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The Implementation of Administrative Litigation by the Administrative Courts in the North-West and South-West Region of Cameroon

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Abstract

Administrative litigation in Cameroon has evolved through three distinct historical periods shaped by political transitions. Despite successive reforms, the substantive content governing administrative courts has remained largely unchanged. Rooted in the French civil law tradition, the system creates structural tensions in the bi-jural North-West and South-West regions. This study appraises how effectively administrative courts in these English-speaking regions adjudicate disputes. A qualitative approach was adopted, judicial decisions, document review, and unstructured interviews with judges, lawyers, and court registrars. Findings reveal critical disparities between the French and English versions of Law No. 2006/022, particularly in translation and legal terminology. These disparities create ambiguity and unequal application of the law. Additionally, bi-jural tensions, weak institutional capacity, and the armed conflict further undermine effective adjudication. As a result, access to justice in these regions remains significantly compromised. Legislative reform, institutional capacity building, and strengthened professional training are therefore necessary to improve administrative justice in English-speaking regions of Cameroon.

Keywords: administrative courts, administrative litigation, South west region, North west region

1. Introduction

Administrative litigation is a cornerstone of the rule of law. It is the principal mechanism through which citizens challenge the decisions and actions of public authorities before specialized courts. Without an effective system of administrative adjudication, government accountability becomes a formal promise rather than a legal reality. The establishment of administrative courts therefore reflects a state's commitment to subjecting public power to judicial control.

Cameroon's path to administrative justice has been long and shaped by its colonial history. The French-administered territories developed administrative courts modelled on the Napoleonic system, including the Conseil du Contentieux Administratif established in 1927. The British-administered territories of Southern Cameroons, by contrast, operated under common law principles, where administrative disputes were handled by ordinary courts

through judicial review. Reunification in 1961 brought these two distinct legal traditions within a single national framework. The administrative bench of the Supreme Court became the sole administrative jurisdiction for the entire territory between 1972 and 1996. The 1996 constitutional revision decentralized administrative justice and provided for regional administrative courts. These courts were formally established under Law No. 2006/022 of 29 December 2006 and became operational following Decree No. 2012/199 of 15 March 2012[1].

The creation of administrative courts in the North-West and South-West regions of Cameroon placed civil law administrative procedure within common law legal territory. This is not a minor procedural inconvenience. It is a structural collision between two fundamentally different legal traditions. Common law practitioners and litigants in these regions encounter a system built on civil law logic, civil law procedural rules, and legal concepts that have no precise equivalents in their legal formation. The difficulties are compounded by textual inconsistencies between the French and English versions of Law No. 2006/022. These discrepancies are not mere translation errors. They reflect deeper conceptual differences between two legal systems and generate genuine uncertainty about what the law requires[2]. The armed conflict that has gripped the North-West and South-West regions since 2016 has further disrupted court functioning, displacing legal practitioners, restricting physical access to courts, and eroding public confidence in State institutions[3].

Several scholars have addressed aspects of this problem. Ndage has examined the structural constraints on administrative judges in Cameroon, showing how judicial independence is undermined by procedural formalism and institutional pressures[4]. Mbarga has traced the difficulties produced by Cameroon's dual legal system for administrative adjudication[5]. Sietchoua Djuitchoko has documented the historical transplantation of French administrative law into the common law space of the English-speaking regions[6]. Mistinolle has assessed the practical consequences of decentralization following the 2006 reform, finding that geographical proximity to courts did not translate into meaningful access to justice[7]. These contributions are valuable. However, they address the problem at the national level or within the broader framework of the Anglophone crisis. None conducts a focused, empirical examination of the specific barriers facing common law lawyers, litigants, and the administrative courts themselves in the North-West and South-West regions. The question of what bijural tension produces concretely, inside a courtroom, in daily legal practice, has not been systematically investigated.

This article argues that administrative justice in the NW and SW regions of Cameroon is structurally impaired. The impairment is not incidental. It is generated by the imposition of a civil law administrative framework upon a common law legal environment, by the textual and conceptual inconsistencies of Law No. 2006/022 across its two language versions, and by the institutional disruption produced by the ongoing armed conflict. These factors combine to undermine effective adjudication and deny meaningful access to justice to citizens in the English-speaking regions. By examining the legal, institutional, and contextual dimensions of this problem, this article contributes to the limited scholarship on administrative litigation in Cameroon's English-speaking regions and argues that genuine reform requires acknowledgment of the country's bijural reality as a structural and not merely historical fact.

2. Conceptual Clarification

The conceptual framework of this study rests on three interrelated concepts: litigation,

[1] P. Solomon (2018). *A Guide to Administrative Law, Administrative Litigation and Public Liberties and Human Rights*, 1st ed. 172.

[2] André Nzonzo. (2015). *Le statut de la juridiction administrative au Cameroun*. Paris: L'Harmattan, 88.

[3] International Crisis Group. (2020). *Cameroon's Anglophone Crisis at the Crossroads*. Africa Report No. 271 (Brussels: ICG), 22.

[4] Afor Kenneth Ndage. (2020, December). The Administrative Judge in Cameroon: Helpless before an Administrative Act. *Journal of Legal Studies and Research, 6*(6).

[5] L. Mbarga. (2018). *The Dual Legal System and Its Impact on Administrative Justice in Cameroon*.

[6] Célestin Sietchoua Djuitchoko. (1996). Souvenir de la Common Law et actualité du droit administratif dans les provinces anglophones du Cameroun. *Revue générale de droit*, *27*(3), 357–374.

[7] Mekemjio Feujio Lydiane Mistinolle. (2021). Le droit de recours au juge administratif: ce qui a changé depuis la mise en place des tribunaux administratifs au Cameroun. *International Multilingual Journal of Science and Technology*, *6*(5), 3235–3241.

administrative litigation, and administrative courts. These concepts define the legal process through which citizens challenge public authority, the institutional setting in which such challenges are resolved, and the procedural framework that governs them.

2.1 Litigation

Litigation is the foundational legal concept within which all judicial and administrative disputes are resolved. It has been approached from two complementary angles: a formal angle, which focuses on the institutional and procedural framework of dispute resolution, and a functional angle, which emphasizes the purpose and outcome of that process.

From a formal standpoint, *Black's Law Dictionary* defines litigation as "a judicial controversy" and "a contest in a court of justice, for the purpose of enforcing a right[1]." Bouvier echoes this by adding the element of legal authorization, situating litigation within the rule of law rather than mere social dispute[2]. From a functional standpoint, Stewart describes it as "the putting of a dispute before a court or tribunal[3]." The Cornell Law School's Legal Information Institute defines it as "the process of resolving disputes by filing or answering a complaint through the public court system." Cappelletti further distinguishes litigation from alternative dispute resolution by emphasizing its state-backed institutional authority and the binding, enforceable nature of its outcomes[4].

For the purposes of this study, litigation is understood as the formal legal process by which parties submit a dispute to a court or tribunal vested with binding authority, in accordance with established procedural rules and substantive law, with the aim of enforcing a right or obtaining a legally recognized remedy.

2.2 Administrative Litigation

Administrative litigation is a specialized form of litigation. It concerns disputes arising from the actions, decisions, or omissions of public administrative bodies. The concept has been examined from three analytical angles: procedural, institutional, and functional.

From a procedural standpoint, 'Black's Law Dictionary' defines administrative litigation as a legal process involving disputes arising from actions, decisions, or regulations of governmental agencies, reviewed and adjudicated in administrative courts or by administrative judges[5]. From an institutional standpoint, the 'Oxford Dictionary of Law' defines it as litigation arising from the exercise of public powers by administrative bodies or officials, involving claims brought before administrative courts to assess the legality or constitutionality of those actions[6]. Stirn reinforces this by emphasizing that administrative litigation operates through a specialized court designed to protect citizens from arbitrary exercises of public authority[7].

From a functional standpoint, Chapus defines it as the legal proceedings through which the administrative judge verifies the legality of acts issued by public authorities, ensuring the rule of law is respected within public administration[8]. Rivero complements this by highlighting the variety of remedies available, including actions for excess of power and claims for damages[9].

For the purposes of this study, administrative litigation is understood as the formal legal process by which individuals or entities challenge the actions, decisions, or omissions of public administrative bodies before specialized courts, with the aim of ensuring that such bodies act within the limits of their legal authority, respect procedural fairness, and provide redress where individual rights have been infringed.

2.3 Administrative Courts

Administrative courts are the institutional setting within which administrative litigation is conducted. Their existence reflects a legal system's recognition that disputes between citizens and the State require specialized adjudication. Three emphases emerge from the

[1] *Black's Law Dictionary* (2nd ed.). (1910). West Publishing.

[2] John Bouvier. (1856). *A law dictionary* (6th ed.). Childs & Peterson.

[3] Cornell Law School, Legal Information Institute. (2026, April). *Wex legal dictionary: Litigation*. https://www.law.cornell.edu/wex/litigation

[4] Mauro Cappelletti. (1993). Alternative dispute resolution processes within the framework of the world-wide access-to-justice movement. *Modern Law Review, 56*(3), 282–296.

[5] Bryan A. Garner (Ed.). (2019). *Black's law dictionary* (11th ed.). Thomson Reuters, 1150.

[6] Elizabeth A. Martin, & Jonathan Law. (2018). *A dictionary of law* (9th ed.). Oxford University Press, 35.

[7] Bernard Stirn. (2020). *Le droit public français* (9th ed.). Presses Universitaires de France, 105.

[8] René Chapus. (2019). *Droit administratif contentieux* (15th ed.). Montchrestien, 214.

[9] Jean Rivero. (2018). *Droit administratif contentieux* (28th ed.). Dalloz, 142.

literature: structural, functional, and rights-based.

From a structural standpoint, 'Black's Law Dictionary' defines an administrative court as a court established by statute to hear complaints and disputes concerning the actions of administrative agencies, where a specific regulatory framework governs the proceedings[1]. Schwartz broadens this by describing such courts as specialized tribunals that resolve disputes involving government agencies and individuals, balancing the powers of the State with the rights of private parties[2].

From a functional standpoint, Chapus defines administrative courts as courts responsible for adjudicating disputes related to public administration, covering matters including public service employment, public contracts, and regulatory actions [3] . From a rights-based standpoint, Rivero and Waline describe them as jurisdictions specifically designed to deal with disputes between individuals and administrative authorities, acting within public law and exercising public authority, essential for preventing abuses of power and maintaining the rule of law[4].

For the purposes of this study, an administrative court is understood as a specialized judicial body, established by law, with jurisdiction to adjudicate disputes arising from the exercise of public authority by administrative bodies, with the dual aim of ensuring the legality of administrative action and protecting the rights of individuals affected by such action.

3. Methodology

This study adopts a qualitative research methodology. Qualitative research is particularly appropriate for legal inquiry. It seeks to uncover the underlying reasons behind institutional practices and human behaviors within a given society[5]. It focuses on in-depth, non-numerical data exploration. This makes it suitable for analyzing complex legal systems and procedures. Creswell and Poth emphasize that qualitative research facilitates deep, contextual analysis essential for comprehensive legal studies[6]. By prioritizing interpretive understanding over quantifiable metrics, this approach allows for a nuanced examination of administrative justice in the North-West and South-West regions.

Three research methods are employed: historical, doctrinal, and empirical. The historical method traces the evolution of administrative litigation in Cameroon from the colonial period to the present. It examines historical legal developments, legislative precedents, and statutory interpretations. This method illuminates how past legal and institutional contexts have shaped the current framework of administrative adjudication[7]. It is particularly relevant to understanding why the NW and SW regions, with their common law heritage, continue to experience challenges within a predominantly civil law system.

The doctrinal method critically examines primary legal sources. These include constitutional provisions, statutory regulations, and case law from administrative courts in Cameroon. The aim is to evaluate existing legal frameworks and identify gaps requiring reform. As Lample notes, doctrinal analysis is foundational to legal research, as it interprets legal texts in light of authoritative sources, ensuring findings are grounded in established jurisprudence[8].

Data collection integrates primary and secondary sources. Primary data consists of legal rules, principles, case law, and doctrines relevant to administrative litigation in Cameroon. Case law is particularly valuable. It synthesizes statutory law, judicial interpretations, and regulatory applications, offering insights into how the judiciary upholds administrative accountability[9]. Secondary data includes journal articles, legal textbooks, policy reports, and online databases. These provide comparative perspectives by analyzing administrative litigation mechanisms in France and England, helping identify potential reforms that legal system of Cameroon could

[1] Garner. (n.d.). *Black's law dictionary* (p. 123).

[2] Bernard Schwartz. (2006). *French administrative law and the common-law world* (2nd ed.). Praeger, 45.

[3] René Chapus. (2019). *Droit administratif général* (18th ed.). Montchrestien, 112.

[4] Jean Rivero, & Jean Waline. (2018). *Droit administratif* (28th ed.). Dalloz, 68.

[5] M. Khushal. (2020). *Qualitative research methodology and legal studies*. Oxford University Press.

[6] John W. Creswell, & Cheryl N. Poth. (2016). *Qualitative inquiry and research design: Choosing among five approaches* (4th ed.). Sage Publications.

[7] Mark Gillman. (2021). The histo-legal approach to legal research. *Harvard Law Review, 134*(4), 1127–1158.

[8] Helen Lample. (2019). Doctrinal legal research and interpretation. *Sage Law Review, 15*(1), 85–103.

[9] P. Mukherjee. (2022). *Administrative justice in Cameroon: A case study approach*. University of Buea Press.

adopt[1].

To complement the doctrinal analysis with real-world perspectives, an empirical approach is adopted. This involved unstructured interviews with key stakeholders directly involved in administrative litigation in the NW and SW regions. Unstructured interview formats allowed participants to freely express their experiences, enriching the qualitative data[2]. Participants expressed their views on procedural challenges, institutional constraints, and the interaction between common law and civil law norms.

The sample population comprised judges, lawyers, and court officials. These categories were selected because of their direct engagement with the adjudicative processes under examination. Judges provided perspectives on judicial reasoning and procedural adherence. Lawyers illuminated advocacy strategies and systemic bottlenecks. Court officials offered insight into administrative workflows and institutional constraints. The sampling approach was one of convenience sampling, supplemented by deliberate efforts to engage a diverse cross-section of roles and jurisdictions within the two regions.

Ethical standards were upheld through a series of informal safeguards. All participants were informed of the study's purpose, its voluntary nature, and the commitment to confidentiality before any interview commenced. Verbal consent was obtained in each instance. Anonymity was preserved by assigning codes to participant references in all data recording and analysis. Interviews were conducted in neutral settings to minimize power imbalances and create conditions conducive to candid responses.

4. Theoretical Framework

This researcher employs an integrated theoretical framework combining Legal Pluralism Theory, and the Rule of Law Theory. These theories are not applied in isolation. Rather, they intersect to explain the structural challenges facing administrative courts in the NW and SW regions and to provide analytical tools for measuring their effectiveness. Each shall be examined seriatim.

4.1 Legal Pluralism Theory

Legal pluralism is generally defined as a situation in which two or more legal systems coexist in the same social field[3]. The concept emerged from anthropological encounters with indigenous normative orders in colonized societies in Africa, Asia, and the Pacific. Early scholars observed that colonized peoples were simultaneously subject to indigenous law and European colonial law. As Chanock observed for colonial Africa, "the law was the cutting edge of colonialism,"[4] Colonial law, forged for industrial capitalism rather than agrarian ways of life, embodied very different principles and procedures from the legal orders it encountered. Scholars termed these situations legal pluralism.

Griffiths distinguishes between two conceptions of legal pluralism[5]. The social science conception treats it as an empirical state of affairs: the coexistence within a social group of legal orders that do not belong to a single system. The juristic conception treats it as a particular problem created when European colonial powers superimposed their legal systems on pre-existing ones. In the juristic sense, a legal system is pluralistic when the sovereign commands different bodies of law for different groups of the population, varying by ethnicity, religion, nationality, or geography.

Legal pluralism theory is not merely one of several available lenses for this study. It is the foundational theoretical premise upon which the entire inquiry rests. The bijural legal of Cameroon architecture constitutes a textbook instance of juristic legal pluralism. Two distinct legal traditions, the French civil law system and the English common law system, coexist within the boundaries of a single sovereign State. They are governed by a single administrative court structure. Yet they operate from fundamentally different epistemological and procedural foundations.

The *droit administratif* tradition dominates administrative law framework in Cameroon. It is rooted in the Napoleonic legal model, with its

[1] T. Adekunle. (2021). *Comparative administrative law in African jurisdictions*. Oxford University Press.

[2] Peter Fisher. (2020). Principles of legal reasoning in administrative law. Routledge.

[3] Leopold Pospisil. (1981). Modern and traditional administration of justice in New Guinea. *Journal of Legal Pluralism, 19*, 93.

[4] Sally Engle Merry. (1988). Legal pluralism. *Law & Society Review, 22*(5), 869–896.

[5] John Griffiths. (1986). What is legal pluralism? *Journal of Legal Pluralism, 24*, 1.

emphasis on codified rules, administrative tribunals, and doctrines such as the *recours pour excès de pouvoir* and the *faute de service*. These doctrines have no precise equivalents in common law legal thinking. The common law tradition, which governs the legal culture of the NW and SW regions, operates from principles of judicial review, precedent, and adversarial procedure. These principles are structurally different from their civil law counterparts.

When Law No. 2006/022 is applied across both legal traditions as a uniform instrument, it creates the precise conditions of normative conflict that legal pluralism theory is designed to analyze. The problems identified in this study, procedural inaccessibility, linguistic and conceptual discrepancies between the French and English versions of the law, are not incidental failures of administration. They are structurally generated outcomes of operating a civil law administrative justice system within a legally plural environment.

Particularly instructive is the problem of textual inconsistency between the French and English versions of Law No. 2006/022. The legislative process of Cameroon is predominantly conducted in French. The English versions of administrative law statutes are therefore translations rather than original texts. An English-speaking practitioner trained in common law interpretive methods reads the English version of this law through a common law hermeneutical lens. He attributes common law meanings to what are in fact civil law concepts. This creates a systematic interpretive gap that is not merely linguistic but jurisprudential. It is a gap that Hooker would recognize as a direct consequence of transferring a legal system across cultural and legal tradition boundaries[1].

Legal pluralism theory provides the conceptual vocabulary necessary to move beyond descriptive accounts of the English-speaking legal grievance. It enables a structural examination of the bijural collision within administrative justice system in Cameroon. It is the theory that makes the research problem of this study intelligible.

4.2 Rule of Law Theory

The rule of law has been conceived from two perspectives. The classical definition, proposed by Albert Venn Dicey, holds that the rule of law means the supremacy of the law[2]. No person is above the law. Every person is equally subject to the ordinary law of the land. The contemporary definition, developed by the International Commission of Jurists, holds that the rule of law encompasses the conditions, structures, institutions, processes, and procedures that must exist so that individuals can enjoy life in dignity, security, and prosperity. From the United Nations standpoint, it is a principle of governance in which all persons, institutions, and entities are accountable to laws that are promulgated and enforced by independent organs[3].

Furthermore, Dicey's second pillar, talks of equality before the law, warrants careful examination in this context. The administrative justice system applies the same law nominally to all practitioners and litigants. However, the practical operation of that law may produce different outcomes depending on the legal tradition within which a practitioner has been trained. Where procedural rules and legal concepts are rooted in civil law logic, practitioners and litigants formed within the common law tradition may encounter greater difficulty navigating the system. This raises a question not of formal legal inequality, but of substantive equality in access to justice, a question that any credible assessment of the rule of law in the NW and SW regions must engage with seriously.

The rule of law also faces exceptional challenges given the broader context of socio-political conflict in the NW and SW regions. In an environment where trust in State institutions is diminished, the legitimacy essential to the practical functioning of the rule of law is severely eroded. The rule of law cannot be restored by institutional declaration alone. It requires that the legal system speak to the people it serves in a legal language they can understand and trust.

The rule of law is important to this study because it provides the evaluative framework for identifying where the administrative justice system falls short of the legal certainty, equality, and accessibility it demands. It grounds the argument that meaningful reform must address

[1] M.B. Hooker. (1975). *Legal pluralism: An introduction to colonial and neo-colonial laws*. Clarendon Press.

[2] Mark D. Walters. (2021). *The spirit of legality: A.V. Dicey and the rule of law*. Cambridge University Press.

[3] *Ibid.*

these failures at their structural root.

5. Institutional and Procedural Framework Governing Administrative Litigation

There exist an institutional and a procedural framework governing administrative litigation. These institutional and procedural frameworks reveals the various steps needed in the process of carrying out an administrative litigation. Each of the frameworks shall be analyzed respectively.

5.1 The Two-Tier Institutional Structure

The administrative judiciary in Cameroon operates through a two-tier structure. At the first-instance level sit the Lower Administrative Courts (LAC). At the appellate level sits the Administrative Bench of the Supreme Court (AB of the SC). The two tiers are legally inseparable. Procedural rules only make sense within the institutional framework they serve. Institutions only function through the procedures that govern access to them.

This structure was substantially reformed by two legislative instruments enacted on 29 December 2006: Law No. 2006/016, governing the organization and functioning of the Supreme Court, and Law No. 2006/022, establishing the organization and functioning of the Administrative Courts. Together, these texts define both the institutional architecture through which administrative disputes are resolved and the procedural rules that govern every stage of the litigation process.

5.2 The Administrative Bench of the Supreme Court

Prior to the 2006 reforms, administrative jurisdiction was concentrated exclusively within the Supreme Court. A single administrative bench, located in Yaoundé, served the entire national territory[1]. This arrangement imposed a structural barrier of geographic distance between citizens and the courts empowered to adjudicate their disputes with public authorities. The 2006 reform gave institutional substance to the constitutional provisions of Sections 38 and 40 of the 1996 Constitution, which had already designated the Supreme Court as the highest court in administrative matters and mandated its Administrative Bench to examine all administrative disputes involving the State[2].

The AB of the SC is internally organized into five subject-matter divisions under Section 9 of Law No. 2006/016 as amended: the Division for Civil Service Litigation; the Division for Land Tenure Litigation; the Division for Tax and Financial Litigation; the Division for Public Contracts Litigation; and the Division for Nullification and Sundry Issues[3]. This specialization reflects the legislative recognition that administrative litigation covers legally distinct domains, each requiring dedicated judicial expertise and consistent doctrinal development.

The AB of the SC also exercises a supervisory and interpretive function. Where a Lower Administrative Court encounters difficulty in interpreting a legislative or administrative act, it is required to stay proceedings and refer the matter to the Administrative Bench, which must rule within three months[4]. This mechanism establishes the AB of the SC as the authoritative interpreter of administrative law, ensuring consistent application of legal standards across the ten regional courts.

Notably, the 2017 amendment to Law No. 2006/016 introduced a Common Law Division under the Judicial Bench. This reflects a legislative recognition bijural heritage of Cameroon. It signals a growing sensitivity to the need for institutional arrangements that reflect the country's plural legal identity.

5.3 The Lower Administrative Courts

The creation of Lower Administrative Courts as a distinct and autonomous tier represents the most structurally significant innovation of the 2006 reform. Law No. 2006/022 designated Administrative Courts as ordinary trial courts with general first-instance jurisdiction over administrative litigation[5]. Ten regionally distributed courts were established, each covering the entirety of one administrative region. The Administrative Courts of the NW and SW are seated in Bamenda and Buea respectively.

The material competence of these courts covers petitions for the quashing of ultra vires acts (*recours pour excès de pouvoir*); claims for damages caused by administrative acts; contract disputes; land disputes; and disputes arising from

[1] Godwin B. Moye. (2018). *Introduction to the Cameroonian public administration* (1st ed.), 254.

[2] Law No. 96-6 of 18 January 1996 to amend the Constitution of 2 June 1972.

[3] Section 9, Law No. 2006/016 of 29 December 2006 as amended by Law No. 2017/014 of 12 July 2017.

[4] Section 14 of Law No. 2006/022 of 29 December 2006.

[5] Section 14(1) of Law No. 2006/022.

measures taken to maintain public order[1]. Four grounds for quashing an administrative act are recognized: bad form; lack of jurisdiction; infringement of a legislative or regulatory provision; and abuse of authority[2]. Each ground reflects a distinct dimension of the principle of administrative legality.

The territorial competence rules are designed to favour the litigant. Rather than imposing a single mandatory connecting factor, Law No. 2006/022 offers five alternative grounds of jurisdiction: the location of the authority that took the challenged decision; the residence of the plaintiff; the location of the property in dispute; the place of execution of the contract; or the place where the injury occurred[3]. This multiplicity reflects a deliberate legislative choice to reduce geographic barriers to access to justice.

5.4 Procedure Before the Lower Administrative Courts

A similar-although different procedure is applicable before the lower administrative courts. As a corollary, it is germane to examine each procedure seriatim to understand the similarity or the differences that exist with those from other courts.

5.4.1 The Pre-Litigation Complaint

The mandatory pre-litigation complaint (*recours gracieux préalable*) is the procedural gateway to administrative litigation in Cameroon. Law No. 2006/022 provides that petitions may be made to the Administrative Court only following the rejection of a complaint made to the authority that issued the challenged act[4]. This requirement reflects two foundational principles.

The first is administrative autonomy. The litigant must first afford the administration the opportunity to reconsider its own decision. Many disputes can be resolved through administrative dialogue before judicial proceedings are engaged. The second is the immutability of litigation. By requiring the litigant to define the precise nature of their complaint at the pre-trial stage, the law ensures that the dispute brought before the court is identical to the one submitted to the administration[5].

The pre-litigation complaint is classified as a matter of public order. The court must raise its non-observance automatically, even without any party invoking it[6]. A petition filed without satisfying this requirement is inadmissible regardless of the merits of the underlying claim.

Time limits are imperative in character. Three months apply for challenges to administrative decisions; six months for indemnification claims; and four years for cases of abstention by an authority legally bound to act[7]. Extensions are available for complainants residing outside Cameroon. These graduated limits reflect the legislative recognition that different categories of administrative dispute carry different levels of urgency.

5.4.2 Introduction and Admissibility of the Petition

Following rejection of the pre-litigation complaint, the litigant may introduce proceedings before the Administrative Court. Admissibility is assessed across three dimensions: personal, temporal, and material.

The personal conditions require legal capacity, a legitimate interest, and locus standi. The interest must be certain, born, and actual[8]. It must be personal, meaning the petitioner must be directly and individually affected by the challenged act. Locus standi is the legal title that entitles the petitioner to seek judicial review[9]. The temporal condition imposes a sixty-day limit for filing a petition following rejection of the pre-litigation complaint[10]. The material conditions require the petition to be in written form, stamped, signed, accompanied by the challenged decision, and deposited with a fee of 20,000 FCFA[11].

5.4.3 Examination and Judgment

The examination phase is governed by two complementary principles: the contradictory principle and the inquisitorial principle. The contradictory principle ensures that no party may be condemned without having had the opportunity to respond to the case against them.

[1] Section 2, Law No. 2006/022.

[2] P. Solomon. (2018). *A guide to administrative law, administrative litigation and public liberties and human rights* (1st ed.), 179.

[3] Section 15, Law No. 2006/022.

[4] Section 17(1) of Law No. 2006/022.

[5] *Edimo Jean Charles c/ État du Cameroun, 1976; Ngondi Dieudonné c/ État du Cameroun*, 1983.

[6] *Item Dieudonné c/ État du Cameroun and Atangana Essomba Protais c/ État du Cameroun*, CS/CA, 1978.

[7] Section 17(3) of Law No. 2006/022.

[8] *Baba Youssoufa v. The Federal State of Cameroon*, 1971.

[9] *Olle Mathieu et Engamba Emilie v. The State of Cameroon,* T.E., 8 March 1963.

[10] Section 10(1), Law No. 2006/022.

[11] Section 34 of Law No. 2006/022.

The respondent has thirty days to file a defense. The petitioner then has fifteen days to file a reply.

The inquisitorial principle confers on the judge active investigative powers. In administrative litigation, the court adjudicates disputes between an individual and a public authority that possesses structural informational advantages. The judge may request information, order site visits (Locus in quo), examine witnesses, inspect documents, and commission expert evidence[1]. This active role compensates for the asymmetry between the parties.

The court sits as a panel of three judges[2]. This reflects the principle of collegial decision-making in administrative justice. The significance of this requirement was demonstrated in practice by the Administrative Court of the SW Region, which temporarily lost the capacity to sit following the departure of one of its judges, illustrating that the three-judge requirement, while constitutionally sound, creates operational vulnerability in courts where judicial appointments are limited.

5.4.4 Special Procedures

Law No. 2006/022 provides two urgent procedures where delay would cause irreversible harm. The *référé administratif* empowers the president of the Administrative Court to make preliminary orders without prejudice to the substantive matter[3]. The ruling is made in chambers and served to the parties within twenty-four hours[4]. The stay of execution suspends the challenged administrative act where execution would cause irreparable harm and the decision does not affect public order, security, or public peace[5].

5.4.5 Procedure before the Administrative Bench of the Supreme Court

The AB of the SC exercises jurisdiction in two distinct capacities. As a court of appeal, it reviews first-instance decisions on both fact and law. As a supreme court, it exercises cassation jurisdiction confined to questions of law alone[6].

Appeals must be lodged within fifteen days of notification of the lower court's decision[7]. The appeal is lodged at the registry of the lower court, not at the AB of the SC itself, a practical recognition of geographic accessibility. At the cassation level, strict formal requirements apply. The memorandum must fully identify the appellant, set out the grounds of appeal, and be filed in four copies[8]. The power of evocation allows the AB of the SC, where it quashes a lower court judgment and the case is ready for determination, to resolve the matter definitively itself rather than remitting it to a lower court[9]. This reflects the principle of judicial economy at the highest level.

The judgment of the AB of the SC sitting in joint division is binding on lower courts on all points of law considered[10]. This ensures that the authoritative interpretation of administrative law by the Supreme Court filters down to every level of the administrative judiciary, promoting consistency and legal certainty across the national territory.

6. Legal Challenges in the Implementation of Administrative Litigation in the North-West and South-West Regions

Administrative litigation in the NW and SW regions operates under Law No. 2006/022. The law was drafted primarily in French and translated into English. That translation process has produced two distinct categories of legal challenge. The first is translation disparities and the second is terminological disparities. These challenges shall be examined seriatim.

6.1 Translation Disparities

These arise where the act of converting legal text from French into English produces an inaccurate, incomplete, or misleading result. These translation disparities shall be examined one after the order respectively.

6.1.1 Attorney and Advocate

Sections 20 and 21 of Law No. 2006/022 draw a distinction between an attorney and an advocate. In the French version, the distinction between *mandataire* and *avocat* is clear. A *mandataire* is any representative acting under a mandate. An *avocat* is a lawyer admitted to the bar. The English version introduces confusion by using both *attorney* and *advocate*. *Black's Law Dictionary* defines attorney as either someone designated to

[1] Sections 38(1) and 40 of Law No. 2006/022.

[2] Section 53 of Law No. 2006/022.

[3] Section 27 of Law No. 2006/022.

[4] Section 28 of Law No. 2006/022.

[5] Section 30 of Law No. 2006/022.

[6] Section 114(1), Law No. 2006/022.

[7] Section 74, Law No. 2006/016.

[8] Section 92, Law No. 2006/016.

[9] Section 103, Law No. 2006/016.

[10] Section 106, Law No. 2006/016.

transact business for another, or someone who practices law [1]. This dual meaning creates interpretive uncertainty.

The practical consequences of this ambiguity emerged in A*kuma Nchu Ivo & 6 Others v. The State of Cameroon & Anye George Gashu*, where the Administrative Court of the NW declared a petition inadmissible on the ground that Barrister Muluh Tening had not produced a power of attorney [2]. The Administrative Bench of the Supreme Court overturned this ruling, holding that an advocate derives authority directly from the law to act on behalf of a client and is not required to produce a separate power of attorney. The lower court's error was directly traceable to the ambiguity in the English text. Similar confusion arose in *Ngu Ngwa Augustine v. The State of Cameroon (MINDCAF) and 2 others*, where the rapporteur's report noted that the word "attorney" in Section 35(2) refers to a holder of a power of attorney and not a lawyer, a distinction the English text alone does not clearly convey[3].

6.1.2 Pre-Litigation Complaint and *Recours Gracieux*

The French term *recours gracieux préalable* is translated in Law No. 2006/022 simply as complaint[4]. This translation is inadequate. The *recours gracieux* is not an ordinary complaint. It is a mandatory pre-litigation step, rooted in the French administrative law principle that the administration must have the opportunity to correct its own errors before judicial proceedings are engaged. The term derives from the Latin *gratia,* meaning grace, reflecting the idea that the petitioner requests administrative reconsideration rather than judicial compulsion[5]. The procedure is governed by strict time limits. Administrative silence for three months constitutes rejection. These features are entirely incompatible with the informal nature typically associated with a "complaint".

The NW-SW Administrative Courts have recognized this gap. They consistently use the phrase "pre-litigation complaint", a formulation that does not appear anywhere in the English text of Law No. 2006/022[6]. *In Nkamgang Mingeu Joseph v. The State of Cameroon (MINDCAF) and Others*, the court explicitly supplemented the defective translation by adding the word "pre-litigation" to restore the procedural content that the original French text carried but the English translation failed to convey[7]. The court was left to fill a gap that should have been addressed at the drafting stage.

Section 17(1) creates an additional problem. The French version refers to *le recours*, which should properly translate as "lawsuit" or "action". The English version uses "petitions" in the plural, suggesting that multiple petitions may follow from a single pre-litigation complaint. The French text is unambiguous: one action, one pre-litigation complaint. The Supreme Court settled this judicially in *TAGNY Mathieu v. The State,* ruling that the pre-litigation complaint can be done once only for each action[8]. The *LOPHOMBO Sarl v. The State of Cameroon* case further illustrates how this translation gap can shape legal arguments and influence outcomes at the appellate level[9].

6.1.3 Effet Dévolutif and De Novo Review

Section 114(4) states in French that *l'appel du Procureur Général a un effet dévolutif*. The English version renders this as "an appeal by the Procureur General shall entail hearing the matter de novo". This translation fundamentally mischaracterizes the legal effect of the Procureur General's appeal. In French administrative law, *effet dévolutif* refers to the transfer of jurisdiction from the lower court to the appellate court within the scope defined by the grounds of appeal[10]. It does not require a complete rehearing of all evidence. De novo review in common law systems implies unlimited reconsideration of all aspects of the case [11]. These are structurally different standards. Conflating them alters the scope of appellate review, the deference owed to

[1] Bryan A. Garner, ed. (2019). *Black's Law Dictionary*, 11th ed. St. Paul, MN: Thomson Reuters, 152.

[2] Judgment No. 021/2018, Administrative Court of the North-West.

[3] Suit No. NWAC/048/SM/2014.

[4] Section 17(1), Law No. 2006/022.

[5] Jean Rivero and Jean Waline. (2002). *Droit administratif,* 19th ed. Paris: Dalloz, 156–158.

[6] Suit No. SWAC/PND/009/2015, Esabe Simon Timmeh v. The State of Cameroon (MINATD) Kumba 1 Council.

[7] Suit No. SWAC/LPM/006/2014, Judgment No. 018/2018.

[8] *TAGNY Mathieu v. The State, Répertoire Chronologique de la Jurisprudence de la Cour Suprême*, Première Partie (1960–1980), Tome V, p. 33.

[9] *LOPHOMBO Sarl v. The State of Cameroon,* appealed against Judgment No. 014/2017 of 18 December 2017, Suit No. SWAC/PND/004/2016.

[10] Jean-Marie Auby and Roland Drago, *Traité de contentieux administratif*, 3rd ed. (Paris: LGDJ, 1984), 2:287–292.

[11] Cornell Law School, Legal Information Institute, Wex Legal Dictionary, available at https://www.law.cornell.edu/wex (last accessed April 2026).

lower court findings, and the range of arguments available on appeal.

6.2 Terminological Disparities

These arise not from poor translation but from structural differences between two legal traditions. French civil law and English common law do not share the same foundational concepts. Some French legal terms have no English equivalent. Neither category is trivial. Together, they generate normative uncertainty, a condition where identical factual situations may yield different legal outcomes depending on the linguistic version of the law applied.

6.2.1 *Référé Administratif* and *Urgent Administrative Applications*

The French term *référé administratif* is rendered in English as "Urgent Administrative Applications." This translation loses the technical precision of the French term. In French administrative law, *référé* refers to summary proceedings before a single judge in urgent matters, a concept with a well-defined procedural structure[1]. The English translation emphasizes urgency but omits the procedural mechanism entirely.

This terminological gap has produced direct procedural harm. *In Awa Belvin Akunbong & Wusegah Chikelem Odilia v. The State of Cameroon and Tanyi Alice Tambi*, the President of the South-West Administrative Court found that the applicants had confused urgent administrative applications under Section 27 with stay of execution proceedings under Section 30, reproducing the provisions of the wrong section in their application[2]. Your Lordship observed that the applicants had "completely juxtaposed both concepts in a manner not to permit or properly ascertain what remedy or relief applicants are actually seeking"[3]. In *HRH Samuel Moka Lifafa Endeley & 5 Others v. Cheo Njong William and Ministry of Town Planning & Housing*, the applicants filed by way of a "motion", a common law term with no statutory basis in Law No. 2006/022. The court held that this mode of commencing an action was "unknown to Law No. 2006/022" and dismissed the application accordingly[4].

6.2.2 *Pourvoi en Cassation* and *Appeal to the Supreme Court*

The translation of *pourvoi en cassation* as "Appeal to the Supreme Court" represents one of the most consequential mistranslations in Law No. 2006/022. In French law, *appel* and "pourvoi" are distinct. "Appel" is an ordinary appeal on both fact and law. "Pourvoi" is a cassation appeal confined strictly to questions of law[5]. The English translation collapses this distinction. It suggests a general appellate review typical of common law supreme courts, obscuring that cassation review is limited to legal error and does not permit reconsideration of factual findings.

This distinction determines the scope of review available to litigants, the types of arguments admissible on appeal, and the deference owed to lower court decisions. The confusion is compounded by apparent contradictions between Sections 29 and 108 of Law No. 2006/022 and Law No. 2006/016 on the classification of appeals as "special" or "normal". The resolution of this contradiction requires understanding that the Supreme Court functions in dual capacities, as a court of appeal for first-instance decisions and as a court of cassation for last-instance decisions. The English translation provides no basis for this distinction[6].

6.2.3 The Inelastic Character of Law No. 2006/022

The challenges identified above reflect a deeper structural problem. Law No. 2006/022 was designed within a civil law framework and applied uniformly across a legally plural national territory. It contains no mechanism for accommodating the different procedural assumptions, concepts, and habits of common law practitioners and litigants. Section 115 illustrates this inelasticity. It provides that third-party applications shall be governed by ordinary law. In French-speaking regions, this means the Civil Procedure Code and the doctrine of *tierce opposition*, which operates after judgment. In English-speaking regions, it implies the Supreme Court Civil Procedure Rules (Cap 211), which treat third-party claims as interventions during proceedings[7]. These are structurally incompatible

[1] Code de justice administrative, art. L.521-1, Légifrance.

[2] Suit No. SWAC/PSE/003/2023, Ruling RPSE/PC/2024.

[3] Ibid.

[4] Suit No. SWAC/PND/010/2014, *HRH Samuel Moka Lifafa Endeley & 5 Others v. Cheo Njong William and Ministry of Town Planning & Housing.*

[5] Section 35(1), Law No. 2006/016.

[6] Section 29, Law No. 2006/022; Section 108, Law No. 2006/016.

[7] Section 115, Law No. 2006/022; Cap 211, Supreme Court Civil Procedure Rules.

approaches. The cross-reference produces not clarity but uncertainty. Courts and practitioners must navigate inconsistent procedures, timing rules, and standing requirements without statutory guidance.

The result is what may be described as an inelastic law: predictable in text but ill-suited to a mixed legal system. Adaptation requires legislative amendment or complex judicial reconciliation rather than straightforward procedural management. The frequency of admissibility dismissals in NW-SW courts, many of them traceable to the translation and terminological gaps examined in this section, is the concrete institutional expression of this structural failure.

7. Beyond the Law: Factors Influencing Administrative Litigation in the North-West and South-West Regions

Administrative litigation does not operate in isolation. It is shaped by social, political, cultural, and institutional factors that fundamentally affect the delivery of administrative justice. These factors are particularly pronounced in the NW and SW regions[1]. The challenges confronting the courts in these regions extend well beyond issues of statutory interpretation and procedural compliance. This section analyses three interrelated categories of extra-legal challenge: the impact of the ongoing armed conflict, the cultural tensions arising from the bijural system, and the professional and institutional constraints facing both courts.

7.1 Direct Impacts on Court Operations

The crisis has had specific and direct consequences for both the SW Administrative Court (SWAC) in Buea and the NW Administrative Court (NWAC) in Bamenda. Law No. 2006/022 assumes that courts can access all areas within their territorial jurisdiction to conduct judicial functions, including site visits (*locus in quo*), service of process, and enforcement of judgments[2]. That assumption no longer holds.

Significant portions of the SWAC's jurisdiction, particularly Meme, Manyu, and Ndian divisions, are effectively inaccessible due to security risks. Within the NWAC's jurisdiction, Boyo, Bui, Donga-Mantung, and Menchum divisions include large areas under the control of armed groups. Even the divisional headquarters where the courts are located experience periodic disruptions that affect court schedules and litigant access.

The practical consequences are multifaceted. Courts cannot conduct *locus in quo* visits to verify evidence or assess factual conditions relevant to administrative disputes [3]. Service of process becomes difficult or impossible in contested areas. Enforcement of judgments faces acute challenges where government authority is absent or contested [4]. Successful litigants may find themselves with paper victories that cannot be translated into practical relief.

7.2 Adaptive Strategies

Both courts have developed adaptive strategies to maintain judicial functionality under adverse conditions. Courts now routinely delegate *locus in quo* investigations to bailiffs rather than conducting direct judicial site visits. This preserves some capacity for fact-finding without exposing judges to security risks, though bailiffs may lack the legal training to identify all relevant facts[5]. Courts also rely more heavily on expert testimony to compensate for the inability to conduct direct inspections[6].

Court scheduling has been significantly disrupted. The SWAC traditionally held sessions on Mondays. Security assessments led to a ministerial decision to reschedule sessions to Wednesdays to avoid conflicts with "ghost town" observances [7]. This change, while practical, illustrates how external political pressures can dictate judicial operations in ways that compromise judicial independence and procedural predictability[8].

The most instructive illustration of procedural adaptation is *TEKE Gibeon Fon v. The State of Cameroon (MINDCAF) & 1 Other*[9]. The petitioner's

[1] International Crisis Group, *Cameroon's Anglophone Crisis at the Crossroads*, Africa Report No. 271 (Brussels: ICG, 2017), available at https://www.crisisgroup.org/africa/central-africa/cameroon (last accessed 10 May 2026).

[2] Sections 72–76, Law No. 2006/022 of 29 December 2006.

[3] *Ibid.*

[4] Godwin B. Moye. (2018). *Introduction to the Cameroonian Public Administration,* 1st ed., 275.

[5] Sections 84–90, Law No. 2006/022.

[6] *Ibid.*

[7] Field observation conducted by the researcher at SWAC, 15 March 2024.

[8] United Nations, "Basic Principles on the Independence of the Judiciary", adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August–6 September 1985, UN Doc. A/CONF.121/22/Rev.1 at 59 (1985).

[9] Judgment No. 014/2020 of 5 August 2022; Section 18, Law No. 2006/022.

sixty-day deadline expired on a Saturday. The following Monday and Tuesday were "ghost town" days during which court operations were suspended. The following day was Labour Day. The first practical opportunity for filing was Thursday, 2 May 2019, technically beyond the statutory deadline. The court accepted the petition as timely filed, recognizing that rigid procedural compliance cannot be demanded where compliance is rendered impossible by circumstances beyond a litigant's control. While this approach prioritizes access to justice, it introduces uncertainty about when and how procedural flexibility will be applied. Courts must distinguish genuine crisis-related incapacity from mere negligence without clear statutory criteria for doing so.

7.3 Procedural and Philosophical Conflicts

The fundamental philosophical differences between adversarial and inquisitorial approaches create ongoing tensions that affect every aspect of case management in administrative litigation[1]. The inquisitorial nature of proceedings under Law No. 2006/022 requires that all evidence and documentation be prepared and presented before court hearings. Written submissions form the primary basis for judicial decision-making. This conflicts sharply with common law traditions that emphasize oral advocacy, direct examination, cross-examination of witnesses, and dynamic courtroom interaction.

Court observations in the SWAC reveal that lawyers frequently over-stress oral submissions, spending significant time on arguments that should be contained in written pleadings and attempting to introduce evidence that should have been submitted during pre-trial preparation[2]. While this behavior violates the procedural framework of administrative litigation, it reflects deeply ingrained professional habits rather than deliberate non-compliance. Judges must navigate between maintaining procedural consistency with national standards and accommodating the professional culture of the lawyers appearing before them.

Physical courtroom arrangements reflect and reinforce these cultural tensions. In the Douala Administrative Court, Legal Department officials and registrars sit on the rostrum alongside judges, reflecting the civil law conception of judicial proceedings as a collaborative inquisitorial investigation[3]. In the NW and SW Administrative Courts, only judges sit on the rostrum, while Legal Department officials and lawyers occupy the same level, an arrangement that accommodates common law assumptions about the equality of different categories of legal practitioners and the separation of judicial and advocacy functions[4].

7.4 Professional Resistance

The resistance to administrative litigation procedures among legal practitioners in the English-speaking regions must be understood as more than professional conservatism. It reflects genuine concerns about competence, professional identity, and effective client representation[5]. E.H. Ngwa Nfobin's analysis notes that practitioners in the English-speaking regions demonstrate stronger resistance to administrative law reforms than their Francophone counterparts[6]. This resistance manifests both consciously, through deliberate non-compliance and public criticism, and unconsciously, through the reversion to familiar common law habits under the pressure of courtroom advocacy.

Legal education has reinforced this resistance. It was not until Decree No. 2017/318 of 27 June 2017 that the Department of Public Law was created in universities in the English-speaking regions, allowing *droit administratif* to be thoroughly studied[7]. Law students continue to receive stronger training in common law analysis and adversarial advocacy than in civil law administrative procedure. A review of the Bar training curriculum reveals that approximately thirty percent of the programme is dedicated to

[1] Aslam, A. (2025, December 1). Pathways to justice: Understanding adversarial and inquisitorial systems. Civil Dialogue, Bolch Judicial Institute. https://judicialstudies.duke.edu/2025/12/adversarial-vs-inquisitorial-systems-explained/ (last accessed 10 May 2026).

[2] Field observation by the researcher.

[3] Observation during visit to Douala Administrative Court.

[4] Field observation conducted by the researcher at SWAC, 15 March 2024.

[5] Ngwa Nfobin, E. H. (n.d.). Awaiting the administrative courts in former West Cameroon… Will the graft take hold this time? *Revue de Droit Administratif Cameroun*, 206.

[6] *Ibid.*

[7] Decree No. 2017/318 of 27 June 2017.

droit administratif[1]. This educational imbalance produces lawyers who are better prepared for common law practice than for administrative litigation.

7.5 Limited Legal Expertise

The shortage of specialized administrative law expertise in the NW and SW regions represents one of the most significant long-term challenges to effective administrative litigation. Fombad's research provides striking empirical evidence of this gap: only eight percent of lawyers in the English-speaking regions report having specialized training in administrative litigation, compared to thirty-four percent in the Centre Region[2]. This disparity reflects broader patterns of legal specialization that concentrate expertise in major urban centres with greater economic opportunities and institutional support.

The limited expertise pool creates cascading effects. Fewer practitioners with administrative law experience means fewer opportunities for knowledge transfer through mentorship and professional collaboration. Talented lawyers who develop administrative law expertise may relocate to regions with greater practice opportunities, further depleting local capacity[3]. Cases handled by practitioners with limited administrative law background may feature inadequate factual development, insufficient legal research, and weak legal arguments. This affects not only individual case outcomes but also the development of administrative law jurisprudence in these regions.

7.6 Resource and Infrastructure Constraints

The administrative courts in Bamenda and Buea operate under significant resource constraints that affect every dimension of their operations. Physical facilities are often inadequate for handling complex administrative litigation cases involving multiple parties, extensive documentary evidence, or technical presentations. Secure storage for case files presents ongoing challenges, particularly for sensitive government documents requiring long-term preservation[4]. Technological infrastructure, computers, internet connectivity, and modern communication systems, is inadequate or unreliable. The death of a judge of the Buea Administrative Court on 24 September 2023 left the panel incomplete and prevented court sessions from proceeding, illustrating the acute vulnerability created by minimum judicial complement requirements combined with inadequate staffing[5].

The availability of adequate legal research resources represents a particularly acute constraint. Enonchong's research specifically identifies the lack of adequate library resources, particularly English-language administrative law materials, as a major impediment to effective practice in these regions[6]. Administrative law draws on both domestic and comparative jurisprudence. The shortage of English-language materials is especially problematic for practitioners more comfortable working in English who must apply legal principles developed primarily in French-language contexts.

8. Summary of Findings

This study set out to examine how effectively administrative courts in the NW and SW regions of Cameroon adjudicate cases of administrative litigation. The findings are complex. They reveal both formal institutional competence and significant practical limitations.

On the legal framework, Law No. 2006/022 is technically detailed and formally comprehensive. However, it contains serious translation and terminological disparities between its French and English versions. In some provisions, the differences are minor. In others, they alter the meaning of the law entirely. Section 17 uses the English word "petition" where the French text refers to the *recours gracieux préalable*, a distinct procedural concept with defined legal requirements. Section 30 contains a translation error that reverses the intended legal effect on suspension orders. Section 114 uses the English phrase "de novo" to describe appellate review, whereas the correct French concept, "effet dévolutif", carries a fundamentally different legal meaning. These are not isolated drafting oversights. They generate normative uncertainty, inconsistent rulings, and unnecessary case

[1] Researcher's observation based on a review of the Bar 1 and Bar 2 training curriculum; field notes retained by the author.

[2] Charles Manga Fombad. (2018). The effectiveness of administrative courts in Cameroon: An assessment. *Journal of African Law, 62*(2), 308.

[3] Field observation by the researcher.

[4] Observation made during a visit to the Bamenda Administrative Court registry.

[5] Field observation, September 2023.

[6] Fombad, "Effectiveness of Administrative Courts," 308.

dismissals.

On terminological disparities, the study identified a structural problem beyond individual translation errors. French administrative law employs precise technical concepts that carry specific legal meanings. When rendered into English, those meanings are frequently lost or distorted. The translation of *référé administratif* as "Urgent Administrative Applications" removes the procedural specificity of an established emergency remedy. The translation of *pourvoi en cassation* as "Appeal to the Supreme Court" obscures the limited, law-only scope of cassation review and may lead practitioners to assume a full rehearing is available when it is not. As Angene confirms, Law No. 2006/016 fails to distinguish between "appeal" and *pourvoi en cassation* in its English version, a gap with direct consequences for practitioners relying on the English text[1].

On bijural tension, lawyers and litigants in the NW and SW regions operate within a common law professional culture. The procedural framework of Law No. 2006/022 is rooted in civil law logic. These two traditions rest on fundamentally different assumptions about procedure, evidence, and the role of the court. The mismatch produces procedural misapplication, technically grounded case dismissals, and professional resistance that cannot be resolved by training alone. L'Heureux-Dubé's analysis of the Canadian experience provides a relevant comparative caution: bijural legal systems risk sliding from cooperative legal bilingualism into legal parallelism where two traditions coexist without genuine integration[2]. Cameroon's experience with Law No. 2006/022 illustrates precisely this risk.

On institutional capacity, both the NW and SW Administrative Courts operate with inadequate physical facilities, limited law libraries, unreliable technology, and an insufficient pool of practitioners and judges with specialized administrative law training. Fombad's research documents that only eight percent of lawyers in the English-speaking regions report specialized training in administrative litigation, compared to thirty-four percent in the Centre Region[3]. This expertise gap has direct and measurable consequences for the quality of legal representation and judicial adjudication.

On the armed conflict, the ongoing security crisis that has affected the NW and SW regions since 2016 has significantly disrupted court operations. Courts are unable to conduct *locus in quo* in many areas. Service of process is sometimes impossible. Enforcement of judgments in contested areas remains uncertain. Litigants and legal practitioners cannot always access court facilities safely. The *TEKE Gibeon Fon* case illustrates that courts have shown pragmatic flexibility in managing crisis-related procedural obstacles, though this flexibility introduces its own challenges of consistency and predictability.

On judicial resilience, despite these difficulties, judges and court staff have demonstrated institutional commitment. Courts have adapted their procedures within the limits of the law. This resilience is significant. It suggests that systemic conditions, not individual failures of competence or dedication, are the primary source of the challenges identified.

The overall assessment is that administrative courts in the NW and SW regions are formally established and legally empowered. The gap between formal institutional design and practical effectiveness is, however, considerable. As Ndage observes, the Cameroonian administrative judge remains significantly constrained in practice, blocked from reviewing certain categories of acts, prohibited by Section 126 of the Penal Code from issuing injunctions against the administration, and restrained from scrutinizing the proportionality of discretionary decisions[4]. Citizens in these regions are entitled to effective access to administrative justice. The current system does not yet fully deliver it.

9. Conclusion

This article has examined administrative litigation in the NW and SW regions of Cameroon through legal, institutional, and contextual lenses. The analysis has drawn on three

[1] Kengo Ferdrick Angene. (2022). A critical examination of contentious matters subject to 'appeal' and pourvoi en cassation before the administrative bench of the Supreme Court of Cameroon. *International Journal of Legal Developments and Allied Issues, 8*(3), 155.

[2] Claire L'Heureux-Dubé. (2002). Bijuralism: A Supreme Court of Canada justice's perspective. *Louisiana Law Review, 62*(2), 453.

[3] Charles Manga Fombad. (2018). The effectiveness of administrative courts in Cameroon: An assessment. *Journal of African Law, 62*(2), 308.

[4] Afor Kenneth Ndage. (2020). The administrative judge in Cameroon: Helpless before an administrative act. *Journal of Legal Studies and Research, 6*(6), 183–184.

complementary theoretical frameworks. Legal pluralism theory provided the foundational premise: Cameroon's bijural legal architecture constitutes a textbook instance of juristic legal pluralism in which two distinct legal traditions coexist within a single institutional structure. Institutional theory explained why the formal introduction of administrative courts has not produced the effective administrative justice it promised: the regulative, normative, and cultural-cognitive pillars of the civil law institutional order exercise multi-dimensional resistance to the accommodation of common law legal culture. The rule of law provided the normative standard against which these structural failures are assessed: legal certainty, equality before the law, and access to fair courts are constitutive requirements of a legitimate legal order, not aspirational ideals.

The evidence gathered across the preceding sections converges on a single conclusion. The challenges facing administrative litigation in the NW and SW regions are structurally generated. They are the product of a formally unified administrative justice system operating within a normatively, culturally, and legally plural environment. Law No. 2006/022, drafted primarily within a civil law framework and applied uniformly across national territory, does not adequately accommodate the legal culture, professional identity, and procedural expectations of common law practitioners and litigants. The textual inconsistencies between its French and English versions compound this structural problem by introducing normative uncertainty at the level of the law itself.

The broader significance of these findings extends beyond legal technicality. Effective administrative justice is a governance matter. When courts can hold public authorities accountable, public confidence in institutions is reinforced. When they cannot, grievances accumulate. Nkili Mbida and Ngouloumba document that citizens in the NW region widely believe administrative courts exist to protect government interests rather than to deliver independent justice[1]. This perception, whatever its factual accuracy in individual cases, represents a governance deficit that requires institutional, not merely legal, responses.

Ndage identifies a countervailing observation that deserves equal weight. He characterizes the bi-jural nature of Cameroonian administrative law as an unexploited strength, one that, if properly harnessed, could make administrative justice in Cameroon genuinely distinctive[2]. This study supports that assessment. The co-existence of two legal traditions need not be a source of institutional dysfunction. Properly managed through deliberate legislative, institutional, and educational reform, it can enrich the legal system and strengthen the protection of rights. The path from the current situation to that outcome requires political will, sustained institutional investment, and a conscious commitment to treating bi-juralism as a structural feature of national governance rather than a historical anomaly to be managed.

10. Recommendations

The following recommendations are directed at the legislature, the judiciary, the bar association, universities, and the executive. They are grounded in the findings of this study and supported by comparative experience.

10.1 Reform of Law No. 2006/022

Law No. 2006/022 requires legislative amendment. The translation disparities identified in this study cause direct harm to litigants, practitioners, and the credibility of the courts. The National Assembly should establish a review commission composed of experts in both French *droit administratif* and English common law, supported by specialist legal translators. Four sections are particularly urgent. Section 17 should be rewritten to clarify the pre-litigation complaint requirement in terms accurate and meaningful across both legal traditions. Section 30 should be corrected to restore the intended legal meaning on suspension orders. Section 114 should replace the misleading English term "de novo" with language accurately describing the concept of *effet dévolutif*. Section 25 should define "administrative channel" in clear operational terms.

Canada's experience offers a practical model. L'Heureux-Dubé describes how Canada's Department of Justice introduced a co-drafting system in 1978, assigning both a common law and a civil law specialist to every government

[1] Nkili Mbida Eugène Pascal Parfait, & Ngouloumba Léger Gaël. (2025). The crisis of the administrative judge in Cameroon and Congo. *International and Public Affairs, 9*(1), 16.

[2] Ndage, "The Administrative Judge in Cameroon," 184.

bill[1]. A similar approach, pairing civil law and common law specialists in any future revision of Law No. 2006/022, would address the bijural drafting problem at its source. Melong reinforces this by establishing that legal vocabulary is system-bound: terms developed within one legal tradition frequently carry meanings with no functional equivalent in the other[2]. Translation must pursue functional equivalence, rendering legal effect rather than literal correspondence. The legislature should also establish formal crisis protocols specifying how procedures are adapted during security emergencies, including deadline extensions, alternative service methods, and provisions for virtual hearings.

10.2 Institutional Capacity Building

Both the NW and SW Administrative Courts require sustained investment in infrastructure, technology, and human resources. Physical facilities must be adequate for handling complex litigation. Comprehensive law libraries should be established at both courts, including texts on both French and common law administrative law and bilingual legal dictionaries. Case management systems and electronic filing should be introduced. Additional judges with administrative law expertise, trained registrars, and specialist legal translators should be recruited.

Simo *et al.* recommends a regulated framework for the deployment of magistrates based on language and legal tradition, establishing objective and binding criteria for posting decisions rather than leaving them to administrative discretion[3]. This recommendation is especially significant for the NW and SW administrative courts. Without judges trained in the common law tradition, the formal recognition of that tradition in Law No. 2006/022 remains without practical effect at the adjudicative level.

10.3 Professional Training

Law faculties in the NW and SW regions, particularly the University of Buea Faculty of Law, should ensure that students receive substantial training in French administrative law principles and procedures, practical skills for navigating bijural legal systems, and specific instruction on administrative litigation under Law No. 2006/022. The Cameroon Bar Association should develop mandatory continuing legal education programs focused on administrative litigation, covering recent jurisprudential developments, practical workshops on procedural requirements, and training on civil law concepts for common law trained practitioners. Mentorship programs should pair experienced administrative law practitioners with newer lawyers.

The Common Law Section of ENAM should be permanently entrenched in the texts governing that institution rather than re-created on an ad hoc basis for each competitive examination. Its current provisional status renders it structurally fragile[4]. Ngwa Nfobin adds that fluency in French alone is insufficient: anglophone legal professionals also require immersion in French public law at the level of conceptual depth, doctrine, and reasoning style[5]. This should be incorporated as a dedicated component of continuing professional development at ENAM and the bar.

10.4 Jurisprudential Development

A comprehensive case law database should be established, systematically collecting and publishing administrative court decisions from all Lower Administrative Courts and the Administrative Bench of the Supreme Court. Decisions should be available in both French and English, with editorial summaries identifying key legal principles. The multimedia legal and judicial documentation centre created by Decree No. 2012/121 of 15 March 2012 is the natural institutional vehicle for this function. It should be properly resourced, made formally bilingual, and specifically mandated to cover the NW and SW courts. Without systematic publication of judgments, jurisprudential development in these regions will remain invisible and unavailable for legal education, advocacy, and reform.

Melong identifies a further dimension: civil law and common law judges approach statutory interpretation differently, and in a bijural

[1] L'Heureux-Dubé, "Bijuralism," 459.

[2] Melong, J. (2013). Implementation of OHADA laws in a bilingual and bijural context: Cameroon as a case in point. *Revue de l'ERSUMA*, (2), 264–268.

[3] Simo, P., Gatsi Tazo, E.-A., & Ndouop Njoya, D. F. (2022, May). *Cameroon Anglophone crisis peace policy paper: Legal system and national bijuralism.* Constitutional Options Project. www.constitutionaloptionsproject.org, 18.

[4] *Ibid.*

[5] Ngwa Nfobin, E. H. (2012). Awaiting the administrative courts in former West Cameroon... Will the graft take hold this time? *Revue de Droit Administrative Cameroun*, 216.

jurisdiction this can produce different outcomes for comparable claims. Judgments from the NW and SW courts should be developed within common law interpretive methodology, reasoning from precedent and concrete facts, while giving effect to the same substantive legal standards that apply nationally. Systematic publication and annotation of such judgments would over time build a jurisprudential record that makes the common law dimension of administrative law visible, accessible, and authoritative.

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