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Research Article

An Assessment of Arbitration as a Method of Resolving Disputes in the Extractive Sector: The Case of Cameroon

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Abstract
Disputes are indispensable in all the areas of our society. The prevalence of disputes in Cameroon's extractive sector has increased. This question about the effectiveness of dispute resolution mechanisms the industry needs to be answered. This study aims to examine arbitration through its positive and negative angles as a tool for the resolution of disputes in the extractive sector in Cameroon. Critical issues under consideration within the context of this research are examining arbitration and its usefulness in the extractive industry, identifying the challenges faced by arbitration, and evaluating the outcomes of arbitration. This research was carried out mainly using the secondary research method. The issue of confidentiality, the degree of control exercised by the parties to the action, and the relative speed of the arbitration process are some of the high points of arbitration. On the other hand, the rigid nature of arbitration, the expenses involved, the inflexibility of the entire process, and it's perceived jealous nature stand out as high points limiting the sufficiency of arbitration as a dispute resolution mechanism in the extractive sector in Cameroon. At this level, it is incumbent to sensitize the stakeholders of the extractive industry, try to revise the current arbitration system, and employ other methods of resolving disputes in a bid to increase the success rate of dispute resolution in the extractive sector in Cameroon.
Keywords: Disputes, Extractive Sector, Resolution.

Background

The contribution made by the extractive sector[1] to the development of every country that hosts it is apparent. Countries that host extractive resources stand a great chance to enjoy development in various domains such as economic, social, political, and so on. However, the products from the extractive sector can only be enjoyed to its optimum if there are appropriate structures put into place to ensure good governance in the sector. This will entail a holistic collaboration between the stakeholders in the sector. These stakeholders, who participate at varied levels along the life circle of a particular resource basically, include the government, extractive companies, local communities, and the international community. The stakeholders have different rights, duties, and liabilities regarding the governance structure within a particular host country. If these stakeholders do not have a healthy collaboration, disputes in the extractive sector are bound to occur. Disputes have been an indispensable part of societal interaction since the inception of human settlement. If it is not well taken and resolved early, a dispute between two individuals will grow and become a threat to national security, peace, and stability, which are the basic parameters to measure the development of a nation[2].

Disputes occur in every human relationship, whether between parties connected by treaty or contract or between parties connected involuntarily by common occurrences like accidents[3]. The management of land and natural resources is one of the most critical challenges facing developing countries today. The exploitation of high-value natural resources, including oil, gas, minerals, and timber has often been cited[4] as one of the key factors that are responsible for triggering, escalating, or sustaining violent conflicts around the globe. Furthermore, increasing competition over diminishing renewable resources, such as land and water, is on the rise[5]. These equally increase the likelihood of conflict because the extraction of minerals involves a significant usage of land and water. Environmental degradation, population growth, and climate change are equally bi-products of the extractive sector and further exacerbate the situation. "The mismanagement of land and natural resources is contributing to new conflicts and obstructing the peaceful

resolution of existing ones"[6]. It is thus typical normal that the activities surrounding the extractive sector has led to disputes between the stakeholders involved in the extractive sector. It is thus important to put mechanisms in place to resolve these disputes when they eventually arise. This of course should be within the ambit of established laws recognized by the host state.

Every portion of the earth has been classified and placed under the authority of a particular state or an organization. The business of finding oil and gas and making them available for use occurs within a well-defined legal environment. Indeed, without a legal environment within which to operate, the oil and gas business could not exist. Therefore, the business can only be understood adequately with an understanding the fundamentals of the legal environment within which it operates. The nature of three great families of national legal systems such as common law, civil law (code), and Islamic law is of obvious importance. But the rules may also come from what is called international law, or from a mixture of the laws of some country (or countries) and of international law[7]. The notion of state sovereignty makes it possible for each state to adopt a system of law to manage the extractive sector that is best suited to meet the needs of its citizens, in line with its customs and traditions. This will eventually act as a base for the resolution of eventual disputes including those resulting from the extractive sector. Apart from classical rules governing the extractive sector, parties may define their own rules through contract while respecting the rules and regulations put into place by the state. Much modern international oil and gas business consists of contracts between parties who join together in some kind of transaction. These contracts really bring out the rights and duties of parties in a particular transaction and due to the importance of these contracts, it sometimes has been said that in oil and gas transactions "the parties make their own law."[8]

The resolution of disputes in the extractive sector can be very effective and productive if parties are given a certain autonomy during the resolution process of the said disputes. This makes arbitration a very suitable mechanism for the resolution of disputes resulting from the extractive sector. Over the years, arbitration has been perceived as a formal method of resolving disputes out of the traditional court setting. This is clear with the institutionalization of arbitration institutions. At the international level, we have the International Chamber of Commerce (ICC) arbitration rules, the London Court of International Arbitration (LCIA), the Permanent Court of Arbitration (PCA)[9], and The International Centre for Dispute Resolution (ICDR) and so on.

At the level of Africa, we have seen government-led programmes to develop their jurisdictions as centres for dispute resolution, such as in Kenya, Rwanda and Mauritius. Countries are modernizing their arbitration legislation, for example, South Africa[10]. There are some countries that are under the OHADA system managed by the Common Court of Justice and Arbitration (CCJA). Cameroon, being one of the member states of the OHADA treaty is obviously bound by the OHADA arbitration system as governed by the OHADA Uniform Act on Arbitration (UAA).

Problem Statement

Over the years, the extractive sector of Cameroon has witnessed an increase in the number of disputes. This situation raises doubts about the efficiency of structures put into place to resolve disputes arising from the extractive sector and, consequently, the effectiveness of dispute resolution mechanisms. The actors involved in the extractive sector in Cameroon have, in many cases, had different opinions about certain aspects affecting the extractive industry. To buttress this point, we can site instances of disputes between local communities and extractive companies over ancestral lands, disputes between extractive companies over boundary issues, disputes between the government and extractive companies over poor interpretation or non-respect of contractual terms, disputes generated over the non-respect of local content requirements by extractive companies, disputes related to the issue of Free, Prior and Informed Consent[11] (FPIC) amongst other as top situations leading to disputes in the extractive sector of Cameroon.

Arbitration to solve these disputes has yet to yield the desired results. Arbitration as an alternative dispute resolution mechanism can be observed as a powerful tool in the hands of extractive companies against local communities[12]. The practice of arbitration under the OHADA system necessitates the existence of a prior engagement to resort to arbitration (the arbitration agreement) before arbitration can be used to solve a particular dispute. This works better for local communities in Cameroon, who, in most cases, must be made a party to the government's decision to grant rights over natural resources to extractive companies. Thus, when a dispute eventually arises between local communities and extractive companies, the local communities must refrain from resorting to arbitration since they were not part of the process from the beginning. Furthermore, the technicalities involved in arbitration and its relatively high cost make

arbitration not well-fitted for resolving disputes in the extractive sector. These weak points of arbitration necessitate using other methods to resolve disputes in the extractive sector.

Research Question

To what extent can arbitration be used as a method of resolving disputes in the extractive sector in Cameroon?

Literature Review

An Overview of Arbitration Together with Other Alternative Dispute Resolution Mechanisms

Gabriel A. Moens and Philip Evans[13] provide an overview of dispute resolution in the extractive sector, basically from an Australian perspective and the system of OHADA to a lesser extent. They also recognize, to a lesser extent, mediation, and litigation as means of settling disputes resulting from the extractive sector. They examined the link between an arbitration agreement and an arbitration award. Furthermore, they extensively explained the importance of arbitration to the extractive sector. Here, they heavily justified the importance of arbitration in the extractive sector due to the technical and complicated nature of disputes resulting from the extractive sector. They also look at issues surrounding the drafting of the arbitration agreement. They further enriched their write-up by explaining mediation and negotiation as other alternative methods of dispute resolution. They presented the common elements of mediation and negotiation, such as listening to and being heard by each other, working out what the disputed issues are, working out what everyone agrees on (common ground), working out what is important to each person, aiming to reach a workable agreement, developing options to resolve each issue, developing options that take into account each person's needs and desires[14], and discussing what parties could do as a way of assessing options and exploring what might lead to an outcome that everyone can live with[15]. They conclude with an interesting aspect, the examination of arbitration under the OHADA system. The work done by Gabriel and Philip is vital to this current research. They have brought up some very important aspects of arbitration as a method of dispute resolution[16], together with other methods. However, this work will instead locate the extractive sector of Cameroon, acknowledge some disputes faced by the extractive sector in Cameroon, and domesticate the practice of arbitration and its advantages and disadvantages in the resolution of disputes in the extractive sector of Cameroon.

A Brief Historical Overview of Arbitration in Africa and Some Factors Responsible for the Success of the Arbitration Process

In their article, they begin by mentioning the necessity of having a well-defined legal system and legal structure as the basis for attracting investment in a country. According to them, a country will become more attractive to investment if it has:

- A clear and predictable legislative framework regulating the sector in which the investment is to be made, suggesting a predictable regulatory environment;
- An efficient, effective, impartial judicial system; and
- State acknowledgment of investor concerns regarding a predictable investment environment and enforcement of the rule of law, and awareness of preferred international practice with regard to resolution of disputes[17].

They go further by stating that for there to be effective dispute resolution, domestic courts will have to accept foreign judgements at one point in time. This necessitates the acceptance of arbitration awards from international tribunals. Through their analysis, it can be seen that a couple of African countries have developed an arbitration hub except countries like Egypt, Rwanda, Kenya and Morrocco. After explaining the ways through which a state can accept arbitration, they move ahead to explaining the history of commercial arbitration in Africa. Their analysis began from the year 2014 which was a period when many countries in Sub-Saharan Africa resorted to the ICC Arbitration rules. Government-led programmes have however been seen to develop domestic jurisdictions as centres for dispute resolution, such as in Kenya, Rwanda and Mauritius. Some other countries are modernizing their arbitration legislation, for example South Africa. The OHADA states have sought to foster and grow a consistent and stable arbitration framework. Meanwhile other states have reached out internationally to ratify or accede to the New York Convention to signal their receptiveness to arbitration. The most recent example is Angola. Regarding the OHADA system, there is the institutional arbitration administered by the Common Court of Justice and Arbitration (CCJA)[18] and ad hoc arbitration where the CCJA acts as the Supreme Court. "The Uniform Act on Arbitration (UAA) further provides a basic foundation for all arbitrations seated in the 17 OHADA countries and guarantees that all OHADA-governed arbitral awards–including ad hoc arbitration awards–will be enforceable in all member

states. This is particularly useful as some OHADA states are not party to the New York Convention"[19]. However, the signing of a partnership agreement in June 2016 between the OHADA and the ICC suggests that the OHADA system is not sufficient enough to provide answers to the arbitration needs of its member states[20]. They also examined the enforcement of foreign arbitrary awards in Africa and some African sub-regional blocs. This research work taps from their findings. This is because they examine arbitration in Africa with a keen overview of the OHADA Uniform Act on Arbitrations. The contribution of the current research is to domesticate the practice of arbitration in Cameroon with a particular emphasis on the reality of arbitration as a method of resolution of disputes in the extractive sector of Cameroon through the eyes of the OHADA Uniform Act on Arbitration.

The Historical Character of Arbitration Explained Through Some Important Theories of Arbitration

Emilia Onyema[21] essentially looks at arbitration as an Alternative Dispute Resolution (ADR) Mechanism. She begins by looking at the history and the international character of arbitration. She continues with the necessity for an arbitration agreement, which is the basis of any consensual arbitration so that there cannot be an arbitral reference in the absence of a valid and enforceable arbitration agreement to arbitrate[22]. Furthermore, she clearly explains the legal nature of the arbitration agreement with a keen emphasis on the capacity of parties to resort to arbitration. Again, she clearly explained some critical theories used in arbitration, such as the jurisdictional theory, the contractual theory, the mixed or hybrid theory, the autonomous theory, the concession theory, the status of office theory, the agency and power of attorney theory, and the partnership theory. She provides possible remedies for the breach of an arbitrator's contract. The work done by Emilia is of great relevance to this current research. Through this work, a specific attention is given to arbitration as an Alternative Dispute Resolution Mechanism can be obtained. The contribution of this work is to locate the extractive sector in Cameroon, build on the disputes faced by the extractive sector of Cameroon, and show the extent to which arbitration can be used to solve these disputes.

An Explanation of the Dangers Associated with the Extraction of Natural Resources

Lori Leonard and Siba N. Grovogui[23] begin by examining the relationship between power, cultural policies and regulations in the extractive sectors in Sub-Saharan Africa, Bolivia, Washington, and Ecuador. They analyzed that renewable energy resources greatly depend on the extractive sector. They defined a particular concept, which they referred to as "*Mining criminalization, and the right to protest.*" They explained that the issue of resource naturalization amplifies the concept. To analyze this concept clearly, they used the Choropampa mercury spill case study. This involved the negligence of a mining company, which led to a massive mercury spill in Choropampa. The spill caused a lot of environmental and health damage to the local communities where the spill occurred. However, the company was fined, but the fine went into the government coffers without regard to the local communities who were hit by the crisis. This provoked disputes between the local communities and the government. The findings brought up by Lori and Siba is very important to this current research. The work has identified the extractive sector as a sector plagued with disputes, thus calling for resolution mechanisms. This current research will however examine the extractive sector in Cameroon and analyze the extent to which arbitration can be used a mechanism for resolving disputes in the extractive sector.

An Examination of Some Disputes Resulting from the Extractive Sector

Paul Stevens and others[24] acknowledge the existence of disputes in resource-rich countries. They emphasize that the number of disputes resulting from the extractive sector is rising. Over the last decade, more disputes in the extractive sector have resulted in international arbitration than ever before. Between 2001 and 2010, arbitration cases for oil and gas increased more than tenfold compared with the previous decade, while those for mining increased nearly fourfold. This dramatic increase reflects escalating tensions among stakeholders involved in the sector, culminating in disputes that have been difficult to resolve cooperatively[25]. According to them, the main actors involved in disputes are governments and extractive companies, which always have differences in the sharing of proceeds resulting from the extractive sector. They also highlight the existence of community-based disputes due to environmental hazards caused by extractive companies. They end up by asking key questions such as:

- ✓ What is the nature of disputes between governments and companies in the extractives sector, where is it occurring and why?
- ✓ Can useful trends be identified by looking at data on international arbitrations and/or at regional and country analyses?
- ✓ Can historical experience tell us about the drivers for current and future disputes?
- ✓ What how can companies and governments reduce the risk of future disputes?[26]

The work presented by the above authors is of great importance in the current research. However, this work's contribution will be to critically examine arbitration and its strengths and weaknesses in resolving disputes in the extractive sector in Cameroon.

Research Methodology, Data Treatment and Results

To illustrate the extent to which parties to dispute in the extractive sector can rely on arbitration to resolve their disputes in the extractive sector in Cameroon, this research work essentially makes use of the secondary research method as follows:

The unique research method employed in this work involves consulting documents. This method entails reading, analyzing, and contextualizing documents that touch directly on the subject under examination, such as books, published articles, papers, and the Internet. This research used legal texts that are of prime importance to resolving disputes in the extractive sector to further illustrate the extent to which disputing parties can make use arbitration to resolve their disputes. The documents that are interpreted include the OHADA Uniform Act on Arbitration and the Cameroon Mining Code of 2023.

Results

After a careful study of existing texts about arbitration, the ICC Arbitration Rules, the OHADA Uniform Act on Arbitration, the Cameroon Mining Code, and other literature, one can observe that arbitration as an alternative method of dispute resolution mechanism has a mixed blessing when used as a mechanism for the resolution of disputes in the extractive sector. Arbitration has strong points that make it well suited to handle disputes arising from the extractive sector, such as the concept of confidentiality, the degree of control by the parties involved in the disputes, and so on. However, the use of arbitration as a method of dispute resolution has some drawbacks, making it ineffective for resolving disputes. The rigid nature of arbitration, the expenses involved in the process, and the attachment of arbitration to a technical doctrine of privity are some reasons why arbitration may not be best suited for resolving disputes in the extractive sector. These drawbacks of arbitration make it imperative for the actors involved in the extractive sector to consider other methods of dispute resolution in the extractive sector.

The Reality of Arbitration and Its Efficacy in the Resolution of Disputes in the Extractive Sector of Cameroon

The Foundation of Arbitration and Its Legal Foundation in the Resolution of Disputes in the Extractive Sector of Cameroon

Arbitration is a well-recognized method for resolving disputes in the extractive sector. According to Section 189 of law No 2023/014 of 19th December 2023 to institute the Mining Code of Cameroon, disputes arising from interpreting the mining agreement… may be submitted to arbitration. All these factors define the legal foundation of arbitration as a means of resolving disputes in the extractive sector in Cameroon. The practice of arbitration in Cameroon is carefully governed by the OHADA Uniform Act on Arbitration (OHADA UAA). Hence, Article 1 of the OHADA UAA states *that "this Uniform Act shall apply to any arbitration when the seat of the arbitral tribunal is in one of the States Parties."*[27]. Cameroon is one of the state parties to the OHADA treaty[27].

Arbitration can be praised as a mechanism for the resolution of disputes in the extractive sector because of the following:

In the first place, arbitration can be appreciated because it gives the parties to the dispute the flexibility and an upper hand in resolving it. By reason of Article 5 of the OHADA UAA, the parties to a dispute have the ability to appoint, remove, or replace arbitrators based on their mutual agreement. Furthermore, arbitration enables the parties to the dispute to decide on the form to be taken by the entire arbitration process in line with Article 19 of the OHADA UAA. In this same light, Article 4, paragraph 3 of the OHADA UAA, provides that parties to a dispute may reach a mutual agreement and resort to arbitration even if procedures have been commenced in court. Another great advantage of arbitration is the guarantee of independence and impartiality of arbitrators concerning Article 6, paragraph 2 of the OHADA UAA. The equality and full opportunity given to the parties to present their case, in line with Article 9 of the OHADA UAA, gives more positive attributes to arbitration as a method of dispute resolution in the extractive sector.

Another advantage of arbitration is the speed at which the arbitration award can be obtained. By reason of Article 12, paragraph 1 of the OHADA UAA, the time limit by default for the delivery of an arbitration award

is six (6) months. This deadline may, however, be extended either by agreement by the parties to the dispute, by the competent judge in the state party, or by the arbitration tribunal itself.

Furthermore, arbitration can be praised for its confidentiality, as enshrined in Article 18 of the OHADA UAA. This allows the parties involved in the dispute to solve their problems while maintaining confidentiality.

The Drawbacks of Arbitration as a Method of Resolving Disputes in the Extractive Sector in Cameroon

Despite the strong points of arbitration, some powerful inconveniences can be identified which downplay the strength of arbitration as an alternative method of resolving disputes in the extractive sector:

Arbitration Cannot Be Used to Resolve Spontaneous/Unplanned Disputes

Arbitration cannot be used when the parties do not anticipate the dispute(s). Article 3 of the OHADA UAA supports this, which insists on the existence of an arbitration agreement in any form to secure the place of arbitration as an instrument of dispute resolution. This is particularly problematic when settling disputes in complicated scenarios such as the extractive sector. The extractive sector is very complicated because of several reasons:

- There are many direct and indirect parties involved in the extractive sector;
- The parties involved in the extractive sector have different rights and interests;
- The activities carried out by extractive companies are, in most cases, very strange to the local communities;
- Foreigners mainly control the majority of activities surrounding the direct extraction of minerals in Cameroon;
- These foreigners have little or no mastery of the cultures and traditions of areas where extractive resources are found.

The above points reveal the complexity of the extractive sector in developing countries like Cameroon. This complexity reveals the emergence of spontaneous disputes that were not within the contemplation of parties at the time of drafting contracts. Unfortunately, arbitration is not best suited for such disputes because arbitration as a means of dispute resolution can only be operational if there was an earlier decision to resort to arbitration through the express drafting of an arbitration agreement. Even though parties may eventually decide to resort to arbitration, this must be mutually agreed upon. The rejection by one party to adhere to an abrupt suggestion to resort to arbitration renders it impossible to use arbitration to solve such disputes.

Arbitration, A Slave to a Self-Developed Privity

The doctrine of privity is a well-recognized principle under contract law[28]. This principle, subject to some exceptions, attributes rights and responsibilities only to the parties to a contract. By implication, only parties to a contract can benefit from or suffer the effects of a contract. As already stated above, arbitration can only be used as a method of dispute resolution if the disputing parties clearly agree to resort to the process through an arbitration agreement. Through an arbitration agreement, the nature of the dispute and the parties to the dispute are mentioned. Consequently, any person(s) not mentioned in the arbitration cannot participate in the arbitration process. This qualifies arbitration as a restricted procedure and, hence, not best suited for resolving spontaneous disputes involving parties outside the contemplation from the beginning of an extractive sector dispute.

Arbitration Is a Technical Instrument That Disregards the Interest of Local Communities

The operation of arbitration is built to indirectly exclude the interest of the local communities in the process of dispute resolution because of the following reasons:

- Local communities in developing countries such as Cameroon are not always involved in contracts affecting the extractive sector;
- Local communities cannot cope with the expenses associated with arbitration;
- Local communities cannot see justice being done due to the issue of confidentiality associated with arbitration.

The non-involvement of local communities in the arbitration agreement makes it impossible for them to partake in the dispute resolution process through arbitration. Even if they are involved, the cost of hiring an arbitrator(s) may hinder local communities. All these downplay the rights of local communities, which are

vital actors and, in most cases, receive the greatest of the negative impacts associated with activities surrounding the extractive sector.

Arbitration as a Jealous ADR Mechanism

Arbitration is a very jealous procedure which cannot be replaced by litigation if a party to an arbitration agreement is not comfortable with a change of a dispute resolution mechanism. Hence, in the words of Article 13, of the OHADA UAA, "*where a dispute, pending before an arbitral tribunal in accordance with an arbitration agreement, is submitted to a national court, the latter shall, upon request of one of the parties, decline its jurisdiction."* Even if proceedings have not been commenced before an arbitrary tribunal, an unsatisfied party can still challenge the competence of a court if a dispute covered by an arbitration is taken to court. In the words of Article 13 paragraph 2 of the OHADA UAA, "*where the dispute has not yet been referred to an arbitral tribunal, the national court shall nonetheless decline jurisdiction unless the arbitration agreement is manifestly null and void."* The powers of the court are limited to giving interim decisions which does not substantially affect the case at hand[29]. From this analysis, it is clear that arbitration is only suitable for resolving a dispute if a party has the requisite amount of money to continue with the arbitration process. In the worst situation, this may limit and thwart the possibility of attaining justice in the case of disputes arising from the extraction of natural resources.

Arbitration is an Expensive Option

The resolution of disputes through arbitration comes with a great financial sacrifice. The increase in the financial burden associated with arbitration stems from the fact that:

- The parties are responsible for the cost of hiring arbitrators[30];
- The parties are responsible for the cost associated with the enforcing an arbitration award[31];
- The parties are responsible for translating of an arbitration award if necessary[32].

All these factors are a clear indication that arbitration is not suitable for the resolution of disputes in the extractive sector if the party(s).

Limitations

This study's limitation is that it examines only arbitration to resolve disputes in the extractive sector. The research did not examine other ADR mechanisms and their usefulness in the extractive sector, and it does not equally examine litigation as a standard process that can be used to resolve disputes in the extractive sector. Therefore, future researchers will have to examine other ADR mechanisms and litigation and link their usefulness in resolving disputes in the extractive sector.

Originality

This research contributes to knowledge regarding the resolution of disputes in the extractive sector in Cameroon. It brings out the reality of arbitration and informs the reasoning of stakeholders in the extractive sector about the selection of arbitration as a dispute resolution mechanism.

Solutions/Recommendations

Based on the negative aspects associated with arbitration, the following proposals are imperative for achieving a sustainable resolution of disputes in the extractive sector in less developed countries like Cameroon.

- **Sensitization of Stakeholders of the Extractive Sector**
  The stakeholders of the extractive sector have to be fully sensitized about the reality of arbitration as a method of resolving disputes in the sector. This will help the government and local communities resolve disputes against extractive companies.

- **Relax the Rigidity of Arbitration to Solve Emerging Issues and Desperate Situations**
  Man makes laws for the interest of man. However, when a particular law does not work in the interest of man, it is imperative to review it so that law can fulfill its traditional objective. The rules of arbitration at one point are so strict that they lead to dissatisfaction, especially if one party can no longer cope with the demands of arbitration. To this effect, it is essential to revise the relevant texts governing arbitration so that it can serve a good purpose and, hence, be better suited for resolving disputes in the extractive sector.

- **Envisage Other Dispute Resolution Mechanisms**
  Given the disadvantages of arbitration, it is very important for parties to consider several factors before entering into an arbitration clause as a basis for resolving eventual disputes through arbitration. If the parties are not sure of their chances of having justice done through arbitration, they should thus consider other options, such as litigation or other flexible alternative dispute resolution mechanisms.

Declarations

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References

1. World Bank. 2020. The role of the extractive sector in economic development. https://www.worldbank.org/
2. Eshetu, T. and Getu, M. 2009. Alternative dispute resolution teaching material. Justice and Legal System Research Institute. https://www.etelsa.org/resources/resources/e98ecacc-5b83-11ee-af1d-0cc47a802d36.pdf
3. Hughes, W.E. 2016. Fundamentals of international oil and gas law. PennWell Corporation.
4. LANDnet Uganda-Linking People, Policies and Resources to Development. Security of tenure for rural lands. https://landnet.ug/security-tenure-rural-lands/
5. Land and Conflict: Toolkit and guidance for preventing and managing land and natural resources conflict. https://mars.gmu.edu/handle/1920/12717/
6. Grzybowski, A. 2012. Extractive industries and conflict-toolkit and guidance for preventing and managing land and natural resources conflict. The United Nations Framework Teal for Preventive Action, 5p.
7. William E. Hughes Op. Cit. p.1.
8. Ibid p. 17.
9. San, A.A.K., Amuda-Kannike, Y. and Jude-Akaraonye, G.O. 2023. An examination of the effectiveness of banking arbitration in Nigeria. Journal of Law Policy and Globalization, 133: 1-9.
10. Herbert Smith Freehills. 2017. Commercial arbitration in Africa: Present and future. https://www.hsfkramser.com/insights/2017-02/commercial-arbitration-in-africa-present-and-future/
11. Newman, D. 2017. Political rhetoric meets legal reality: How to move forward on free, prior, and informed consent in Canada. Available at: https://ssrn.com/abstract=3019277/
12. Petrovski, V. 2011. Contemporary modern industrial societies and the role of education. Procedia-Social and Behavioral Sciences, 15: 1362-1365.
13. Moens, G. and Evans, P. 2015. Arbitration and dispute resolution in the resources sector: An Australian perspective. IusGentium: Comparative Perspectives on Law and Justice, 43.
14. Petrovski, V. Op. Cit.

15. National Alternative Dispute Resolution Advisory Council (NADRAC). 2012. Your guide to dispute resolution. http://www.nadrac.gov.au/
16. 5 Common Business Disputes That Can Be Easily Avoided | Pearltrees. http://www.pearltrees.com/u/182645471-business-disputes-avoided/
17. Herbert Smith Freehills Op. Cit. p.1.
18. Ostrove, M., Sanderson, B. and Veronelli, A.L. 2016. Developments in African arbitration: The middle eastern and African arbitration review. https://globalarbitrationreview.com/review/the-middle-eastern-and-african-arbitration-review/2016/article/developments-in-african-arbitration/
19. Ibid
20. Herbert Smith Op. Cit. p.4.
21. Onyema, E. 2010. International commercial arbitration and the arbitrator's contract. Routledge.
22. Villanueva Picos, E.M. 2019. A modern approach to confidentiality in international commercial arbitration: Transparency v secrecy. Doctoral Dissertation, University of Essex.
23. Leonard, L. and Grovogui, S.N. (Eds.). 2017. Governance in the extractive industries: Power, cultural politics and regulation. Routledge.
24. Stevens, P., Kooroshy, J., Lahn, G. and Lee, B. 2013. Conflict and coexistence in the extractive industries. London: Chatham House.
25. Cliffe Dekker Hofmeyr (CDH). A fair share approach equals success in the extractives industry. https://www.cliffedekkerhofmeyr.com/en/news/publications/2015/mining-and-minerals/mining-and-minerals-a-fair-share-approach-equals-success-in-the-extractives-industry.html/
26. Paul Stevens Op. Cit.
27. Article 1 of the OHADA Uniform Act on Arbitration. Retrieved from OHADA-Uniform Act on Arbitration (www.droit-afrique.com)
28. Dunlop Pneumatic Tyre Co Ltd vs Selfridge & Co Ltd [1915] AC 847.
29. Article 13 Paragraph 4 of the OHADA Uniform Act on Arbitration. Retrieved from OHADA-Uniform Act on Arbitration (www.droit-afrique.com)
30. Article 5 of the OHADA Uniform Act on Arbitration. Retrieved from OHADA-Uniform Act on Arbitration (www.droit-afrique.com)
31. Article 31 of the OHADA Uniform Act on Arbitration. Retrieved from OHADA-Uniform Act on Arbitration (www.droit-afrique.com)
32. Article 5 of the OHADA Uniform Act on Arbitration. Retrieved from OHADA-Uniform Act on Arbitration (www.droit-afrique.com)

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