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Land Conflict Prevention and Resolution Mechanisms in Precolonial Bamenda Grassfields of Cameroon: Actors, Institutions, Approaches and Methods

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ABSTRACT

The paper examines traditional mechanisms of land conflict prevention and resolution which were widely accepted and preferred before the advent of colonial rule in the Bamenda Grassfields of Cameroon. These mechanisms were open, inclusive and instrumental in engaging the entire community in the decision-making process, restoring peace, reinforcing social justice and maintaining harmony in the society. This study highlights the role played by different actors and institutions in preventing and solving land conflicts, and argues that the principles, approaches and methods applied in resolving land conflicts in these communities were very successful. Most of the actors such as fons, councilors, elders, family heads, and heads of age-groups and secret society used coercive and ritual institutions to maintain law and order, mend broken and damaged relationships, and ensured the full integration of parties into their societies. The paper further treats the lexicon for land conflict prevention such as dialogue, diplomacy, consultation, apology and friendly disposition, and pays particular attention to the methods of land conflict resolution such as negotiation, mediation, arbitration, adjudication and reconciliation. The study made use of primary and secondary sources and



concludes that, the principles of land conflict prevention and resolution in the Bamenda Grassfields were anchored on the confidence of the parties, verification of truth, attainment of impartiality, enhancement of transparency, reconciliation and the display of fairness and social justice as well as adherence to forgiveness and tolerance.

Keywords: *Precolonial, Land Conflicts, Prevention, Resolution, Actors, Institutions, Methods*

1. INTRODUCTION

During the precolonial period in Africa, no society was immune from land conflict due to differences in interests, goals, values and aims among people. Conflicts occurred within families, clans, villages or other small units. Most African communities had their own traditional conflict mechanisms and techniques that enabled them to prevent, manage and resolve conflicts. Due to the successes recorded during the precolonial period, most African states are moving towards incorporating traditional conflict resolution mechanisms in their policies, laws and constitutions (Kazeem, 2009). Even in countries where there is no formal state recognition, it has remained resilient and continues to exist outside the areas of state influence. Thus, traditional land conflict prevention and resolution mechanisms were crucial institutions for conflict management in Africa (Gatimu, 2014, p. 5).

Most violent conflicts in the Bamenda Grassfields⁶⁶ of Cameroon involved some form of tensions over land. Since the precolonial period, historical grievances and competing claims to access rights, tenure insecurity and unequal distribution of land are common causes of tension which have tipped over into violence in the face of significant

⁶⁶ The “Bamenda Grassfields,” is also known as the “Bamenda Grasslands,” “North West Province,” or “North West Region,” of Cameroon. and shall still be applied in this study for better understanding. This plateau was once heavily forested, but repeated cutting and burning by people forced the forest back to areas along the waterways and allowed grasslands to expand into the area, leading to its name.

changes in the social, political and economic balance of the Bamenda Grassfields. Traditional land conflict prevention and resolution comprised a complex network of forces surrounding the parties in the conflict. The task was to re-establish the energy flow within individuals, families and communities so as to rebuild social harmony. In this context, reconciliation often requires symbolic gestures and associated rituals including exchange of gifts, and slaughter of animals like chickens, goats, sheep, and cows (Ndumbe, 2001).

During the precolonial period, indigenous conflict resolution mechanisms in the Bamenda Grassfields societies focused on the principles of empathy, sharing and cooperation in dealing with common problems which underlined the essence of humanity. Approaches of preventing, resolving and managing land disputes played a vital role in promoting peace and social order in communities. Cultural values and attitudes provided the basis for interaction and the norms by which individuals and communities lived. These also promoted sharing and equitable distribution of resources, thus promoting a climate for peace (Lawal et als., 2019). Peacemaking was underscored by the principles of reciprocity, inclusivity and a sense of shared destiny between people. It provided a value system for giving and receiving forgiveness (Fred-Mensah, 2002, p. 89). This was because society placed greater emphasis on communal life. Therefore, creating and sustaining positive mutual relations, were shared tasks involving everyone. It was believed that people were linked to each other including disputants as perpetrators or victims.

In fact, the philosophy in conflict resolution was community oriented in the Bamenda Grassfields. This philosophy ties with the concept of Ubuntu which implies collective personhood, best captured by the Zulu maxims “a person is a person through other persons” and “a person is a person because of another person” (Masina, 2000, p. 170). It is “an all-embracing, multidimensional philosophy that invokes the idiom and images of group cooperation, generosity, tolerance, respect, sharing, solidarity, forgiveness and conciliation” (Ibid.). Unlike the western values which predominantly individualistic. Ubuntu combines



traditional conflict prevention and peace-building concepts. It “embraces the notion of acknowledgement of guilt, showing of remorse and repentance by perpetrators of injustice, asking for and receiving forgiveness, and paying compensation or reparation as a prelude for reconciliation and peaceful coexistence” (Ibid.). Conflicts over land were not always the precursor to violence (Okoth-Ogendo, 1976, p. 38) in the Bamenda Grassfields, however, it was essential that they were actively and effectively managed to ensure that peace was reinforced rather than threatened (Shinn, 2022), especially as each land conflict was different and considered in the context of its own particular history, development and possible resolutions (Fred-Mensah, 2002, p. 89).

The causes and types of land conflicts during the precolonial period were varied and diversified. Indigenous land conflicts resulted from historical injustices, ill-advised community policies, conflicts of interest, corrupt leadership, or more generally from competition over land and resources (Ramirez, 2002, pp. 6 - 22). In addition, Poor land governance, inappropriate of land use plans, inadequate land policies, land tenure insecurity, corruption and population increases were among the main offenders fuelling land use conflicts in the Bamenda Grassfields. Land conflicts were clearly apparent, involving violence and damage to property, or were latent or dormant. By raising the economic stakes in the dispute area, new land issues revive old conflicts, and ignite new tensions (Diduk, 2004). Within the categories of land conflicts, boundary, inter-ethnic and farmer grazier land conflicts were the most common in the Bamenda Grassfields during the Precolonial period.

It is important to note that, before the coming of Europeans to Africa, “many African societies have had their own traditional approaches and methods of conflict prevention, management and resolution” (Omeje, 2008, p. 88). These approaches and methods “were (and still are) deeply embedded in the peoples’ cosmology and culture.” In addition, “African traditional religions and Islam largely shaped the culture, world-view and civilization of various parts of the continent” (Ibid.). However, the incorporation of Africa into the global system through western colonialism has had extensive effects on the nature of conflicts and the

traditional approaches and methods of land conflict resolution. As Almod and Powell observe, “the traditional African approach has been significantly affected, while some of the related methods have been displaced or significantly transformed by the countervailing imperatives of western civilization and its concomitants of multifaceted liberalism and cultural secularization” (Almond & Powell, 1966).

This paper explores the main terms and concepts, treats the principles of land conflict prevention and resolution, examines the lexicon of land conflict prevention, highlights the role of indigenous key actors, approaches adopted, as well as coercive and ritual institutions involved in land conflict prevention and resolution. Finally, it looks at the methods of land conflict resolution, and ends with some lessons learned.

2. CONCEPTUAL FRAMEWORK

The discourse on land conflict prevention and resolution mechanisms involves terms and concepts that need to be clarified for better comprehension. These terms and concepts include land, conflict, land conflict, land conflict prevention and land conflict resolution.

Land is a physical asset, consisting of the soil and sub-soil. However, in most modern legal systems, ownership of land carries with it, ownership of houses, trees and other items relatively permanently ‘attached’ to it. Land is therefore, generally used as general term for these assets and land-based resources. This is not always the legal position, however, and should not be assumed. According to historians and political economists, land comprises all having material form that man has received or can receive from nature, that is to say, from God (Jupp, 1996, p. 1).

A conflict as defined by historians is a social fact in which at least two parties are involved and whose origins are different either in interests or in the social position of the parties (Miller, 2005, p. 22). A land conflict as defined in this paper, is a social fact in which at least two parties are involved, the root of which are different interests over the property rights to land by the “haves” and “have-nots”: the right to use the land, to manage the land, to generate an income from the land, to exclude others from the land, to transfer it, and right to compensation for it



(Wehmann, 2008, p. 9). A land conflict therefore can be understood as misuse, restriction or dispute over property rights to land (Njoh, 2005, p. 15). Land conflicts defined as such can be aggravated if the social positions of the parties involved differ greatly.

Third, Land conflict prevention in this context means managing competition and conflict so that, they do not become violent. The main purpose of land conflict prevention is to enable actors and parties to provide immediate measures needed to avoid escalation, and to take a longer view, asking what reforms of policies, laws and institutional frameworks that could reduce the prospects of future conflict. This could involve dialogue, diplomacy, consultation, meeting, apology, friendly disposition, adherence to customs and norms occasioning peace and harmony and justice drive. Finally, Land conflict resolution refers to the different approaches and methods adopted by parties to restore peace and rebuild the society. These include methods of reconciliation, adjudication, arbitration, sacred sanctions, mediation, and retaliation; the system of recompense for wrongdoing; processes for remorse, confession, forgiveness and reconciliation; and rituals for making closure and new bargaining (Shinn, 2022).

3. PRINCIPLES OF LAND CONFLICT PREVENTION AND RESOLUTION

In the pre-colonial days, there were many principles guiding conflict prevention and resolution in traditional African societies. The principles of land conflict prevention and resolution in traditional Bamenda Grassfields society were anchored on the verification of truth, collective responsibility of indigenes, attainment of impartiality, enhancement of transparency, display of fairness and social justice as well as adherence to forgiveness and tolerance. The foregoing principles attested to the singular fact that *Bamenda Grassfielders* had long been so principled in the ways of life and this had transformed their mode of existence to that of mutual exclusiveness. These institutions and methods were effective and highly respected and their decisions binding on all the parties concerned.

The first principle of land conflict prevention and resolution was the principle of truth. The Bamenda Grassfields forebears loved and embraced truth as covenant logo, and as such, upheld this salient principle of conflict resolution in their societies. Hence, this principle of truth deserved suitable verification to authenticate verdict in the process of conflict resolution. Truth was associated with the positive conduct of life. How would the other opponents know that there will be no partiality? Both disputants were truthful. The mediator, arbitrator, and judge were also very truthful, the presence of the ancestral forces was a factor (Bascom, 1942, p. 44). Some could collapse or force to say the truth because of the ancestral forces. The mediator, judge and arbitrator were well prepared because truth was not static and parties in conflict could not miss.

The principles of impartiality, neutrality and transparency were tripod principles of conflict prevention and resolution in indigenous Bamenda Grassfields societies. They were adopted by the indigenous actors to showcase the tension associated with peace-making and peace-building. Indeed, the practitioners of indigenous peace applied the tripod principles to stand the test of time and to verify truth and assert vibrant claims. Max Gluckman (1965) attested to this fact in his research among the Barotse people. Thus, African judges and adjudicators upheld the tripod principles toward playing safe and restoring peace and order in the muddy atmosphere.

The principle of collective responsibility was also well exploited. Indeed, the concern of the populace in precolonial Bamenda Grassfields was always directed to the parties in conflict borne out of sympathy and reverence to the forebears, who looked from afar and had the wherewithal to punish the wrongdoers or offenders among the parties to the land conflict. The wrongdoing when properly ascertained needed collective action to surmount. This was why J. H. Driberg maintained that such a wrongdoing must be propitiated by all the members of the society in the area of contributing towards procuring ritual materials. This was also akin to the practice of being your brother's keeper in the time of crisis (Driberg, 1934).

Fairness, equity and justice were tripartite principle of land conflict prevention and resolution in traditional Bamenda Grassfields societies. Parties to the land conflict, were usually given fair hearing and representation (through a witness) to the degree that no one had its case treated in absentia. Thus at the scene of mediation, parties to the land conflict were always afforded reasonable time to state the issues of conflict. Failure by any party to respect summon was punishable. The end of justice in these societies, therefore, justified the principles of conflict prevention and resolution put in place. Thus, parties to the land conflict were enjoined to give peace a chance by shifting the ground of conflict and limping towards peace and harmony.

4. LAND CONFLICT PREVENTION MEASURES

The matrices of conflict prevention in pre-colonial Bamenda Grassfields societies, however, became elastic and durable whenever the principles of conflict resolution were resorted to in a resounding manner. The various lexicon of land conflict prevention included dialogue, diplomacy, consultation, meeting, apology, friendly disposition, adherence to customs and norms occasioning peace and harmony and justice drive (Olaoba et als., 2010). These preventive measures included:

- The adoption of dialogue and showcasing diplomatic relations to prevent both intra and inter-communal land conflicts in Bamenda Grassfields societies. This art was always demonstrated at the end of land conflicts, where the communities involved, saw reason for dialoguing and ending the intriguing feud;
- The art of listening was a significant means of preventing conflict through persuasion could be therapeutic to preventing and ending land conflict on a large scale. This listening to other person's grievances (at individual level) or responding early to the ultimatum of the other community loomed large in precolonial Bamenda Grassfields societies (Ibid.);
- Early signals and reporting of a likely land conflict (at whatever level) often helped the Bamenda Grassfielders to respond quickly towards averting an ensuring land conflict. In this way the elders (who are the repository of wisdom) family heads, age-grade association and leaders



of secret societies were always on hand to quench the impending rage with utmost dispatch;

- Familial, statutory or official meeting (at the family or community level) often prevented land conflict in precolonial Bamenda Grassfields societies from escalating into violence. The essence of meeting was to make public any art of discrepancies, rancour and acrimony which might stain the esprit de corps already in existence and thereby forestall conflict situation;
- Issuance of apologetic statements when one of the would be parties to the land conflict owned up normally douse the factor of an ensuring land conflict. This indicated that apology was therapeutic to land conflict resolution and one of the early warning signals in traditional Bamenda Grassfields societies (Ibid.);
- Regular consultation of the oracle (to determine future occurrence of land conflict) often worked miraculously in the prevention of land conflict in traditional Bamenda Grassfields societies. The oracles in Bamenda Grassfields societies, were known for their airplay and judicious problem-solving mechanisms;

These preventive measures have been pertinent in averting land conflicts in traditional Bamenda Grassfields societies. The adoption of any of the preventive measures depended so largely on the nature of the indigenes living in the society. The prevention of land conflict in Bamenda Grassfields societies was achieved differently from one society to the other due to the behaviours of the indigenous actors, their approaches and institutions put in place to prevent and resolve land conflicts.

5. INDIGENOUS ACTORS, APPROACHES AND INSTITUTIONS

Traditional actors in the Bamenda Grassfields during the precolonial era used different socioeconomic and political approaches and institutions to prevent and resolve land conflicts. They also provided the tools and techniques to identify, assess and respond to recurring issues in land conflict situations, and supporting and facilitating dialogue and mediation processes.

5.1 Indigenous Actors

Indigenous key actors were very instrumental and useful in mitigating, managing and resolving conflicts in the Bamenda Grassfields during the



precolonial period. These actors were partially different from those influenced by the colonial powers. They included Fons, village heads, envoys, council elders, notables, quarterheads, and queen mothers. They could be grouped under the centralized and segmentary systems that characterized the precolonial era.

In the centralized precolonial Bamenda Grassfields states such as Bafut, Nso, Kom, Bali and Ndop chiefdoms, the responsibility for decisions about land conflicts and negotiations with other states was concentrated in the hands of the Fon. He acted through accredited diplomats except when his personal intervention was imperative and crucial to avoid the imminent escalation of land conflicts or inter-ethnic wars. The Fon developed several mechanisms for land conflict prevention and resolution. The establishment of alliances and peace pacts, the exchange of royal bags and royal females, the promotion of trade, the mortuary celebration of the death of friendly Fons and mutual cooperation, constituted ways by which conflicts over land were settled by Fons (Nkwi, 1986). This made them to be very powerful. In Kom, for example, the Fon enjoyed jurisdiction over many matters and he adjudicated certain disputes in his court, *Etwi*. The *Etwi*, which served as the highest court of appeal in the precolonial era, became the court of second instance on the arrival of the Europeans (Nkwi, 1976, p. 153). The Fons of the Bamenda Grassfields maintained their judicial institutions in tact except for minor German supervision or modification which did not prevent them from exercising the same amount of authority they had enjoyed prior to European penetration.

Before the advent of colonialism in the Bamenda Grassfields, Fons though main actors of land conflicts, acted through accredited traditional diplomats. These were men trained in the art of traditional diplomacy with the know-how to negotiate and settle land conflicts peacefully. Though the status of those chosen to carry out diplomatic duties varied, they were generally queen mothers, princes, envoys, retainers, warriors, diviners and influential men who enjoyed certain status and prestige and performed specific functions. These actors carried credentials or badges in such form as a buffalo tail, baton, staff and spear, which differentiated

them from the ordinary folk. They required some immunity and protection against arbitrary detention. The role of these individuals was substantial in pre-empting hostility and successfully resolving land tenure problems and land conflicts in precolonial Bamenda Grassfields.

In the precolonial era, indigenous actors in segmentary societies like Meta, Moghamo, Ngie and Ngwo, seemed to play predominant role in land conflict transformation and management. They included village heads, elders, notables, title holders and councillors. By the end of the precolonial period, these actors started adopting certain structures of the centralized societies in the region because of the symbolic existence that they shared with them. Before, most land conflicts were generally ritually resolved, with ritual rites performed in shrines and sacred places. Consent and consensus predominated the resolution of land conflicts in these segmentary societies.

Here, the village head that had little or no political authority based his powers on rituals and moral personality. Village government was managed by a council of elders comprising the constituent lineage heads known as *Meukum si* or notables, title holders as well as the members of the most senior age grade (Dillion, 1976, p. 288). Minor offences and land disputes were settled by the village head while more serious and difficult matters were resolved by the ward head in the council. Many decades of contact with the neighbouring Tikar and the Bali enabled the segmentary groups to adopt their kingship and other institutions. They were believed to have borrowed the title "Fon" from the Tikar, and this gave their village heads some outward dignity. In fact, this equally made their Fons to establish powerful structures and institutions of land conflict management and resolution in the precolonial period.

5.2 Socioeconomic and Political Approaches

Precolonial socioeconomic and political indigenous approaches were very instrumental in the settlement of land conflicts among Bamenda Grassfields fondoms. They were inspired and driven by traditional leaders with almost no outside intervention (Smock, 1997, p. 21). As a result, they were very successful in mitigating land conflicts. These

successes, coupled with those recorded in precolonial African societies, favoured the emergence of a school which advocates the adaptation and use of indigenous African approaches in preventing and resolving land conflicts.

Political approaches were very essential. The most obvious traditional approach of land conflict resolution employed by the Bamenda Grassfields peoples was the use of traditional council. The council played a vital role in managing and resolving land conflicts. The traditional council was usually made up of elders summoned by the Fon to settle a thorny land issue in the chiefdom. Once an issue was regarded as a threat to societal harmony, the sound of a gong - the beat of a special drum - instantly assembled the elders. This precolonial gathering was essentially of men. The guilty was asked to pay a token fine as a symbol of confession and reintegration into the society. Thierno Bah affirms that, the palaver or conflict to be resolved was held at a symbolic and sacred spot such as under a tree or in a cave and presided by people known for their knowledge of the customary law and esoteric practices (Bah, 1994, p. 51). This attests to the fact that the desire to solve land problems amicably was the main thrust of the African character.

From the political perspective also, the diplomatic role of the Fon or his envoys in land conflict prevention and resolution was made capital. The envoys who acted as foreign representatives went to their hosts, after receiving orders and tried to negotiate for peace. The conditions given to enhance peace and harmony were channelled to the Fon. In circumstances where no official was available, the Fon used "shuttle" diplomats to carry on the task of restoring peace during or after land dispute. As such, a messenger could use the fresh branch of the traditional peace tree, *driecanea diestella* (*nkeng*) as a sign of desiring peace. To Thierno Bah, this was an olive invitation to the negotiating table. The messenger would also take steps to prevent the situation from getting complex and becoming non-negotiable. For instance, during the first bloody Babungo-Kom land dispute of 1800, Kom sued for peace after releasing five Babungo captives under Kom custody. During their release, envoys were given a palace bag containing kolanuts, camwood and a traditional



loincloth, to give to Fon Nyifuan of Babungo as a sign of peace. A similar bag containing beautiful woven cloths, necklaces and cowries was also sent to the Fon of Kom (Kidio, 1999) through his envoys. This political gesture and conflict resolution approach ushered in a new dawn between the chiefdoms.

Economic approaches of land conflict prevention and resolution were also exploited during the precolonial era. Trade was a vital instrument used to impose negotiations on a group, especially when antagonism between chiefdoms dragged on during conflict. At given situations, the Fons of other chiefdoms came together and decided to exclude the conflicting parties from all trade transactions connected with land. Since such decisions concerned their most cherished goods, they had to terminate the land conflict. For instance, when Nso subdued Babessi in the 1880s, neighbouring chiefdoms cut almost all trading links with Nso.

Sociocultural approaches were also employed to settle land conflicts. Brock-Utne asserts that consensus seeking was a very important social approach to land conflict resolution in the precolonial era. The outcome of this approach was very impressive. The agreement was then affirmed as a social contract in a ritual way, either through mere handshake or through an elaborate ceremony as required by tradition. This was essential because it helped to spread the news about the satisfactory conclusion of the land conflict resolution process (Lanek, 1999, p. 4).

Socialisation through marriages played key role in managing violence and land conflicts among the Bamenda *Grassfielders*. This mechanism was a characteristic phenomenon among both royals and commoners. Royal marriages became part of the diplomatic process which improved relations and strengthened ties, especially when polities with royal marriage ties went to war. Data gathered from different parts of the region confirm that inter-chiefdom marriages were vital in diplomatic relations. For instance, King Njoya of Bamum maintained relations with the war chiefdom of Nso through royal marriage. One of the daughters of the Fon of Nso, Ngutana Nsurre was given in marriage to Njoya and she bore a daughter who was named Pedaa. When Njoya died, Ngutana



became a wife to Musa but was beyond child bearing age (Nkwi, 1976, p. 46).

5.3 Coercive and Ritual Institutions

Whether or not the political organization of any Precolonial Bamenda Grassfields society was segmentary or centralized, it had coercive and ritual institutions that helped to maintain law and order, and also settled land conflicts peacefully. This brought problems to the forefront and forced opposing sides to seek solutions (Aletum, 1987). These institutions were out to mend broken and damaged relationships; rectify wrongs and restore justice; ensure the full integration of parties into their societies; and adopt the mood of cooperation. This portion shall focus on legal institutions such as courts, councils, religion and institutions.

Traditional courts were agencies which had judicial authority to enforce legal rules and constituted the machinery of repressive justice in precolonial Bamenda Grassfields societies. These courts dealt with crimes ranging from petty matrimonial disputes to murder, treason and land conflicts. In Kom, for example, serious crimes related to land were tried in the Fon's court, *etwi*. Lower courts such as village courts and ward courts tried minor civil and criminal cases such as petty thievery of goats, fowls and crops, as well as matrimonial disputes. They also settled disputes between compounds and tried some sexual offenses like adultery and fornication (Nkwi, 1976, p. 97). Although it was customary to first pass through the lower courts, litigants were free to appeal directly to the Fon.

Traditional councils also assisted in the settlement of land conflicts in the precolonial period. These councils met at regular intervals and in times of emergency to resolve land tenure and land conflict issues. In Meta, for instance, the village group council, in principle, was the last court of appeal. But in a situation where a village council failed to reach a solution, the village head referred the matter to the village area head (Che-Mfombong, 1980, p. 24). In land offences, fines were inflicted and compensation awarded depending on the gravity of the crime and the economic and social standing of the offender. Also, in Kom, tributary

chiefdoms that constituted part of the kingdom had their institutions in the form of local councils. They enjoyed considerable independence and had their courts where land cases were tried according to their laws and customs.

In fact, the retainer societies represented the most important political institutions of land conflict resolution in the Bamenda Grassfields (Nkwi, 1976, p. 39). Members of these societies were all males recruited among the male population of the chiefdoms. These institutions were mainly referred to as *kwifon* in the region and were loved and cherished by the people for what they stood for. To Magha, *kwifoyn*, *ngwerong*, *kwifor* and *ngumba* were the most important of the political institutions respectively among the Kom, Nso, Bafut, and Bali respectively. To him, these institutions were vital settlement of land conflicts in the concerned societies before the colonial era, which brought in new structures. In settling land conflicts, each acted within its determined limits and powers. In Kom, for instance, men's associations included *chong*, *njong*, and *mukum*, while women's associations included *afaf*, *fumbuen* and *anlu* - that was created specifically to resolve land conflicts and punish offenders of certain moral crimes.

Religion performed both judicial and legal functions in settling land conflict. Religion and law were closely interwoven. It was believed that most legal sanctions, after mediation and reconciliation were derived from the gods of the land. The Meta, for instance, believed in a single supreme being called *Nwie* and sacrifices were offered to him through the minor gods regarded as his representatives on earth. These gods therefore judged the living, punished offenders and settled land conflicts within the communities. These institutions were very effective in settling conflicts because they addressed not only root causes of land conflicts, but also made provisions for agreements that could successfully mitigate and resolve land conflicts.

6. METHODS OF LAND CONFLICT PREVENTION AND RESOLUTION

Indigenous methods of land conflict resolution were used with modest realism during the precolonial period. These methods encouraged the peacemakers to go deep into the root causes of land conflicts. In spite of the shortcoming it might have had, they helped to prevent land conflicts from escalating into violence. However, these traditional methods enabled leaders to address land tenure and land conflict problems, reach consensual solutions amicably, and rebuild relationships. The methods of performing conflict resolution in the traditional Bamenda Grassfields societies included alternative method, mediation, negotiation, reconciliation, adjudication, arbitration, sacred sanctions and retaliation. It also includes employing extra-judicial devices and usage of legal maxims to persuade or convince the disputants about the implication or otherwise of their behaviour. These methods have been effective in traditional Bamenda Grassfields Societies.

6.1 Alternative Method

The easiest way of settling land conflicts in most African kingdoms, and the Bamenda Grassfields was possibly the method Aletum describes as “having another decision.”⁶⁷ Following this method, the chief in consultation with his influential elders or lineage heads, gave a decision which reflected the general interest. This was common among chiefdoms such as Meta, Ngie, Mankon and Moghamo. Decision was usually taken but when it did not coincide with the interest of the groups, the discussions on the decision was postponed to a later date. When the interest of the opposing factions was still not ensured, the outcome was rebellion and disruption. This method encouraged and inspired peacemakers.

6.2 Negotiation Method

Negotiation was suitable and convenient method of land conflict resolution in the Bamenda Grassfields. It was a process of reaching an agreed mode of operation. It simply entailed a level of bargaining to

⁶⁷ Through intervention, training, and research, ACCORD focuses on conflict prevention, management and resolution in Africa.



ascertain coping strategies of relationship (Ojiela, 2001). To achieve peace in traditional Bamenda Grassfields societies certain level of negotiation (bargaining) was piloted towards it by negotiators. Indeed, the *Grassfielders* inherited from their forebears the nitty-gritty of negotiating for peace. Thus, for land conflict to be resolved elements of negotiation between the parties to the conflict were to be present. This method required the use of mediators who negotiated and reconciled the conflicting parties. The mediators came from neutral groups so that the process would be void of bias. When land conflict involved people of different chiefdoms, a neutral territorial ground was used to settle the conflict, and a mediator from a different village with skills was preferred. This method was convenient because, negotiators made conflicting parties to see their strengths and weaknesses, and the reason to embrace peace. After negotiation, each party was bound to respect the terms of peace under threat that the whole community would be against the defaulters.

6.3 Mediation Method

Mediation method was widely used to resolve land conflicts in the Bamenda Grassfields. The primary goal of mediation was peace. It was also to accommodate the different parties in order to bring confidence and make the settlement lasting (Collins, 1977, p. 142). Mediation method prevailed in African conflict resolution model, to the effect that parties to the conflict necessarily submitted themselves to a neutral third party, adjudged to be highly interested and concerned with the well-being of the individuals in traditional African societies (Nwolise, 2005). The mediators were usually able to manoeuvre both sides into accepting a compromise solution. It was possible because of the society's acceptance of the hierarchical relationship system, in which all relationships were based. Gallin further identifies two primary reasons that favoured the application of the mediation method: the desire to localize the scope and resolution of the conflict; and the desire that the resolution might allow the parties to live harmoniously together (Gallin, 1972, pp. 165-274). Several important developments reduced the community's ability to

enforce mediation on disputants as the principal method of the resolution of land conflict.

6.4 Reconciliation Method

Reconciliation refers to a process of restoring order and normalcy to a hitherto worst situation. In conflict parlance it means a way of reaching agreement or compromise towards healing the wounds of misunderstanding. Reconciliation was carried out in traditional Bamenda Grassfields societies with a view to pacifying the parties in land conflict without destabilizing the social order. Not only were the parties enjoined to give peace a chance by shifting the ground of their frustration and aggression but also they were made to exhibit the “forgiveness and forgetfulness” of the conflict through: demonstration of apology, display of hugging drama, showing evidence of joy by smiling, public eating and drinking in a container (calabash) together and appreciating the modalities of reconciliation (Smock & Crocker, 1995).

6.5 Sacred Sanction Method

One of the most frequently used methods of land conflict resolution was the adoption of sacred sanctions. These were sanctions believed to be directly connected with God or a god or dedicated to a religious purpose and so deserving veneration (Lupu, 2005). Religious beliefs and the power of the universe seemed to be the greatest weapon employed by traditional leaders in setting traditional land conflicts. Some form of sanction was required to repair the damage done and to appease the wronged party. In the lineage or homestead there was coercion on an individual who had violated a social norm at the risk of open ridicule and shame. The role of the lineage head as arbitrator in land conflicts depended on the authority he enjoyed over his subjects (NW/OC-1974, p. 1). In order to apply sacred sanctions, precolonial societies depended on men like diviners, fortune tellers and intermediaries, cunning and quick-witted men who also took advantage and benefited from the use of such sanctions (Aletum, 1974, p. 42). For example, during the precolonial era, the first Bafut queen mother, *Mamfor*, was buried alive following the ritual of a diviner. She was accused of being the person behind the

deaths and sicknesses in the Bafut society following the transfer of the Bafut Fon's palace from Mbebili to Mumelah. She was buried alive in a place called *Nsanimunwui* - field of the child of god (Ritzenthaler, 1966, pp. 12-13). Sanctions were also imposed on families and individuals who contravened Kom customs and traditions. This was mainly to prevent land conflicts, stealing, willful murder, incest, abuse of elders, willful damage to property, lying, bearing false witness, poisoning and rape. It was also largely believed that deities could inflict sanctions through accidents, sickness, death, famine, poverty, misery, barrenness and loss of children, in addition to societal exile, ostracism, fines, compensation, restitution and the rendering of apology (ACCORD, 2023).

6.6 Retaliation Method

The method of threatening to retaliate, though considered anarchical, was commonly used in some Bamenda Grassfields communities (Aletum, 1974, p. 45). Land conflicts escalated because of how conflicting parties perceived and responded to behaviours. Controlling behaviours and consciously choosing good practices could disrupt what the Mediation Training Institute (MTI) referred to as the Retaliation Cycle, which provides clear insight into how land conflict escalated in the past because of how the parties in conflict perceived and responded to their enemies claims (Curseu, 2012, pp. 97-107). Such traditional societies like the Kom, Bafut, Ndop and Nso believed that land conflict could only be resolved by threatening another conflict or through retaliation in any form. This retaliation method of conflict resolution is as old as the world itself. Communities in which "an eye for an eye and a tooth for a tooth" still existed are communities where no effective authority exists. This method created panic, fear and kept communities on the alert for retaliation each time they were attacked by their counterparts.

6.7 Arbitration Method

Arbitration had been one of the significant methods of resolving conflict in traditional Bamenda Grassfields societies. Arbitration refers to the enabling will and power to decide and determine a course of action quite instrumental to decision making (Ezejiofor, 2005). The features of



arbitration in pre-colonial Bamenda Grassfields societies were many: in Ndop fondoms like Bamessing, Babungo, Bafanji, Bamunkumbit, Baba 1 and Bamali, it engaged the attention of the sage and the supernatural in setting or environment, the arbitrators relied heavily on the dictates of the supernatural and tradition, the decisions agreed upon were satisfactory to the parties in land conflict and were popularly acclaimed by the populace, the decisions were flexible and had human face implementation; and the arbitral venue was conducive enough to allow for the interplay of the spiritual elements credited to influencing positive decisions (NW/od, 1948). The acceptability of the decisions of the arbitrators by the greater majority (both parties to the land conflict and the crowd of audience) was akin to the degree of their integrity. Confidence was expected to be reposed on the arbitrators by the parties to the land conflict (Allott, 1957). Therefore, a lot was demanded from the arbitrators for them to be relied upon for demonstrating the art of peace making so earnestly.

6.8 Adjudication Method

Adjudication is a systematic approach to pronouncing judgement on conflicting situation. In traditional Bamenda Grassfields societies, adjudication involves bringing all disputants in the land conflict to a meeting usually in the chambers or compounds of family heads, quarter heads and palace court as the case may be. In Mankon, dialogue was linked with the adjudicatory processes. The pronouncement of the judicial decisions in adjudicatory method of land conflict resolution was, however, determined in this fondom by the character disposition of the adjudicators, application of the customs and norms of the society, the manner of probing the truth of the conflict and the readiness of the disputants to develop confidence in the resulting verdict (Qf/a, 1928, p. 2). The adjudicators were honest set of indigenes, who respected customs and norms, revered the supernatural and engaged truth in the process of adjudication. They were men of conscience and fear of the supernatural. They were also imbued with robust sense of history and enduring wisdom. They were, indeed, go-getters in the sphere of pronouncing witty verdict based on judicious evidence.



Bamenda Grassfields traditional methods of land conflict resolution remained largely one of the powerful resources of cultural heritage. The methods promoted the basis of institutionalizing peace and harmony in the society. The methods were akin to understanding the psyche of the people and the interpretation of the mindset of their inaugurators vis-a-vis the autochthonous group in these societies.

7. CHALLENGES OF IMPLEMENTATION

Indigenous land conflict prevention and resolution mechanisms face several challenges in its implementation. These challenges are many and include the following.

Indigenous mechanisms of land conflict prevention and resolution face challenges from Bamenda Grassfielders who referred to themselves as civilized generation (Kariuki, 2015). For instance, some followers of Christianity and Islam have criticized the local customary systems of the Ndop, Nso, Bafut, Mankon and others and term them as paganism. Some indigenous cultural practices used in the precolonial period to resolve land conflicts locally like rituals or rites, cleansing and trial by ordeals were illegalized by the Germans, British, and post-independent land laws and ordinances.

The modern court processes watered the customary process and because of this the elders expected to manage land conflicts engaged in immoral practices like corruption, favoritism, nepotism among other vices prohibited by Bamenda Grassfields traditions and cultures. It is reported that most elders of these fondoms engaged in corruption compromising their decision making. Due to these malpractices the communities lost faith on their elders and fons (Collins, 1977).

With the absence of codification, each ethnic group in the Bamenda Grassfields applied traditional justice on land issues in the way it found appropriate. Increased movement of people from their original sites in search of better lands for settlement served as a major challenge to land conflict management. This situation of population mobility, carried along with it problems such as the resurgence of new forms of local conflicts

related to contradictions between emancipation and the traditional system of behavior worsened things (Wassara, 2007, p. 11).

8. CONCLUSION

This paper has argued that traditional mechanisms of land conflict prevention and resolution in the precolonial Bamenda Grassfields were open, inclusive and instrumental in engaging the entire community in the decision-making process. It contributed in restoring peace, reinforcing social justice and maintaining harmony in the society. It has also highlighted the role played by different actors and institutions in preventing and solving land conflicts, with emphasis on the fact that, most of the actors such of fons, councilors, elders, family heads, and heads of age-groups and secret society used coercive and ritual institutions to maintain law and order. These actors put in place different measures of conflict prevention such as dialogue, diplomacy, consultation, apology and friendly disposition, and used divergent methods of land conflict resolution such as alternation, sacred sanctions, negotiation, mediation, arbitration, retaliation, adjudication and reconciliation in resolving land conflicts in precolonial Bamenda Grassfields. With the advent of colonialism, Bamenda Grassfields families and societies were so complex that some of the institutions and approaches of land conflict prevention and resolution were either maintained or upgraded. The obvious way forward is an integration of tradition, colonial and postcolonial land conflict prevention and resolution mechanisms in the Bamenda Grassfields of Cameroon.

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