes through mediation. Private mediation can be used in connection with disputes pending in Court and pre-litigation disputes.³

In all forms of the mediation process, the mediator remains impartial, independent, detached and objective and their personal preferences or perceptions do not have any bearing on the dispute resolution process and only plays a facilitative and evaluative role⁴. During the mediation, the parties retain the right to decide for themselves whether or not to settle a dispute and, if so, the terms of the settlement. Even though the mediator facilitates their communications and negotiations, the parties always retain control over the outcome of the dispute.⁵

The mediation process usually starts by referral of a dispute to the mediator by the community leadership.⁶ It may also be referred directly by one or both parties, but in cases involving customary land, the mediator ought to inform the community leadership and receive permission to attempt to resolve the dispute by mediation.⁷ This is important because if mediation fails, the dispute would then go before the relevant community dispute resolution forum for adjudication, and therefore they should have prior knowledge that a dispute exists.⁸

The privacy, confidentiality and non-disclosure of agreements are part of the communicative signals that help build confidence in the mediation approach. Moreover, any statement made or information furnished by either of the parties, and any document produced or prepared for/during mediation is inadmissible and non-discoverable in

¹ Morgan, Brigg and Roland, Bleiker (eds). (2011). *Mediating across Difference: Oceanic and Asian Approaches in Conflict Resolution*. Honolulu: University of Hawaii Press, 24.

² Engel, Antonia. (2007). *Negotiation and Mediation Techniques for Natural Resource Management*. Trainers Guide. Rome: FAO, 45.

³ Gumede, Nathi. (2020). *Capacity Development in Conflict Resolution through Mediation to help Resolve conflicts and disputes affecting customary land tenure in Eswatini*. Final Project Report, 12.

⁴ Larbi, Wordsworth Odame and Maria Paola Rizzo. (2019). *Improving Governance of Tenure: Technology as the Enabler*. Paper prepared for presentation at the 2019 World Bank Conference on Land and Poverty, March 25-29, Washington D.C, 20

⁵ *Ibid*

⁶ Susskind, Lawrence, Mieke, van der Wansem, & Armand, Ciccarelli. (2000). *Mediating Land Use Disputes: Pros and cons*. Cambridge, MA: Lincoln Institute of Land Policy, 12

⁷ *Ibid*

⁸ AUC-ECA-AfDB Consortium. (2010). *Framework and Guidelines on Land Policy in Africa*, Addis Ababa, ECA, 34

any proceeding¹. Any concession or admission made during mediation cannot be used in any proceeding.² Further, any information given by a party to the mediator during mediation process is not disclosed to the other party, unless specifically permitted by the first party. No record of what transpired during mediation is prepared.

The mediator cannot be called upon to testify in any proceeding or to disclose to the court as to what transpired during the mediation. The settlement reached in a case that is referred for mediation during the course of litigation is required to be reduced to writing, signed by the concerned parties and filed in Court for the passing of an appropriate order. A settlement reached at a pre-litigation stage is a contract, which is binding and enforceable between the parties. In the event of failure to settle the dispute, the report of the mediator does not mention the reason for the failure. The report will only say "not settled".³

If the mediation is successful a documentary record of the settlement agreement must be prepared.⁴ If requested by the parties, the mediator can assist with the drafting of the agreement. However, it is often best that the parties write it themselves, which helps to reinforce and sustain the agreement, but this is not always practical.⁵

There are a number of characteristics that define the mediation approach.

2.2 Types of Mediation in Intertribal Land Disputes

Mediation in intertribal land disputes is not a monolithic process but encompasses various types that differ in formality, institutional affiliation, mediator identity, procedural structure, and legal recognition. Understanding these is essential for critically evaluating their appropriateness,

effectiveness, and implications for resolving land conflicts in contexts like Eyumojock Sub-Division where customary law, traditional authority, and statutory legal frameworks intersect. This discussion critically examines the principal types of mediation employed in intertribal land disputes, analyzing their characteristics, advantages, limitations, and contextual suitability.

2.2.1 Traditional/Customary Mediation

Traditional or customary mediation represents the most prevalent and historically entrenched form of mediation in intertribal land disputes across Africa, including Cameroon's South-West Region. This type of mediation is conducted by traditional authorities such as chiefs, village heads, sacred kings, council of elders, family heads, or other customary leaders who derive their authority from indigenous governance structures rather than state appointment. In Eyumojock Sub-Division, traditional mediation typically involves the Chiefs, "Mgbe"/"Ekpe" Society, divisional chiefs, quarter heads, or respected elders who possess deep knowledge of customary land tenure systems, ancestral claims, oral histories, and traditional boundary markers.

The defining characteristic of traditional mediation is its grounding in indigenous knowledge systems, cultural norms, and community values. Mediators in this context apply customary law, recognize spiritual and cultural significance of land, incorporate traditional dispute resolution rituals, and employ culturally appropriate communication styles and procedures. The process often takes place in traditional meeting halls, sacred spaces, or community gathering places rather than formal institutional settings. Local values such as deliberation, collective cooperation, coexistence,

¹ Garcia, R. (2021). ADR and land conflicts in Latin America. *Latin American Journal of Legal Studies*, 12(3), 204-226:215

² Friedman, M. (2018). The morality of capitalism: a political economy perspective on John Rawls' theory of justice. *Journal of Business Ethics*, 149(3), 2018, pp. 725-738:730

³ Ajayi, Adeyinka Theresa & Buhari, Lateef Oluwafemi. (2014). Methods of Conflict Resolution in African Traditional Society'. *African Research Review: An International Multidisciplinary Journal, Ethiopia*, 8(2), Serial No. 33, 79-91:87.

⁴ COWI. (2018). *Guidelines for Land Dispute Mediation. Technical Assistance Support in Sustainable Land Administration and Management*, 13

⁵ *Ibid*

and community harmony serve as foundational principles guiding the mediation process.

Traditional mediation offers significant advantages for resolving intertribal land disputes. Its cultural competence ensures that indigenous knowledge systems, oral traditions, and customary practices receive proper recognition and validation. The authority of traditional mediators derives from community acceptance and respect, lending legitimacy to the process that enhances compliance with agreements¹. The informal nature reduces costs and barriers to access, making justice available to rural populations who cannot afford formal litigation. Traditional mediation also preserves and reinforces customary law systems that might otherwise erode under pressure from formal legal systems.²

However, traditional mediation faces critical challenges that warrant scrutiny. The lack of standardized procedural guidelines complicates implementation and reduces effectiveness. Quality and fairness vary significantly depending on the competence, integrity, and bias of individual mediators.³ Traditional power structures may marginalize vulnerable groups including women, youth, and minority families whose interests may be overlooked in patriarchal customary systems. The informal nature means agreements may lack formal enforceability, relying instead on social pressure and moral obligation. Additionally, traditional mediation may struggle with complex disputes involving multiple tribes, large land areas, or conflicting claims that exceed the capacity of local customary institutions.⁴

2.2.2 Community-Based Mediation

Community-based mediation represents a hybrid form that emerges from within communities but

operates with greater structure and inclusivity than purely traditional mediation. This type involves mediators selected from the community who may include traditional leaders, religious figures, respected community members, women's group leaders, youth representatives, local government officials, or civil society organization representatives acting collectively as intermediaries. In intertribal land disputes, community-based mediation often involves representatives from all conflicting tribes to ensure balanced representation and mutual trust.⁵

The distinguishing feature of community-based mediation is its participatory and inclusive nature. The process engages the broader community beyond immediate disputing parties, creating ownership and support for resolution outcomes. Multiple stakeholders participate as mediators, witnesses, or observers, lending legitimacy and ensuring that agreements reflect community norms and expectations. This inclusivity is particularly valuable in intertribal disputes where trust between groups is fragile and where resolution requires broad community buy-in to prevent future conflicts.⁶

Community-based mediation successfully balances cultural sensitivity with procedural fairness. By involving diverse community representatives, the process reduces the risk of bias that might characterize mediation conducted by a single traditional authority. The presence of women's representatives, youth leaders, and members from all conflicting tribes ensures that multiple perspectives receive consideration. This diversity enhances the legitimacy and durability of agreements, as all community segments feel represented in the process.⁷

The effectiveness of community-based mediation depends on enthusiastic community engagement,

¹ Yin, R.K. (n.d.). *Case study research: design and methods*. 5th ed. Thousand Oaks, SAGE Publications, 67

² Williams, K. (2023). The role of ADR in conflict resolution in emerging economies. *Global Journal of Legal Studies*, 31(2), 245-273:270

³ *Ibid*

⁴ Wehrmann, B. (2017). The dynamics of land tenure and conflict in Sub-Saharan Africa. Berlin, German Federal Ministry for Economic Cooperation and Development.

⁵ Wamala, D. (2020). Fostering peaceful coexistence through community-based land mediation in Uganda. Kampala, Uganda Land Trust.

⁶ *Ibid*

⁷ Verplanke, J. and McCall, M. (2010). *Boundary demarcation and land conflicts: the role of participatory mapping in Tanzania*. Enschede, University of Twente Press, 60

transparency, and inclusivity throughout the process. When these elements are present, the process achieves sustainable outcomes that address underlying interests and preserve community relationships. However, challenges include potential for community pressures to influence outcomes, difficulty coordinating multiple mediators with different perspectives, and the time-intensive nature of inclusive processes that may delay resolution.¹

2.2.3 Court-Annexed Mediation

Court-annexed mediation represents a formal type of mediation integrated within the judicial system, where courts refer land disputes to mediation before or during litigation proceedings. This type operates under statutory frameworks, procedural rules, and judicial supervision, distinguishing it from informal traditional or community-based mediation. In Cameroon, court-annexed mediation has been increasingly recognized as part of alternative dispute resolution reforms aimed at reducing court caseloads, expediting dispute resolution, and providing more accessible justice mechanisms².

Court-annexed mediation in intertribal land disputes typically involves court-appointed or certified mediators who may be lawyers, retired judges, professional mediators, or trained legal professionals operating within court facilities or designated mediation centers³. The process follows formal procedural guidelines, maintains official records, and produces agreements that carry legal enforceability equivalent to court judgments when properly ratified. Parties may voluntarily participate or be mandated by courts to attempt mediation before proceeding with full litigation.⁴

The primary advantage of court-annexed mediation is its combination of mediation's flexibility with formal legal recognition and enforceability.

Agreements reached through court-annexed mediation carry the weight of court orders, providing stronger enforcement mechanisms than informal mediation agreements⁵. The process operates under judicial supervision, ensuring procedural fairness, adherence to legal standards, and protection of parties' rights. Court-annexed mediation also provides access to professional mediators with legal training and mediation expertise, potentially enhancing the quality and fairness of the process.⁶

However, court-annexed mediation faces significant limitations in resolving intertribal land disputes in rural contexts like Eyumojock. The formal nature may alienate rural communities unfamiliar with legal procedures and uncomfortable with court environments. The involvement of lawyers and legal professionals increases costs, potentially excluding economically disadvantaged parties.⁷ The process may lack cultural sensitivity, with mediators lacking understanding of customary law, traditional practices, and indigenous knowledge systems essential for resolving intertribal land disputes. Additionally, court-annexed mediation may still be perceived as part of the formal legal system that rural community's distrust or view as inaccessible.

2.2.4 Facilitative Mediation

Facilitative mediation represents a specific approach within mediation types where the mediator acts primarily as a process facilitator rather than content expert or evaluator. In this type, the mediator focuses on managing communication, structuring dialogue, helping parties identify interests, generating options, and reaching voluntary agreements without providing opinions on legal merits or suggesting specific solutions. The

¹ *Ibid*

² UN Women. (2017). Seminar report - Gender-responsive alternative dispute resolution. Asia-Pacific: UN Women. Available at: <https://asiapacific.unwomen.org> (Accessed: 15 November 2025).

³ Atangana, J.A. (2018). *Land Law and Customary Tenure in Cameroon*. Yaoundé: CLEPublishing, 67

⁴ Ngwa, A.N. (2019). *Alternative Dispute Resolution in Cameroon: Theory and Practice*. Buea: University of Buea Press, 78

⁵ *Ibid*

⁶ Atangana, J.A. (2018). *Op.cit*

⁷ Fombad, C.M. (2020). *Land Disputes and Resolution Mechanisms in Central Africa*. Cape Town: UCT Press, 67

mediator's role is to guide the process while parties retain full control over substantive decisions.¹

In intertribal land disputes, facilitative mediation emphasizes creating safe spaces for dialogue, ensuring all parties have opportunity to express their perspectives, helping parties understand each other's underlying interests, and facilitating collaborative problem-solving. The mediator employs techniques such as reframing statements, asking open-ended questions, paraphrasing to confirm understanding, and helping parties evaluate options without imposing opinions.²

The strength of facilitative mediation lies in its commitment to party autonomy and self-determination. Parties control the outcome rather than receiving mediator recommendations, which enhances satisfaction and compliance with agreements³. The process encourages creative solutions that address underlying interests rather than merely legal positions, particularly valuable in intertribal disputes where interests extend beyond title to include cultural significance, ancestral connections, and practical needs.⁴

However, facilitative mediation requires parties with relatively equal bargaining power and capacity to negotiate effectively. In intertribal land disputes where power imbalances exist between tribes, wealthier families, or gender groups, facilitative mediation may produce agreements that favor stronger parties⁵. The approach also requires skilled mediators with advanced communication and process management abilities, which may be scarce in rural contexts.⁶

2.2.5 Evaluative Mediation

Evaluative mediation represents an approach where the mediator provides assessments of legal merits,

predicts likely court outcomes, and suggests specific settlement options based on legal standards and professional expertise.⁷ Unlike facilitative mediation, the evaluator mediation role includes providing substantive opinions on the strengths and weaknesses of each party's case, potentially influencing parties' decisions about settlement.⁸

In intertribal land disputes, evaluative mediation may involve mediators with legal training who assess documentary evidence, apply statutory and customary law principles, and provide opinions on likely judicial outcomes. This approach may be particularly relevant when disputes involve complex legal questions about land title, overlapping claims, or conflicts between customary and statutory law.

The advantage of evaluative mediation is that it provides parties with realistic assessments of their legal positions, potentially encouraging settlement when litigation would be unfavorable. Parties receive professional guidance on legal merits, which may be particularly valuable for those unfamiliar with legal systems or uncertain about their claims. The approach may be more efficient than purely facilitative mediation when parties need guidance on legal realities.

However, evaluative mediation significantly reduces party autonomy, as mediator opinions may unduly influence settlements. The approach may inadequately address non-legal interests such as cultural significance, ancestral connections, or relationship preservation that are crucial in intertribal disputes⁹. Evaluative mediation may also privilege formal legal standards over customary practices, potentially undermining the recognition of indigenous land rights. Furthermore, mediators providing legal opinions may inadvertently practice

¹ Akwe Ngole Ray Junior, D. (2025). An Assessment of the Role the Land Consultative Board in the Resolution of Land Disputes in Cameroon. *Studies in Law and Justice*, 4(6), 49–59:50

² *Ibid*

³ Fombad, C.M. (2019). Alternative Dispute Resolution in African Land Law. *Journal of African Law*, 63(2), 245–267:260

⁴ *Ibid*

⁵ Konings, P. (2011). Settling border conflicts in Africa peacefully: lessons learned from the Bakassi dispute between Cameroon and Nigeria. *Land, Law and Politics in Africa*. Leiden: Brill, 191–210:202

⁶ *Ibid*

⁷ Ngoh, V.J. (2020). Customary Mediation Mechanisms in Cameroonian Land Conflicts. *African Journal of Legal Studies*, 13(3), 312–334:320

⁸ *Ibid*

⁹ Enowmbi, E.B. (2018). The Effectiveness of Traditional Mediation in Rural Land Disputes in Cameroon. *Cameroonian Journal of Law*, 7(1), 45–62:60

law without proper representation of both parties, raising ethical concerns.¹

2.2.6 Transformative Mediation

Transformative mediation represents a distinct approach focused on empowering parties and fostering mutual recognition rather than simply reaching settlement agreements. In this type, the mediator's primary goal is to support parties in transforming their relationship through enhanced decision-making capacity (empowerment) and increased understanding of each other's perspectives (recognition). Settlement is viewed as a potential byproduct of transformation rather than the primary objective.

In intertribal land disputes, transformative mediation emphasizes helping parties from conflicting tribes develop stronger capacity to make informed decisions, understand each other's perspectives, histories, and concerns, and recognize shared humanity despite historical conflicts. The process may involve extended dialogue, storytelling, acknowledgment of past harms, and building mutual understanding that addresses root causes of conflict rather than merely surface-level disputes.

The strength of transformative mediation is its focus on long-term relationship transformation rather than immediate settlement. In intertribal disputes where parties must continue coexisting after resolution, addressing underlying relationship dynamics and historical grievances may produce more durable peace than agreements that merely resolve immediate boundary questions². This approach aligns with African traditional justice principles emphasizing restoration, healing, and community harmony over individual victory.³

However, transformative mediation is time-intensive and may not satisfy parties seeking quick resolution of urgent land disputes affecting agricultural cycles and livelihoods. The approach requires highly skilled mediators trained in transformative methodology, which may be scarce in rural Cameroonian contexts. Additionally, some parties may prefer more directive approaches that provide clearer guidance on settlement options.⁴

2.3 Characteristics of Mediation as an Alternative Dispute Resolution Mechanism

Mediation stands as one of the most prominent and widely practiced forms of Alternative Dispute Resolution (ADR), distinguished by a constellation of characteristics that renders it uniquely suitable for resolving diverse conflicts ranging from commercial disputes to intertribal land conflicts.⁵ These characteristics define mediation's nature, structure, and philosophy, differentiating it from adjudication, arbitration, and other dispute resolution mechanisms. This critical discussion examines the essential characteristics of mediation, analyzing their significance, implications, interrelationships, and critical limitations in practice.⁶

2.3.1 Voluntary Party-Driven Process

Even where the court has referred the case for the mediation or if mediation is required under a contract or a statute, the decision to settle and the terms of settlement always rest with the involved parties⁷. This right of self-determination ensures that the outcome is acceptable to them.⁸ Because the parties have ultimate control over the outcome any party may withdraw from the mediation

¹ Tambe, A.N. (2021). Integrating Customary and Statutory Mediation in Land Conflict Resolution. *International Journal of Law in Context*, 17(4), 478–495:479

² *Ibid*

³ Atangana, J.M. (2019). Land Consultative Boards and ADR in Cameroon. *African Human Rights Law Journal*, 19(2), 401–423:420

⁴ Nacchwa Mei, M. (2017). *An Assessment in the Effectiveness of Mediation in Settling Land Disputes: Case Study in Apac District*. B.A. thesis. Uganda: Uganda Christian University, Unpublished, 98

⁵ Okoro, C.E. (2020). *Mediation as an Effective Aid for Resolving Land Disputes in Cameroon*. LLM dissertation. South Africa: University of Pretoria, 67

⁶ *Ibid*

⁷ FAO. (2021). *Applying mediation in customary land tenure disputes. Lessons from Eswatini*. Rome, 30

⁸ Fisher, R., Ury, W.L. and Patton, B. (2011). *Getting to yes: negotiating agreement without giving in*. 2nd ed. New York, Penguin Books, 34

proceedings at any stage before its termination and without assigning any reason.¹

The voluntary character of mediation represents its foundational principle and most distinguishing feature. Parties enter mediation voluntarily and retain the right to withdraw at any point during the process without penalty². Unless specifically mandated by agreement or court order, participants can abandon mediation after the first meeting if continuation does not meet their interests. Even when parties have agreed to submit a dispute to mediation, they remain free to abandon the process at any time for any reason or no reason.³ This voluntary nature profoundly shapes mediation's dynamics and outcomes. Parties' willingness to participate signals genuine commitment to resolution, enhancing the likelihood of successful outcomes. The ability to withdraw protects parties from coercion, ensuring that any agreement reached reflects genuine consent rather than forced submission. Research demonstrates that parties who actively resolve their own conflicts through voluntary participation demonstrate dramatically elevated compliance rates.⁴

However, the voluntary character presents critical limitations. When one party lacks genuine commitment or uses mediation strategically to delay litigation, the process may prove ineffective. Court-mandated mediation, increasingly common in many jurisdictions, creates tension with voluntariness principles, though parties typically retain right to withdraw from actual agreement.⁵ In contexts like intertribal land disputes where power imbalances exist, the voluntary nature may inadequately protect

vulnerable parties who face implicit coercion from dominant groups despite formal freedom to withdraw.⁶

2.3.2 Party Autonomy and Self-Determination

Mediation embodies profound commitment to party autonomy, granting disputants total command over process and decision-making. Parties possess complete decision-making power and veto authority over each provision of any mediated agreement.⁷ Nothing can be imposed forcibly on anyone, and the mediator cannot make decisions for parties. This self-determining characteristic distinguishes mediation fundamentally from adjudication, where judges impose binding decisions regardless of parties' preferences.⁸

The autonomy characteristic empowers parties to control outcomes, craft creative solutions addressing their specific interests, and maintain dignity throughout the process. Parties decide how mediation should be conducted, what issues to address, what information to disclose, and what solutions to pursue. This control enhances satisfaction with outcomes and increases compliance, as parties have voluntarily committed to agreements rather than receiving imposed judgments.⁹

Party autonomy assumes relatively equal bargaining power between parties, which may not exist in many disputes. In intertribal land conflicts where wealthier families, dominant tribes, or male representatives hold significantly greater power than marginalized groups, women, or youth, unfettered autonomy may produce agreements favoring stronger parties. The characteristic also

¹ CFS-FAO. (2012). *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security*. Rome: FAO, 4p.

² Tchouanguep, M. (2018). *Alternative Dispute Resolution in Land Matters: The Cameroonian Experience*. LLM dissertation. Cape Town: University of Cape Town, 78.

³ Food and Agriculture Organization (FAO). (2021). *Voluntary Guidelines on the Responsible Governance of Tenure: Cameroon Country Report*. Rome: FAO, 70

⁴ Kinsmen Advocates. (2025). *Business Dispute Resolution in Cameroon: 7 Critical Actions You Should Take*. Available at: <https://kinsmenadvocates.com/business-law/business-dispute-resolution-cameroon> 33 (Accessed: 8 January 2026).

⁵ Cameroon News Agency (2021) Land Disputes Represent More Than 80% of Court Cases in Cameroon. Available at: <https://www.facebook.com/CAMEROONNEWSAGENCY/posts/land-disputes-represent-more-than-80-of-court-cases-in-cameroon> (Accessed: 5 April 2026).

⁶ *Ibid*

⁷ Lincoln Institute of Land Policy. (2017). *Integrating Mediation in Land Use Decision Making*. Available at: <https://www.lincolnst.edu/publications/articles/integrating-mediation-land-use-decision-making/> (Accessed: 8 January 2026).

⁸ *Ibid*

⁹ Singh, T. and Mbatha, M. (2022). Land reform and ADR in South Africa. *South African Law Journal*, 139(2), 195-220:215.

requires parties with sufficient capacity, knowledge, and resources to negotiate effectively, potentially excluding those lacking legal literacy or negotiation skills.¹

2.3.3 Confidentiality

Mediation is confidential to the extent parties desire and agree, whether through statute, contract, rules of evidence, or privilege. Mediation discussions and all materials developed for mediation are not admissible in any subsequent court or contested proceedings, except for a finalized and signed mediated agreement. Sessions are held in private and are not reported, protecting sensitive information from public disclosure.²

Confidentiality serves multiple critical functions in mediation. It creates safe spaces for open dialogue, allowing parties to express concerns, acknowledge interests, and explore settlement options without fear that communications will be used against them in future litigation. This protection encourages honest communication and genuine compromise impossible in adversarial litigation where every statement becomes potentially damaging evidence³. Confidentiality also protects parties' reputations, particularly important in community disputes where public exposure of conflicts affects social standing, marriage prospects, and economic relationships.⁴

However, confidentiality presents significant criticisms. The lack of public scrutiny may enable unfair outcomes, particularly when power imbalances exist. Confidential processes cannot establish public precedents contributing to legal development or informing similar disputes.⁵ In cases involving public interest, systematic abuses, or violations of fundamental rights, confidentiality

may shield problematic conduct from appropriate oversight.⁶ The characteristic also limits accountability, as mediators' conduct and process quality remain hidden from public review.

2.3.4 Impartiality and Neutrality of the Mediator

The mediator maintains equal and balanced responsibility to assist each mediating party, cannot favor any party's interests over another, and should not favor particular results. Mediators are ethically obligated to acknowledge any substantive bias on major issues and ensure parties reach agreements voluntarily and informed, not due to coercion or intimidation. The mediator serves as a neutral third party without decision-making power.⁷

Impartiality and neutrality are essential for mediation's legitimacy and effectiveness. Parties must trust that the mediator will not favor one side, enabling open communication and genuine engagement. Neutral mediators create safe spaces where all perspectives receive equal consideration, fostering mutual understanding and collaborative problem-solving. The mediator's role is facilitating communication and process management rather than advocating for particular outcomes.⁸

2.3.5 The Active and Direct Participation of the Disputing Parties

Although mediators, lawyers, and other participants involved have active roles in mediation, it is the involved parties who explain the factual background of the dispute, identifying issues and underlying interests, generating options for agreement and making a final decision regarding settlement.⁹ Mediation is fundamentally collaborative, encouraging disputant parties to work together to solve problems and reach

¹ *Ibid.*

² Shemdoe, R. and Kihamba, C. (2023). The political economy of land disputes in Tanzania. *Journal of Development Studies*, 19(3), 67-88:79.

³ Schomerus, M. and Rigterink, A.S. (2021). Disputes and displacement: a critical review of land conflicts in Africa. *Journal of Peace Research*, 58(4), 501-515:510

⁴ *Ibid*

⁵ Rashid, M. and Rahman, M. (2023). ADR practices in Bangladesh: lessons and challenges. *Bangladesh Law Review*, 27(2), 145-168:150

⁶ *Ibid*

⁷ Peters, P. (2021). Land, conflict, and identity in Sub-Saharan Africa. *Journal of African Studies*, 45(2), 235-256.

⁸ *Ibid*

⁹ Susskind, Lawrence, Mieke, van der Wansem, & Armand, Ciccarelli. (2000). *Mediating Land Use Disputes: Pros and cons*. Cambridge, MA: Lincoln Institute of Land Policy, 20.

agreements they perceive as best. The process emphasizes joint problem-solving, mutual understanding, and cooperative development of solutions rather than adversarial positioning. Parties actively participate in the process, participating directly rather than having legal professionals conduct proceedings on their behalf.¹

2.3.6 Flexibility and Informality

This means that it is not governed by the dictates of evidence and formal rules of procedure². Nonetheless, it is not an extemporaneous or casual process but is structured with clearly identifiable stages towards the final resolution of a dispute.³ Mediation is informal and relatively unstructured compared to court proceedings.⁴ The process is not bound by the same rules that govern courts or tribunals, offering flexibility in procedure, timing, location, and format. Mediation takes place at times and locations agreed by parties, allowing combinations of joint and individual meetings, and avoiding formal “legal speak” or cross-examination.⁵

This informality and flexibility render mediation accessible to parties unfamiliar with legal procedures, reducing intimidation and barriers to participation.⁶ The process adapts to parties’ needs, cultural contexts, and dispute characteristics rather than requiring conformity to rigid procedural requirements. In intertribal land disputes, informality enables incorporation of customary practices, traditional boundary markers, oral histories, and cultural rituals that formal litigation would exclude.⁷

2.3.7 Future-Focused Orientation

Mediation is focused on resolving issues and addressing how parties can move forward rather than what has already happened and apportioning fault or blame. The process keeps parties focused on the future and their goal of resolving the dispute, keeping discussions oriented toward practical solutions rather than historical grievances.⁸

This future-focused orientation distinguishes mediation from litigation, which often emphasizes establishing past facts, proving wrongdoing, and determining liability. Future orientation enables parties to develop practical solutions addressing current needs and future relationships rather than dwelling on past harms⁹. In intertribal land disputes, this approach facilitates agreements supporting continued coexistence, agricultural planning, and community development rather than merely determining historical ownership.¹⁰

2.3.8 Creative and Practical Solutions

Mediation enables creative and practical remedies that may not be available through legal proceedings. The process allows parties to develop innovative solutions addressing underlying interests rather than merely legal rights, including shared use arrangements, phased adjustments, compensation packages combining multiple forms of restitution, or cooperative agreements.

This creative characteristic enables mediation to address complex disputes where rigid legal categories inadequately capture parties’ needs. In intertribal land disputes, creative solutions may include shared access to water sources, protection of sacred sites, agricultural corridors, or conservation

¹ AfricaBib. (2010). Settling Border Conflicts in Africa Peacefully: Lessons from Bakassi Dispute. Available at: <https://www.africabib.org/rec.php?RID=343764385> (Accessed: 8 May 2026).

² Fischer, G. (2007). Beyond the food crisis: conflict and resource scarcity in the 21st century. In: Anderson, M. ed. *Food security and sustainability in the developing world*. Cambridge, Polity Press, 45-67:60

³ *Ibid*

⁴ Fokwa, D.N. (2022). *Institutional Challenges in Mediating Land Disputes in Cameroon*. PhD thesis. London: University of London School of Oriental and African Studies, 6, 97

⁵ Okoro, C.E. (2020). *Mediation as an Effective Aid for Resolving Land Disputes in Cameroon*. LLM dissertation. South Africa: University of Pretoria, 70

⁶ Asa, M.O. (2020). *Comparative Analysis of Mediation in Land Disputes: Cameroon, Kenya and Rwanda*. LLM mini-dissertation. South Africa: University of Pretoria, 123

⁷ *Ibid*

⁸ Mbome, L. (2020). Legal Framework for Mediation in Cameroonian Land Disputes”, *African Journal of International and Comparative Law*, 28(3), 345–367:354

⁹ *Ibid*

¹⁰ *Ibid*

arrangements that litigation focused on exclusive ownership cannot produce.

However, creative solutions require parties with imagination, negotiation skills, and willingness to explore alternatives beyond conventional approaches. The characteristic also assumes mediators can facilitate creative thinking without imposing their own preferences, requiring advanced facilitation skills.

2.3.9 Prejudice to Other Processes

Mediation participation is without prejudice to participation in other processes. Parties' involvement in mediation does not prevent subsequent litigation, arbitration, or other dispute resolution if mediation fails. This characteristic preserves parties' rights while encouraging genuine mediation engagement¹.

This characteristic reduces barriers to mediation participation, as parties can attempt mediation without forfeiting other options. However, it may also enable parties to use mediation strategically for information gathering while preparing for litigation, undermining genuine commitment to resolution.²

2.3.10 It Is Assisted Negotiation Process Which Addresses Both the Factual and Legal Issues and the Underlying Causes of a Dispute

Thus, mediation is broadly focused on the facts, law, and underlying interests of the parties, such as personal, business/commercial, family, social and community interests³. The goal of mediation is to find a mutually acceptable solution that adequately and legitimately satisfies the needs, desires and interests of the parties.⁴

2.4 Mediation Distinguish from Related Concepts

Mediation is a consensual, interest-based process in which a neutral third party helps disputants communicate and negotiate their own settlement,

while litigation is an adversarial, court-driven process in which a judge or jury imposes a binding outcome after formal procedures. The distinction matters because mediation emphasizes autonomy, confidentiality, flexibility, and relationship preservation, whereas litigation emphasizes legal rights, procedural formality, public accountability, and enforceability.

2.4.1 Mediation and Litigation

Mediation and litigation are often presented as alternatives, but they serve different purposes and operate on different logics. Litigation is appropriate where parties need a definitive legal ruling, urgent coercive relief, precedent, or public vindication of rights; mediation is better where the parties want a faster, less expensive, more private, and more cooperative solution. In mediation, the parties retain control over both the process and the result, while in litigation the control shifts to the court, and the outcome is determined by legal rules rather than by what the parties themselves consider workable.⁵

The main advantage of mediation over litigation is its efficiency. It usually takes less time, costs less, and creates less stress because it avoids many of the delays, technicalities, and expenses associated with court proceedings. It is also less adversarial, so it can preserve personal, commercial, family, or institutional relationships that litigation often damages. Another advantage is confidentiality: mediation is ordinarily private, whereas litigation is generally public, which may matter where reputational concerns, business secrets, or personal dignity are involved.⁶

However, mediation also has important weaknesses when compared with litigation. It does not guarantee settlement, and even when an agreement is reached, the process may lack the sense of finality that a judgment brings. Mediation also offers less

¹ Tchuente, P. (2023). Post-Conflict Land Dispute Mediation in Anglophone Cameroon. *Journal of Post-Conflict Justice*, 9(2), 145–168:160

² *Ibid*

³ Emanuel, P.N. and Ndimbwa, T. (2013). Land disputes and conflict resolution in Tanzania. Dar es Salaam, Mkuki na Nyota Publishers, 15.

⁴ *Ibid*.

⁵ Trueman, J. ediation in the World of Commercial Dispute Litigation: An Inside Look at the Challenges for Counsel, Mediators, and Insurance Claims Professionals.

⁶ Robinson, P. An Empirical Study of Settlement Conference Nuts and Bolts.

discovery and fewer coercive tools, so a party with superior information or bargaining power may benefit more than the weaker side. In disputes involving serious rights violations, power imbalance, fraud, or the need for authoritative interpretation of law, litigation may be preferable because it provides structured evidence testing, appeal rights, and a binding order that can be enforced by the state.¹

Litigation, for its part, has advantages that mediation cannot fully replicate. It provides a formal adjudication process with rules of evidence, legal representation, and the possibility of appeal, which can be crucial where a party wants legal certainty or a precedent-setting decision. It is also useful where one party refuses to cooperate, needs interim remedies, or where the dispute concerns public law, constitutional issues, or strongly contested legal rights. Its disadvantages are equally clear: it is usually slower, more expensive, more stressful, and more rigid than mediation.²

2.4.2 Mediation and Negotiation

Mediation and negotiation are closely related, but they are not the same. Negotiation is a direct communication between parties aimed at reaching agreement without necessarily involving a third person, whereas mediation introduces a neutral intermediary who structures the discussion, manages conflict, and helps the parties move beyond deadlock. Put differently, negotiation is the broader concept; mediation is a facilitated form of negotiation with a third-party presence.³

The key advantage of mediation over simple negotiation is that the mediator can reduce hostility and break impasses. Where emotions, mistrust, or unequal communication skills make direct talks ineffective, the mediator can reframe issues, manage emotions, and help each side understand the other's interests.⁴ This makes mediation especially useful

in disputes where the parties still have to interact after the conflict, such as business partnerships, workplace disputes, or family matters. Negotiation, however, is more flexible and informal because the parties control everything directly without a third person shaping the dialogue.⁵

Negotiation has the advantage of maximum autonomy. Since no mediator is involved, the parties can speak freely, bargain creatively, and settle matters quickly without paying facilitation fees or following a structured process. It may also be better where the parties trust each other, the issues are simple, or time is very limited. Its weakness is that it can fail easily when there is inequality of bargaining power, poor communication, or emotional tension, because nothing in the process ensures fairness or order.⁶

Mediation improves on these problems by adding structure, neutrality, and procedural discipline, but that improvement comes at a cost. The mediator may slow the process, and because the mediator does not impose a result, the parties may still walk away without agreement. In other words, mediation is stronger than ordinary negotiation at overcoming conflict, but weaker than negotiation in pure spontaneity and direct control. For that reason, mediation is best understood as a hybrid process: it preserves the voluntary character of negotiation while adding facilitation and balance.

2.4.3 Mediation and Arbitration

Mediation and arbitration are both forms of alternative dispute resolution, but they differ sharply in function. Mediation is non-adjudicatory: the mediator helps the parties reach their own settlement, but does not decide the dispute. Arbitration is adjudicatory: the arbitrator hears the case, evaluates the evidence, and renders a binding

¹ Concluding a Successful Settlement Conference: It Ain't Over Till It's Over.

² Baker, T. Sizing Up Settlement: How Much Do the Merits of a Dispute Really Matter?

³ Fisher, R., Ury, W., and Patton, B. Getting to Yes: Negotiating Agreement Without Giving In

⁴ Mnookin, R. H., Peppet, S. R., and Tulumello, A. S. Beyond Winning: Negotiating to Create Value in Deals and Disputes

⁵ Susskind, L., McKernan, S., and Thomas-Larmer, J. (eds.). *The Consensus Building Handbook*.

⁶ Trueman, J. "Mediation in the World of Commercial Dispute Litigation" for negotiation dynamics inside mediation.

award, often functioning in a way that resembles a private court.¹

The chief advantage of mediation over arbitration is that it preserves party autonomy. The parties themselves decide whether to settle and on what terms, so the outcome can be more creative and commercially or personally tailored than an arbitral award. Mediation is also generally less formal, less expensive, and less confrontational than arbitration, which makes it attractive where preserving relationships or confidentiality matters. Because the parties craft their own settlement, they may also be more willing to comply voluntarily with the agreement than with an imposed award.²

Arbitration, however, offers strengths that mediation does not. It produces a binding decision even where one side refuses to compromise, so it is useful when settlement is unlikely or when the dispute requires final determination. It also gives parties a private but adjudicative process, often with specialist decision-makers who have expertise in the relevant field. Its disadvantages are that it can become expensive, formal, and time-consuming, sometimes resembling litigation in cost while offering fewer appeal opportunities.³

Mediation's disadvantage, by contrast, is that it cannot compel a result. If the parties remain entrenched, the process ends without resolution, and the dispute may then proceed to arbitration or litigation. This makes mediation excellent for consensual settlement but limited where one party needs a conclusive determination. Arbitration is therefore better where finality is the priority, while mediation is better where flexibility, preservation of relationships, and self-determined outcomes matter most.⁴

2.4.4 Mediation and Conciliation

Mediation and conciliation are often treated as similar because both involve a neutral third party helping disputing parties avoid litigation, but they are not the same in style or intensity. In mediation, the neutral person mainly facilitates communication, helps parties identify interests, and supports them in reaching their own agreement.⁵ In conciliation, the neutral is usually more interventionist and may actively suggest terms, offer opinions on strengths and weaknesses, and push the parties toward compromise⁶. This difference matters because mediation preserves greater party autonomy, while conciliation is often more directive and can feel closer to an assisted settlement conference.⁷

The main advantage of mediation over conciliation is that it gives parties more control over both process and outcome. Because the mediator does not usually judge the merits of the dispute, the atmosphere can feel less hostile and more creative, which is especially helpful where the parties must maintain a relationship afterward.⁸ Mediation also tends to protect confidentiality and reduces the risk that one side will feel publicly "defeated" by a third party's opinion. In family, community, and commercial disputes, this can make agreement more durable because it is generated by the parties themselves rather than imposed through expert pressure.⁹

The disadvantage of mediation is that its neutrality can sometimes make it too weak for disputes where one side needs strong reality-checking or where bargaining power is uneven. A mediator who avoids expressing views may fail to break deadlock, especially when one party has unrealistic legal

¹ Bressler article. Settlement Conferences Versus Mediation: A Primer for...

² Doraisamy, P. Review of Contemporary Issues in Mediation: Volume 8 (includes mediation-arbitration themes).

³ Smith, D. N. A Warmer Way of Disputing: Mediation and Conciliation, useful for distinguishing mediation from arbitration in ADR systems.

⁴ Blain, N., Goodman, J., and Loewenberg, J. J. "Mediation, Conciliation and Arbitration: An International Comparison of Australia, Great Britain and the United States."

⁵ Smith, D. N. (1978). A Warmer Way of Disputing: Mediation and Conciliation. *American Journal of Comparative Law*, 26(suppl 1), 205-216:209.

⁶ *Ibid*

⁷ Blain, N., Goodman, J., and Loewenberg, J. J. (1987). Mediation, Conciliation and Arbitration: An International Comparison of Australia, Great Britain and the United States." *International Labour Review*, 126(2), 179-198:197.

⁸ Ferreira, G. (2004). The Commission for Conciliation, Mediation and Arbitration: Its Effectiveness in Dispute Resolution in Labour Relations." *Politeia* 23(2), 73-85:78

⁹ *Ibid*

expectations or uses delay tactics. Because the mediator generally does not advise on likely court outcomes, mediation may also take longer if the parties are far apart on the merits. If mediation fails, the parties may still have to spend time and money moving to a more formal process.¹

Conciliation, by contrast, has the advantage of being more focused and reality-based. Since the conciliator may evaluate the dispute and recommend compromise, the process can help parties quickly understand the likely consequences of refusing to settle. That can be especially useful in cases where legal rights are central and where a neutral opinion helps narrow the gap between positions. Conciliation may therefore be more effective than mediation in late-stage disputes or in matters where the parties want a more authoritative push toward settlement.²

Its weakness is that the same intervention that makes conciliation effective can also make it less fair-feeling. A conciliator's greater involvement may pressure the weaker party into accepting a settlement that is expedient but not fully satisfying. It may also reduce the sense of ownership that makes mediated settlements durable. In addition, when the conciliator gives opinions or assesses claims, parties may become defensive, turning the process into a semi-adversarial exchange rather than a cooperative one.³

2.4.5 Mediation and Collaboration

Mediation and collaboration are related but different because collaboration is not always a formal dispute resolution process in the same way mediation is. Mediation is typically a structured intervention by a neutral third person who helps the parties negotiate⁴. Collaboration, especially in a

legal or organizational sense, is a broader cooperative method in which the parties themselves work jointly, often with professionals, to solve a problem without necessarily relying on a single neutral mediator. In collaborative law contexts, for example, lawyers and parties commit to solving the dispute through cooperative negotiation rather than litigation.⁵

A major advantage of mediation over collaboration is structure. Mediation provides a clear framework, a neutral facilitator, and a controlled process for moving from positions to interests.⁶ That is useful where communication has broken down, because the mediator can manage emotion, keep the discussion focused, and prevent escalation. Mediation also helps where the parties lack the skill or trust to negotiate directly, because the mediator can shuttle between them and reduce confrontation.⁷

The disadvantage of mediation is that it may still leave the parties feeling somewhat passive, since the neutral manages the process and may constrain the dialogue to what is feasible in settlement terms. In highly cooperative disputes, that structure may be unnecessary and even limit fuller exploration of shared goals. Mediation can also feel artificial if the dispute requires ongoing teamwork rather than a single settlement event. For that reason, collaborative approaches may sometimes better fit disputes involving long-term relationships, repeated interaction, or shared projects.⁸

Collaboration's strength is that it encourages joint ownership of the solution. Because the parties work together rather than presenting arguments to a third person, collaboration can build trust, preserve relationships, and generate more customized outcomes. It is often well suited to business

¹ (1963). The United States Federal Mediation and Conciliation Service: Catalyst to Collective Bargaining. *International Labour Review*, 88(5), 476–489

² Rahim, M. A., and Katz, J. P. Managing Conflict Through Mediation and Conciliation.

³ Mediation, Conciliation and Arbitration: An International Comparison is also a useful comparative book/article source on the relationship among the three processes.

⁴ Folger, J. P., and Bush, R. A. The Promise of Mediation: Responding to Conflict Through Empowerment and Recognition.

⁵ *Ibid*

⁶ Susskind, L., McKernan, S., and Thomas-Larmer, J. (eds.). The Consensus Building Handbook: A Comprehensive Guide to Reaching Agreement.

⁷ Bush, R. A. B., and Folger, J. P. The Promise of Mediation; collaboration appears as a central mediation dynamic.

⁸ Wheeler, M. The Mediation Handbook / mediation practice works emphasizing collaborative problem solving.

partnerships, family planning, workplace issues, or other contexts where the real problem is not just the legal dispute but the future relationship. Collaborative methods can also be more creative than mediation because they are not always limited by a formal settlement session.¹

But collaboration has significant weaknesses. It depends heavily on goodwill, communication skills, and a willingness to cooperate, so it can fail quickly where mistrust is high or where one party dominates the relationship. It may also be inefficient because it lacks the built-in direction of mediation, and it can drift without a firm deadline or neutral management. In adversarial or emotionally charged disputes, collaboration may be too optimistic and may allow stronger parties to shape outcomes unevenly.

2.4.6 Mediation and Case Assessment

Mediation and case assessment are fundamentally different in purpose. Mediation aims to help the parties negotiate a settlement. Case assessment is more evaluative: a neutral assessor reviews the facts, evidence, and legal issues and gives an opinion on the likely strengths, weaknesses, or value of the case. Mediation focuses on communication and compromise, while case assessment focuses on analysis, prediction, and sometimes advice about settlement range or litigation risk.²

The advantage of mediation over case assessment is that it is more adaptable to human interests beyond legal rights. A mediated outcome can include apologies, future commitments, payment structures, confidentiality clauses, or relationship-saving terms that a bare case assessment would not generate. Mediation also gives parties a sense that their real concerns have been heard, not just their legal claims. This can be crucial where the dispute includes

emotional, relational, or reputational issues that a technical assessment cannot fully address.

The drawback is that mediation may not be enough when parties need a firm appraisal of the dispute. If both sides have exaggerated beliefs about their chances, a mediator who avoids giving views may struggle to move them. That is where case assessment becomes valuable. It can provide a sober estimate of likely outcomes, reveal litigation risks, and encourage rational settlement by comparing the cost of continued conflict with the probable result.³

Case assessment's main advantage is clarity. It is especially useful in legally complex disputes, where parties need a professional perspective to understand whether their claim is strong, weak, or uncertain⁴. It can save time by narrowing issues quickly and can prevent wasted litigation on hopeless positions. In some settings, case assessment also improves settlement quality because parties negotiate with a more realistic view of what a court may do.⁵

However, case assessment has serious limitations. Because it is evaluative, it can reduce party ownership of the result and may feel judgmental or coercive. A party who hears a negative assessment may become defensive rather than cooperative. The process also risks oversimplifying disputes that involve more than legal merits, since a claim may be weak in law but still capable of settlement because of business, emotional, or practical considerations. In addition, an assessor's opinion can harden positions if parties treat it as a verdict rather than a tool for negotiation.⁶

2.4.7 Mediation Settlement Conferences

Mediation settlement conferences are structured settlement meetings, usually more formal than ordinary mediation, and often tied to litigation or court-connected dispute resolution. They are

¹ Kressel, K., and Pruitt, D. G. (eds.). *Mediation Research / works on collaborative negotiation in mediation*.

² Wissler, R. L., and Rack, R. W. Jr. (2004). *Assessing Mediator Performance: The Usefulness of Participant Questionnaires.* *Dispute Resolution Journal*, 56-89:87

³ Robinson, P. *An Empirical Study of Settlement Conference Nuts and Bolts*. *Harvard Negotiation Law Review* (empirical case assessment in court-connected processes).

⁴ Trueman, J. *Mediation in the World of Commercial Dispute Litigation: An Inside Look at the Challenges for Counsel, Mediators, and Insurance Claims Professionals*.

⁵ Baker, T. *Sizing Up Settlement: How Much Do the Merits of a Dispute Really Matter?*.

⁶ Bahr, S. J. *An Evaluation of Court Mediation.* Sage article on court mediation assessment.

designed to bring the parties together, sometimes with lawyers and a neutral facilitator, to explore settlement before trial. The process may resemble mediation, but it often occurs under tighter procedural expectations and may be integrated into the court timetable.¹

The advantage of a mediation settlement conference is efficiency. Because the conference usually happens when the case is already framed by pleadings, disclosures, or pre-trial preparation, the parties often have better information and a clearer sense of the issues. That can make settlement more realistic and reduce wasted trial preparation. The setting also creates pressure to negotiate seriously, which may overcome stalemate in a way that informal discussions cannot.²

Another advantage is that these conferences can combine legal evaluation with settlement facilitation. Parties often benefit from hearing how an experienced neutral or judge might view the strengths and weaknesses of the case. That reality check can be decisive, especially near trial when litigation costs are already high. For many disputes, a settlement conference is the last and best chance to avoid the expense, uncertainty, and delay of judgment.³

The disadvantages are that settlement conferences can be too closely tied to the litigation mindset. Because the case may already be hardening into positions, the process can become less creative and more tactical than early mediation. Parties may attend only because they feel compelled by the court or by litigation pressure, not because they genuinely want compromise. That can reduce openness and sincerity.⁴

A further weakness is that a mediation settlement conference may blur the line between facilitation and pressure. If the neutral is too evaluative, a weaker party may feel pushed into a compromise that reflects risk avoidance rather than true agreement. Also, because the conference is often

scheduled late, it may save trial time but fail to save the emotional and financial costs already spent. In other words, it can still be useful, but it is often a last-resort settlement tool rather than the most constructive one.

3. Overview of the Concept on Intertribal Land Disputes

Intertribal disputes represent one of the most complex and socially significant forms of conflict in Africa, particularly in countries like Cameroon where diverse ethnic groups coexist within colonial-imposed boundaries while maintaining distinct cultural identities, customary legal systems, and territorial claims. These disputes, often centered on land, resources, chieftaincy, or historical grievances, threaten social cohesion, impede development, and challenge state governance mechanisms. This critical discussion examines the concept of intertribal disputes, analyzing their definition, characteristics, underlying causes, manifestations, legal dimensions, and implications, with specific reference to Eyumojock Sub-Division in Cameroon's South-West Region where such disputes have historically shaped community relationships and development trajectories.

3.1 Conceptual Definition of Intertribal Land Disputes

Intertribal land disputes refer to conflicts arising between distinct ethnic groups, clans, or tribes over competing claims to land resources, territory, political authority, cultural recognition, or historical grievances. These disputes emerge from tensions between groups that maintain separate cultural identities, customary practices, kinship structures, and often territorial associations. The term "tribe" itself is contested in academic discourse, with some scholars preferring "ethnic group," "ethnicity," or "community" due to the term's colonial associations and implications of primitiveness. However, in

¹ Wissler, R. Court-Connected Settlement Procedures: Mediation and Judicial Settlement Conferences.

² (2002). Concluding a Successful Settlement Conference: It Ain't Over Till It's Over." *Court Review*.

³ Baker, T. Sizing Up Settlement: How Much Do the Merits of a Dispute Really Matter?.

⁴ Bressler article, "Settlement Conferences Versus Mediation: A Primer for..."

African legal and policy contexts, “intertribal” remains widely used to describe conflicts between distinct ethnic communities.¹

Intertribal disputes differ from intra-tribal conflicts, which occur within a single ethnic group or clan. While intra-tribal disputes may involve family quarrels, chieftaincy succession battles, or individual property disagreements, intertribal disputes implicate collective identities, group solidarity, and often ancestral claims that extend beyond individual interests to encompass entire communities. This collective dimension transforms intertribal disputes into matters of group survival, identity preservation, and intergenerational justice, making them more intractable and emotionally charged than individual disputes.²

In the legal context of Cameroon, intertribal disputes often involve questions of customary land tenure, where multiple ethnic groups claim rights to the same territory based on ancestral occupation, historical migration patterns, traditional boundary markers, oral histories, and customary allocation practices. These disputes operate within Cameroon’s hybrid legal system, which recognizes both statutory laws derived from colonial traditions and customary law rooted in indigenous practices, creating complex jurisdictional and normative challenges.

3.2 Characteristics of Intertribal Disputes

Intertribal disputes possess distinctive characteristics that differentiate them from other forms of conflict and complicate their resolution. First, these disputes are inherently collective, implicating entire ethnic groups rather than merely individual parties. The identity of each disputing party extends beyond individuals to encompass families, clans, lineages, and entire tribal communities. This collective dimension means that disputes affect group members who may not have

directly participated in the original conflict, creating intergenerational obligations and grievances.³

Second, intertribal disputes typically involve deep historical roots spanning generations, sometimes centuries. Claims often rest on ancestral occupation, historical migration patterns, traditional boundary markers established by forebears, and oral histories transmitted through generations. This historical depth makes disputes emotionally charged, as they connect to collective memories, identity formation, and ancestral heritage that transcend immediate practical concerns.⁴

Third, intertribal disputes frequently involve multiple overlapping claims based on different criteria. One group may claim land based on ancestral occupation spanning generations, another based on recent purchase with informal documentation, yet another based on customary allocation by traditional rulers, and another based on long-term use without formal title. These overlapping claims create complexity that binary legal judgments cannot adequately address, as multiple groups may possess legitimate interests under different normative frameworks.⁵

Fourth, intertribal disputes are deeply embedded in cultural and symbolic meanings. Land is not merely an economic resource but encompasses ancestral heritage, cultural identity, spiritual connection, and group survival. Specific locations may hold sacred significance, contain burial grounds of ancestors, serve as sites of historical events, or represent symbols of group identity. This cultural dimension means that disputes involve non-pecuniary interests that formal legal systems often fail to recognize or adequately protect.

Fifth, intertribal disputes in rural contexts like Eyumojock Sub-Division often involve Power imbalances between groups, with some tribes possessing greater political influence, economic resources, population size, or traditional authority than others. These power imbalances affect dispute

¹ *Ibid.*

² Ministry of Justice Cameroon (2023) Alternative Dispute Resolution Centre – Official Website. Available at: <https://www.mjjustice.gov.cm> (Accessed: 8 May 2026).

³ *Ibid*

⁴ *Ibid*

⁵ Cameroonian Law Journal Online. (2024). Land Dispute Resolution Mechanisms in Cameroon. Available at: <https://cameroonlawjournal.com/land-disputes> (Accessed: 4 June 2026).

dynamics, negotiation capacity, access to formal legal systems, and potential outcomes, potentially producing agreements favoring dominant groups.¹

3.3 Underlying Causes of Intertribal Land Disputes

The causes of intertribal disputes are multifaceted, involving historical, economic, political, cultural, and institutional dimensions that interact complexly to generate conflict. Understanding these causes is essential for developing effective resolution mechanisms.

3.3.1 Population Pressure and Resource Scarcity

Increasing population density in rural area like Eyumojock places pressure on available land resources, intensifying competition between ethnic groups for agricultural land, grazing areas, water sources, and forest resources. As populations grow and land becomes scarcer, previously uncontentious boundaries may become disputed, and traditional arrangements accommodating multiple groups may become inadequate. This demographic pressure is particularly acute in Cameroon's South-West Region, where agricultural expansion, population growth, and limited alternative livelihoods increase competition for land.²

3.3.2 Colonial Legacy and Arbitrary Boundaries

Colonial administrations imposed arbitrary boundaries that often-divided ethnic groups across administrative units, combined distinct groups within single territories, or allocated land to particular groups without adequate consultation or recognition of existing claims. In Cameroon, German colonial administration and subsequent British and French mandate administrations created territorial arrangements that ignored pre-existing customary land rights and inter-ethnic relationships. These colonial impositions created the foundation for subsequent intertribal disputes, as

post-independence states inherited territorial arrangements that failed to reflect historical realities or indigenous land tenure systems.

3.3.3 Economic Interests and Development Pressures

Commercial agriculture, logging, mining, infrastructure development, and land grabbing by external investors intensify intertribal disputes by increasing land value and creating incentives for groups to assert claims. In Southwest Cameroon, rural communities claiming ownership based on customary tenure have contested large-scale land deals, claiming illegality and inadequate consultation. External economic interests may exploit existing intertribal tensions, support particular groups, or create new conflicts by disrupting traditional land use patterns.³

3.3.4 Competing Legal Systems and Normative Conflicts

Cameroon's hybrid legal system, recognizing both statutory and customary law, creates normative conflicts in intertribal land disputes. Statutory law emphasizes formal documentation, registered titles, and written evidence, while customary law prioritizes oral histories, ancestral occupation, traditional boundary markers, and community recognition. When multiple ethnic groups invoke different legal systems to support their claims, disputes become intractable as parties operate under incompatible normative frameworks. The lack of clear hierarchy or coordination between statutory and customary systems exacerbates these conflicts.⁴

3.3.5 Chieftaincy and Political Authority

Disputes over traditional authority, chieftaincy succession, and recognition of traditional rulers often become intertribal conflicts when multiple

¹ Mwakaje, G. (2022). Implementation challenges of land laws in Tanzania: a rural perspective. *Rural Development Review*, 29(1), 76-89:78

² *Ibid*

³ Justice Africa (2023) Conflict Resolution and Mediation Programs in Central Africa. Available at: <https://www.justicafrica.org/programs/cameroon> (Accessed: 4 June 2026).

⁴ *Ibid*

groups claim authority over the same territory or when chieftaincy disputes implicate ethnic identities. In Eyumojock, chieftaincy succession battles are documented as old stories, with the Kembong Village exemplifying rotatory and hereditary chieftaincy stools as actors in decentralization policy implementation. These chieftaincy disputes often intersect with land disputes, as traditional rulers control customary land allocation and possess authority over inter-ethnic relations.¹

3.3.6 Weak Institutional Capacity and Governance Gaps

Inadequate state capacity to manage land disputes, weak enforcement of land laws, corruption, and lack of accessible dispute resolution mechanisms create vacuums that allow intertribal disputes to persist or escalate.² In rural Cameroon, formal courts are often inaccessible, expensive, and culturally insensitive, leaving communities dependent on traditional mechanisms that may lack capacity for complex disputes or be perceived as biased.³

3.3.7 Historical Grievances and Intergenerational Conflict

Past conflicts, perceived injustices, historical marginalization, and intergenerational transmission of grievances create durable tensions that fuel intertribal disputes. Communities remember past conflicts, land dispossession, violence, or discrimination, and these memories inform current attitudes and claims. Historical grievances may remain dormant until triggered by specific incidents, resource competition, or political manipulation.

3.4 Manifestations of Intertribal Land Disputes in Eyumojock Sub-Division

Eyumojock Sub-Division, located in the Manyu Division of Cameroon's South-West Region, exemplifies the complexity of intertribal disputes in rural Cameroon. Eyumojock is a commune remarkable for its ethnic diversity in clans like the Bawan Clan, Ntemoh Clan, and villages like Ebinsi, Ayuk'aba, Bakwele, Afap, Ogomoko, Kembong, Ossing, Mpot, Ewele, with other indigenous groups maintaining distinct cultural identities while sharing territorial spaces that become sites of contested claims. The Sub-Division's location in the rainforest region, with fertile agricultural land and valuable natural resources, intensifies competition and dispute potential.⁴

Land disputes in Eyumojock typically involve boundary disagreements between communities, conflicting claims to agricultural land, disputes over access to water sources, conflicts regarding forest resources, and disagreements about traditional authority over territory. These disputes often involve multiple families or clans from different ethnic groups, with claims based on ancestral occupation, customary allocation, purchase, long-term use, or historical migration patterns.⁵

The Bawan people, as indigenous inhabitants of much of the Central Ejagham, often assert ancestral claims to land based on historical occupation and traditional authority. Other groups, including descendants of migrants, settlers, or communities displaced from other areas, may assert claims based on purchase, long-term residence, or customary allocation by traditional rulers. These competing claims create disputes that implicate group identities, ancestral heritage, and economic survival. The crisis in Cameroon's Anglophone regions, including the South-West, has added complexity to intertribal disputes. Armed separatist activity, government military operations, and civil unrest

¹ *Ibid*

² Saudi Journals (n.d.) The Resolution of Disputes Relating to Lands in Cameroon. Available at: https://saudijournals.com/media/articles/SIJLCJ_812_317-325.pdf (Accessed: 1 June 2026).

³ *Ibid*

⁴ United Nations Development Programme (UNDP). (2022). *Access to Justice and Land Conflict Resolution in Cameroon*. Yaoundé: UNDP Cameroon.

⁵ *Ibid*

have disrupted traditional dispute resolution mechanisms, displaced populations, created new population movements, and heightened ethnic sensitivities. The crisis has turned long-standing land conflicts into part of broader armed violence, with Mbororo Fulani herders and farmers experiencing targeted violence in the North-West region, and similar dynamics potentially affecting the South-West. This political context makes intertribal dispute resolution more urgent yet more difficult, as disputes become entangled with broader political conflicts.¹

3.5 Types of Intertribal Land Disputes in Eyumojock Sub-Division

Intertribal land disputes represent a heterogeneous category of conflicts that cannot be understood through a single analytical framework. These disputes manifest in diverse forms, each characterized by distinct causes, claim bases, involved parties, and resolution challenges.² Understanding the typology of intertribal land disputes is essential for developing appropriate resolution mechanisms, as different types require different approaches, involve different stakeholders, and implicate different legal and cultural dimensions. This discussion examines the principal types of intertribal land disputes, analyzing their characteristics, underlying dynamics, legal implications, and resolution challenges, with reference to contexts such as Eyumojock Sub-Division in Cameroon's South-West Region where such disputes have historically shaped community relationships.³

3.5.1 Boundary Disputes

Boundary disputes represent the most common and widespread type of intertribal land conflict, occurring when two ethnic groups disagree about the precise location or extent of territorial boundaries separating their respective territories.⁴

These disputes arise from ambiguous or poorly defined traditional boundary markers, conflicting interpretations of oral histories describing boundaries, disputes about the meaning of natural features serving as boundaries (such as rivers, trees, stones, or hills), and changes in boundary markers due to natural processes, human activity, or deliberate manipulation.⁵

In Eyumojock Sub-Division, boundary disputes between the Taboh villages and Ayukaba typically involve disagreements about where one clan territory ends and another's begins, often centered on specific landmarks that one group claims lie within their territory while another contest. These disputes may involve agricultural land, grazing areas, forest resources, or water sources located near traditional boundaries. The complexity of boundary disputes stems from the fact that traditional boundary markers often lack precise geometric definition, relying instead on natural features that may shift, disappear, or be interpreted differently by different groups.⁶

Boundary disputes are particularly difficult to resolve because they often involve symbolic as well as practical dimensions. Boundary lines represent not merely territorial divisions but also group identity, sovereignty, and historical claims. Communities may resist boundary adjustments that appear to diminish their territory, even when practical benefits might result from compromise. The collective dimension of boundary disputes means that individual negotiations cannot resolve conflicts; entire communities must be engaged, and agreements must receive community approval.

3.5.2 Ownership Claim Disputes

Ownership claims disputes occur when multiple ethnic groups assert exclusive ownership rights to the same territory, each group claiming that the land belongs to them based on ancestral occupation, historical migration patterns, traditional allocation,

¹ *Ibid*

² International Fund for Agricultural Development (IFAD) Rural Land Tenure and Conflict Mediation in Cameroon: Assessment Report. Rome: IFAD, 2019.

³ *Ibid*

⁴ World Bank. (2020). *Land Governance Assessment Framework: Cameroon Country Report*. Washington, DC: World Bank Group, 56.

⁵ *Ibid*.

⁶ *Ibid*.

purchase, or long-term use. Unlike boundary disputes where parties acknowledge shared territorial division but disagree about location, ownership disputes involve competing claims to exclusive ownership that cannot be simultaneously satisfied.

In Eyumojock subdivision, ownership claim of forest land between the Akwen and Ndepaya villages over 50 to 100ha of forest/farm land which was resolved in 1991 flared up again in 2023 and till date there have been no solution to resolve the issue. In intertribal contexts, ownership claims typically rest on different bases. One group may claim ancestral occupation spanning generations or centuries, asserting that their forebears were the first inhabitants and therefore possess inherent ownership rights. Another group may claim purchase from traditional rulers, asserting that legitimate transactions transferred ownership rights. Yet another may claim long-term use and cultivation, asserting that extended occupation created ownership rights under customary law.¹

3.5.3 Resource Exploitation Disputes

Resource exploitation disputes occur when ethnic groups compete for control over valuable natural resources within contested territories, including timber, minerals, oil, water, fertile agricultural land, or wildlife. These disputes are often intensified by commercial interests, external investors, or government concessions that increase resource value and create incentives for asserting claims. Resource exploitation disputes frequently involve not merely intertribal conflicts but also conflicts between communities and external actors including corporations, government agencies, or migrant workers.²

In Cameroon's South-West Region, resource exploitation disputes may involve logging companies extracting timber from forests claimed by multiple ethnic groups, mining operations on land with competing ownership claims, agricultural

concessions requiring land acquisition from communities with disputed boundaries, or water resource development affecting multiple communities' access. In Eyumojock, disputes may involve forest resources for timber extraction, agricultural land for cash crop farming, or water sources for irrigation, for example the Takamanda National Park villages claim, Ekok indigenes and Ekpor indigenes.

Resource exploitation disputes are particularly damaging because they often involve irreversible environmental destruction, substantial economic value creating incentives for conflict escalation, external actors exploiting intertribal tensions for commercial advantage, and displacement of communities from resource-rich areas. The commercial dimension transforms disputes from traditional territorial conflicts into high-stakes economic contests where parties may resort to violence, political manipulation, or legal strategies aimed at securing resource control.

3.5.4 Chieftaincy and Authority Disputes

Chieftaincy and authority disputes occur when intertribal conflicts center on traditional political authority rather than territorial ownership alone. These disputes involve questions about which ethnic group's traditional rulers possess authority over contested territory, disputes about chieftaincy succession that implicate ethnic identities, conflicts about recognition of traditional rulers by the state or other communities, and disputes about the scope of traditional authority over inter-ethnic relations. In many African contexts, traditional rulers control customary land allocation, possess authority over inter-ethnic relations, and serve as primary dispute resolution mechanisms, making chieftaincy disputes particularly significant for land conflicts.

In Eyumojock, chieftaincy succession battles are documented as historical stories, with the Kembong Village exemplifying rotatory and hereditary chieftaincy stools as actors in decentralization policy

¹ *Ibid.*

² Cameroonian Ministry of State Property and Land Tenure. (2021). *Annual Report on Land Disputes and Resolution Mechanisms in Cameroon*. Yaoundé: Government Printer.

implementation. These chieftaincy disputes often intersect with land disputes, as traditional rulers control land allocation and possess authority that affects inter-tribal relationships. When multiple groups claim authority over the same territory, or when chieftaincy succession disputes implicate ethnic identities, land conflicts become entangled with political authority questions.

Chieftaincy and authority disputes are particularly intractable because they implicate fundamental questions about traditional governance, ethnic identity, and political recognition. Communities may resist authority arrangements that appear to diminish their traditional status, political influence, or cultural identity. The symbolic dimension of chieftaincy means that disputes involve honor, prestige, and historical recognition beyond practical land allocation.¹

3.5.5 Migration and Settlement Disputes

Migration and settlement disputes occur when ethnic groups dispute land occupied by migrants, settlers, or displaced populations who have relocated from elsewhere. These disputes involve tensions between indigenous communities and migrant populations, conflicts about land taken for official resettlement programs, disputes about recent migrants coming independently for economic opportunity, and conflicts arising from population movements due to conflict, displacement, or environmental changes. Migration and settlement disputes reflect demographic changes that alter traditional population distributions and create competing claims to territory.

In Eyumojock Sub-Division, migration and settlement disputes may involve descendants of migrants who settled in their territory generations ago, communities displaced from other areas who relocated to Eyumojock, migrant farmers seeking agricultural land, or pastoral communities seeking grazing areas. An example is the Ekok, Biajua and Danare corridor which not only affects Eyumojock but also affects Nigeria-Cameroon boundary. These disputes often involve questions about legitimate

settlement, duration of residence, customary allocation versus unauthorized occupation, and rights of migrants versus indigenous communities.

3.5.6 Land Grabbing and External Acquisition Disputes

Land grabbing and external acquisition disputes occur when ethnic communities dispute land deals, concessions, or acquisitions involving external actors including corporations, government agencies, wealthy individuals, or foreign investors. These disputes involve communities claiming ownership based on customary tenure contesting land deals as illegal, claiming inadequate consultation, asserting that sales violated customary procedures, or contesting environmental impacts. Land grabbing disputes often involve multiple ethnic communities united against external actors, transforming intertribal dynamics into inter-community versus external actor conflicts.

In Southwest Cameroon, rural communities claiming ownership based on customary tenure contested Herakles' land deal, claiming it was illegal and inadequate consultation occurred. Similar disputes occur across Africa, with external investors acquiring land through state concessions that ignore customary rights, wealthy individuals purchasing land without proper authorization, or government agencies allocating land to projects without community consent.

In Eyumojock, land grabbing disputes may involve external agricultural companies acquiring forest land claimed by multiple ethnic groups, wealthy individuals purchasing land without proper customary authorization, government development projects requiring land acquisition from communities with disputed boundaries, or foreign investors acquiring territory through state concessions ignoring customary rights. These disputes often unite previously conflicting groups against common external threats, temporarily resolving intertribal tensions while creating new

¹ *Ibid*

conflicts with external actors. An example is the Ekok market land.

3.5.7 Sacred and Cultural Site Disputes

Sacred and cultural site disputes occur when ethnic groups contest territory containing sacred sites, burial grounds, ceremonial locations, or culturally significant landmarks. These disputes involve questions about access to sacred sites, control over burial grounds, rights to perform ceremonies at specific locations, or protection of culturally significant trees, mountains, rivers, or other natural features. Sacred site disputes are particularly emotionally charged because they implicate spiritual beliefs, ancestral connections, and cultural identity that transcend practical land considerations.

In intertribal contexts, sacred site disputes may involve multiple groups claiming ancestral connections to the same sacred location, disputes about which group has authority to manage sacred sites, conflicts about access restrictions imposed by one group affecting another's religious practices, or disputes about development affecting sacred locations. These disputes often resist resolution through standard negotiation because sacred sites may be non-negotiable for claiming communities, with spiritual significance making compromise impossible.

In Eyumojock Sub-Division, sacred site disputes may involve burial grounds of ancestors from multiple ethnic groups, ceremonial locations with significance to multiple communities, sacred forests or groves claimed by different groups, or natural features like mountains, rivers, or trees with spiritual significance. These disputes require resolution approaches that acknowledge spiritual dimensions, potentially including joint management arrangements, shared access protocols, or protection agreements respecting multiple groups' religious needs. Some examples include; the Kembong area disputes when youths try to plant cocoa in groves elders say are forbidden

and thus use taboo and fines, the old oath-taking grounds near customs yard in Ekok where council wants to expand market, traditional council says no.

4. Consequences of Intertribal Land Disputes in Eyumojock Sub-Division

Inter-tribal land disputes in Eyumojock Sub-Division of Manyu Division, South-West Region of Cameroon, have generated profound consequences that extend far beyond the immediate parties involved in the conflicts. These consequences permeate social, economic, political, cultural, and psychological dimensions of community life, creating conditions that undermine sustainable development, human security, and social cohesion.¹ Intertribal Land disputes in Eyumojock Subdivision have negative effects on individual house-holds as well as on the nation's economy. They increase costs, slow down investment, can result in the loss of property for a conflict party and reduce tax income (land tax, trade/commercial tax) for the state or municipality.² The lower the transparency in land markets, the less equal is information being disseminated, and the weaker constitutive and regulatory institutions are, the more likely it is that land conflicts occur. People therefore need to spend a lot of time and money on searching for information and monitoring agreements/contracts. This means that land conflicts are associated with high transaction and agency costs or vice versa, that (relatively) high transaction and agency costs indicate a high probability of land conflicts.³

4.1 Massive Displacement and Loss of Human Lives

One of the most devastating consequences of inter-tribal land disputes in Eyumojock Sub-Division is the massive displacement of communities and the loss of human lives. When land conflicts escalate to violence, entire villages are forced to abandon their homes, farms, and ancestral lands, becoming internally displaced persons within their own

¹ Akwe Ngole Ray Junior, D. (2025), *Op.cit.*

² *Ibid.*

³ Fonchingong, C. (2017). *Rural Land Conflicts and Mediation Practices in Cameroon*. Chester: University Press, 33

territory.¹ The displacement is not merely temporary but often becomes protracted, with families unable to return to their lands for years or even decades due to ongoing hostilities and security concerns.²

The human cost of these conflicts is measured in deaths, injuries, and trauma that leaves deep psychological scars on surviving community members. While specific casualty figures for Eyumojock may not be systematically documented due to the informal nature of many conflicts and limited media access, the pattern observed in similar inter-tribal conflicts across Cameroon demonstrates the severity of human loss.³

In Eyumojock specifically, the 67 villages in the sub-division have been under siege since October 2020, reflecting how land disputes can escalate into widespread security crises that affect entire communities.⁴ The siege condition forces residents to live in constant fear, unable to access their farms, engage in normal economic activities, or send children to school. Families flee to neighboring communities, overcrowding receiving villages and creating secondary conflicts over already scarce resources. The displacement creates a cycle of vulnerability where displaced persons lose their livelihoods, become dependent on humanitarian assistance, and face discrimination in host communities that resent their presence and competition for resources.⁵

The loss of human lives extends beyond direct combat deaths to include deaths from preventable diseases, malnutrition, and lack of medical care that result from displacement and the breakdown of health services.⁶ Pregnant women, young children, elderly persons, and persons with disabilities face disproportionate risks during displacement, with mortality rates often significantly higher than in the general population. The psychological trauma from witnessing violence, losing family members, and

experiencing forced displacement creates long-term mental health burdens that affect individuals and communities for generations.

4.2 Destruction of Property and Infrastructure

Inter-tribal land disputes in Eyumojock Sub-Division result in widespread destruction of property and infrastructure that undermines economic development and community wellbeing for years. The destruction encompasses homes, farms, livestock, agricultural equipment, community buildings, schools, health facilities, religious centers, and marketplaces.⁷ This destruction is often intentional and systematic, with communities destroying property belonging to rival tribes to prevent their return and to exact revenge for perceived wrongs.⁸

The agricultural sector in Eyumojock bears the brunt of property destruction, as farms constitute the primary asset and livelihood source for the majority of the population. When land disputes erupt, farmers' crops are destroyed, food stores are burned, and farm equipment is looted or destroyed.⁹ This agricultural destruction has cascading effects on food security, as families lose not only current harvests but also seed stocks needed for future planting seasons. The loss of perennial crops such as cocoa, coffee, oil palm, and rubber is particularly devastating, as these crops take years to mature and represent long-term investments that are immediately rendered worthless.¹⁰

Livestock killings and thefts further compound the economic losses, as cattle, goats, sheep, and poultry represent significant capital investments and sources of protein for farming families. In many inter-tribal conflicts across Cameroon, entire herds are killed or stolen, destroying the wealth accumulation of families and communities that have invested generations in building livestock

¹ *Ibid.*

² Interview conducted on the 15/5/2026.

³ *Ibid.*

⁴ *Ibid.*

⁵ *Ibid.*

⁶ *Ibid.*

⁷ Tamfu, R.N. *Customary Law and Modern Justice in Cameroon*. Buea: Sapes Books, 2018, p.67

⁸ *Ibid.*

⁹ Ndjozeu, J. (2019), *op.cit.*

¹⁰ *Ibid.*

operations. The loss of livestock also eliminates draught power for farming, reducing agricultural productivity even after families return to their lands.¹

Health facilities suffer similar destruction, eliminating access to basic healthcare services and forcing communities to travel long distances to access medical care. The destruction of health infrastructure during conflicts has been linked to increased maternal and child mortality rates, untreated diseases, and the spread of preventable illnesses². In Eyumojock, where healthcare access is already limited due to the rural location and the ongoing Anglophone crisis's impact on health worker availability, the destruction of health facilities creates life-threatening conditions for vulnerable populations.

Markets, trading centers, and commercial infrastructure are also targeted, destroying the economic networks that connect rural communities to regional and national economies. Shop owners lose their inventories and capital, traders lose their merchandise, and market networks collapse as traders avoid conflict zones. This commercial destruction reduces economic opportunities, increases prices for essential goods due to reduced supply, and creates unemployment as businesses close.

4.3 Severe Economic Disruption and Loss of Livelihoods

The economic consequences of inter-tribal land disputes in Eyumojock Sub-Division are profound and long-lasting, affecting not only the immediate parties to conflicts but entire local and regional economies. Land disputes create economic uncertainty that discourages investment, disrupts agricultural production cycles, eliminates market access, and destroys livelihoods that communities have depended upon for generations.³

The forest resources in Eyumojock, which contribute significantly to household livelihoods through timber harvesting, non-timber forest products, and hunting, become inaccessible when land disputes create security concerns. A study conducted in Eyumojock Sub-Division documented the contribution of forest resources to adjacent communities' livelihoods, highlighting how dependent local households are on forest-based income and subsistence. When conflicts make forest areas unsafe for harvesting, families lose critical sources of protein, medicinal plants, construction materials, and cash income from selling forest products.⁴

Investment in Eyumojock Sub-Division effectively freezes when land disputes create uncertainty about property rights and security. External investors, including agricultural companies, forestry operations, and infrastructure developers, avoid areas where property rights are disputed and where violence is recurrent.⁵ This investment freeze prevents the economic development projects that could lift communities out of poverty, creating a poverty trap from which recovery is extremely difficult.⁶ The Manyu sub divisional officer's urging of Eyumojock Council to prioritize reconstruction of abandoned projects reflects the economic stagnation caused by ongoing conflicts.⁷

4.4 Social Fragmentation and Erosion of Community Cohesion

Perhaps the most insidious consequence of inter-tribal land disputes in Eyumojock Sub-Division is the social fragmentation and erosion of community cohesion that undermines the social fabric holding communities together. Land disputes transform neighbors into enemies, friends into adversaries, and communities into isolated enclaves that view each other with suspicion, hatred, and fear. This social fragmentation persists long after conflicts are

¹ Konings, P. and Nyamnoh, A. (2011), *Op.cit.*

² *Ibid.*

³ Tabe-Ogbok, M. *Customary Land Tenure and Conflict Resolution in Cameroon*. London: Routledge, 2017, p.54.

⁴ *Ibid.*

⁵ Atsa, E. *Mediation and Arbitration in Cameroonian Law*. Douala: Edition Creation. 2021, p.17

⁶ *Ibid*

⁷ United Nations Development Programme (UNDP) (2022) *Access to Justice and Land Conflict Resolution in Cameroon*. Yaoundé: UNDP Cameroon, p.10.

technically resolved, as the psychological wounds and intergenerational grievances continue to divide communities.

The trust that enables communities to cooperate on common projects, share resources, and maintain social support networks is destroyed by land conflicts. When communities that have coexisted for generations suddenly become enemies over land disputes, the social capital that enabled economic development, conflict prevention, and mutual assistance evaporates. Families that previously intermarried, celebrated together, and participated in joint community activities now avoid each other, creating social isolation that affects mental health and community wellbeing.

The breakdown of traditional authority structures and customary governance systems is a critical aspect of social fragmentation. Traditional chiefs and Mgbe elders, who traditionally mediated disputes and maintained social order, often lose legitimacy when they are perceived as taking sides in land conflicts or when they fail to prevent violence. This erosion of traditional authority creates governance vacuums that leave communities without legitimate mechanisms for resolving disputes, making future conflicts more likely. In Eyumojock, where traditional authorities play crucial roles in land allocation and dispute resolution, the weakening of these institutions has particularly severe consequences for social order.¹

4.5 Environmental Degradation and Loss of Natural Resource Base

Inter-tribal land disputes in Eyumojock Sub-Division have severe environmental consequences that threaten the long-term sustainability of the region's natural resource base. The Ekam Forest Reserve, which covers approximately 10,000 hectares and is one of the largest remaining forest blocks in the South-West Region, faces particular

threats from conflicts that disrupt conservation efforts and enable illegal resource exploitation.²

When land disputes create security vacuums and displace communities, illegal logging, poaching, and encroachment into protected areas increase dramatically. Displaced persons who lose their agricultural lands may turn to illegal logging as a survival strategy, while armed groups exploit the lack of security to engage in illegal resource extraction. The environmental degradation from these activities is often irreversible, as old-growth forests take centuries to regenerate and the biodiversity losses are permanent.³

The destruction of agricultural lands and the abandonment of farmlands during conflicts lead to environmental degradation through uncontrolled bush burning, soil erosion, and loss of soil fertility. When farmers abandon their lands, fields that were previously maintained through sustainable agricultural practices become overgrown, and when they are later cleared for repeated burning, the soil loses nutrients and organic matter. This degradation reduces the land's productive capacity, making it less able to support future agricultural activities and increasing the likelihood of future land conflicts as communities compete for the remaining productive land.⁴

Water resources suffer degradation from conflicts as well. The destruction of infrastructure, including water systems and irrigation facilities, eliminates access to clean water for communities and agricultural activities. Deforestation from illegal logging and land clearing affects watershed functions, reducing water quality and quantity, and increasing the risk of flooding and drought. The loss of riparian vegetation and the pollution of waterways from agricultural chemicals and waste disposal further degrade water resources, affecting both human consumption and aquatic ecosystems.⁵

¹ *Ibid.*

² *Ibid.*

³ Cameroonian Ministry of State Property and Land Tenure (2021) Annual Report on Land Disputes and Resolution Mechanisms in Cameroon. Yaoundé: Government Printer, p.10.

⁴ *Ibid.*

⁵ International Fund for Agricultural Development (IFAD). (2019). *Rural Land Tenure and Conflict Mediation in Cameroon: Assessment Report*. Rome: IFAD, 56.

4.6 Psychological Trauma and Intergenerational Transmission of Violence

The psychological consequences of inter-tribal land disputes in Eyumojock Sub-Division are profound and often overlooked, yet they affect individuals, families, and communities in ways that perpetuate cycles of violence across generations. The trauma from witnessing violence, losing family members, experiencing forced displacement, and living in constant fear creates psychological wounds that affect mental health, social functioning, and the capacity for peaceful coexistence.¹

Individual trauma manifests in various psychological disorders including post-traumatic stress disorder (PTSD), depression, anxiety, and substance abuse. Survivors of violence, including those who witnessed killings, sexual violence, and other atrocities, experience flashbacks, nightmares, and intrusive memories that interfere with daily functioning. The constant state of hyperarousal and hypervigilance that characterizes PTSD affects individuals' ability to work, maintain relationships, and make decisions, reducing their economic productivity and social integration.²

Children are particularly vulnerable to psychological trauma from land conflicts, as they are still developing cognitively and emotionally. Children who experience displacement, witness violence, or lose family members face developmental delays, learning difficulties, and behavioral problems that affect their educational outcomes and future prospects. The trauma experienced during childhood can affect brain development, permanently altering stress responses and emotional regulation, making affected children more vulnerable to mental health problems and more likely to engage in violence in adulthood.³

4.7 Political Instability and Threats to National Security

Inter-tribal land disputes in Eyumojock Sub-Division have significant political consequences that extend far beyond local communities, threatening regional stability and national security in Cameroon. The political instability generated by land disputes creates conditions that armed separatist groups exploit for recruitment, undermines government legitimacy, and diverts resources from development priorities to security and conflict management.⁴

The ongoing Anglophone crisis in Cameroon's North-West and South-West Regions has created a volatile security environment that inter-tribal land disputes exacerbate and complicate. Eyumojock Sub-Division, located in Manyu Division of the South-West Region, experiences the compounded effects of both the separatist conflict and traditional land disputes, creating a security crisis that is significantly more severe than either conflict operating independently. The 67 villages under siege since October 2020 illustrate how land disputes can escalate into widespread security crises that require military intervention and create humanitarian emergencies.⁵

Armed separatist groups exploit inter-tribal land disputes for recruitment and operational purposes, using the grievances generated by land conflicts to justify their separatist agenda and attract new members. Young people who have lost their lands, livelihoods, and family members to land disputes are particularly vulnerable to recruitment by armed groups that promise justice, revenge, and economic

¹ *Ibid*

² Lincoln Institute of Land Policy. (2017). Integrating Mediation in Land Use Decision Making. Available at: <https://www.lincolnst.edu/publications/articles/integrating-mediation-land-use-decision-making/> (Accessed: 8 April 2026).

³ *Ibid*.

⁴ Research Key (n.d.) An Appraisal of the Traditional Methods of Resolving Land Disputes in Cameroon. Available at: <https://www.researchkey.net/an-appraisal-of-the-traditional-methods-of-resolving-land-disputes-in-cameroon/> (Accessed: 8 May 2026).

⁵ *Ibid*

opportunities.¹ The Manyu SDO's urging of Eyumojock populations to denounce atrocities perpetrated by separatist fighters and embrace peace reflects the interconnected nature of land conflicts and separatist violence. When land disputes create grievances that separatist groups can exploit, the conflicts become more intractable and more difficult to resolve through traditional mediation mechanisms.²

The threat to national security from inter-tribal land disputes in Eyumojock extends beyond Cameroon's borders, as conflicts can spill over into neighboring Nigeria and create regional instability. The Manyu Division shares a border with Nigeria, and conflicts that generate displacement, refugee flows, and armed group movements can affect regional security dynamics. The cross-border nature of many ethnic groups in the region, including communities that extend across the Cameroon-Nigeria border, means that conflicts in Eyumojock can have transnational implications that require regional cooperation to address.³

4.8 Weakening of the Rule of Law and Erosion of Legal Institutions

Inter-tribal land disputes in Eyumojock Sub-Division have profoundly weakened the rule of law and eroded confidence in legal institutions, creating a culture of impunity that perpetuates violence and undermines the entire justice system. When communities perceive that formal legal mechanisms cannot resolve land disputes fairly, efficiently, or affordably, they increasingly resort to self-help measures, vigilante justice, and extra-legal violence, further eroding the legitimacy of state institutions.⁴ The dual legal system in Cameroon, which operates both customary and statutory land tenure frameworks, creates fundamental confusion about

which legal framework governs inter-tribal land disputes. This legal ambiguity allows parties to selectively invoke customary or statutory law based on which favors their position, undermining consistent application of legal principles and creating uncertainty about the enforceability of judgments. In Eyumojock, where traditional authorities and state-appointed officials both claim jurisdiction over land matters, the competing legal authorities create parallel justice systems that conflict with each other and confuse communities about their rights and obligations.

The Land Consultative Board (LCB), created to mediate claims between statutory and customary tenure systems and resolve land disputes, suffers from fundamental institutional weaknesses that undermine its effectiveness as a legal institution⁵. The Board lacks binding authority, meaning its recommendations can be ignored by either party without consequence. Its institutional capacity remains weak due to inadequate funding, insufficient trained personnel, and poor integration into the broader justice framework.⁶ When the LCB's mediation recommendations are routinely ignored, communities lose confidence in the entire formal dispute resolution system, viewing it as ineffective and irrelevant to their needs.⁷

The backlog of land cases in formal courts further erodes confidence in legal institutions. Land disputes represent more than 80% of court cases in Cameroon, creating overwhelming caseloads that delay justice for years or even decades. In Eyumojock, where communities cannot afford to travel to distant courts or pay for legal representation, these delays are particularly devastating. Families may wait generations for court decisions on land disputes, during which time they live in constant insecurity, unable to invest in their

¹ AfricaBib. (2010). Settling Border Conflicts in Africa Peacefully: Lessons from Bakassi Dispute. Available at: <https://www.africabib.org/rec.php?RID=343764385> (Accessed: 8 May 2026).

² *Ibid.*

³ *Ibid.*

⁴ Ministry of Justice Cameroon. (2023). Alternative Dispute Resolution Centre – Official Website. Available at: <https://www.mjjustice.gov.cm> (Accessed: 10 January 2026).

⁵ Akwe Ngole Ray Junior, D. (2025). An Assessment of the Role the Land Consultative Board in the Resolution of Land Disputes in Cameroon", *Studies in Law and Justice*, 4(6), 49–59:50

⁶ *Ibid.*

⁷ *Ibid.*

lands or plan for the future. The perception that justice is unavailable through formal channels encourages communities to take matters into their own hands, perpetuating cycles of violence.

5. Conclusion

The stages in mediation for settling inter-tribal land disputes in Cameroon follow a theoretically sound framework that emphasizes preparation, dialogue, problem-solving, agreement, and implementation. However, the practical effectiveness of each stage is compromised by structural weaknesses including non-binding outcomes, corruption within traditional authority systems, institutional fragility of formal mediation mechanisms, the unresolved tension between customary and statutory legal systems, systematic exclusion of vulnerable groups, and inadequate security protocols for violent conflicts.

6. Recommendations

Against the background of this article, the researcher makes and propose the following as recommendations:

- **Strengthen customary mediation structures**

Traditional authorities, elders, and community leaders should be strengthened and formally supported as first-line mediators in intertribal land disputes. In Eyumojock Sub-Division, many land conflicts are rooted in customary history, oral boundary memory, and ancestral claims, so mediation works best when it is led by persons who understand local traditions and enjoy community trust. Strengthening these structures would require training mediators in dialogue management, conflict sensitivity, record keeping, and fair hearing techniques. It would also mean giving customary institutions clearer recognition in local land governance so that their decisions are respected and followed up. When mediation is left informal or unsupported, agreements may be ignored, poorly enforced, or later contested. A stronger customary mediation system would therefore help reduce

tension, promote quicker settlements, and preserve peace among neighbouring communities.

- **Document land boundaries and mediation outcomes**

There is a strong need to properly document customary land boundaries, settlement histories, and the outcomes of mediation sessions. One of the major causes of intertribal land disputes is uncertainty over where one community's land ends and another's begins. Oral history is important, but when it is not backed by written records, sketches, maps, or signed settlement agreements, disputes tend to recur. Communities in Eyumojock should therefore work with traditional rulers, local councils, and land officials to record boundary descriptions, ancestral claims, and agreed resolutions in a clear and accessible format. Mediation outcomes should not end with verbal promises alone; they should be written, signed by the parties, and kept in a secure local record. This would reduce future misunderstandings, discourage false claims, and provide evidence whenever the same issue resurfaces. Proper documentation would also make mediation more credible and durable.

- **Improve cooperation between customary and state institutions**

A closer working relationship should be established between customary authorities and state land administration bodies. In many cases, intertribal land disputes persist because customary mediation and formal legal processes operate separately, and sometimes even contradict one another. In Eyumojock Sub-Division, this gap can make settlement weak, especially when one party refuses to accept a customary decision or later seeks a statutory remedy. A coordinated framework would allow chiefs, elders, council authorities, and land officers to share information, verify claims, and support settlements that are both culturally legitimate and legally stable. Such cooperation would also make it easier to prevent disputes before they escalate into violence. When customary and state institutions work together, mediation becomes more effective, land governance becomes clearer,

and communities are more likely to trust the dispute-resolution process.

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