

The Re-colonisation of the former United Nations Trust Territory of the Southern British Cameroons

Briefing Paper

Executive Summary

United Nations General Assembly Resolution 1608 (XV) of 21 April 1961 resolved that the Trust Territory of the Southern British Cameroons shall achieve independence on 1 October 1961. It also resolved that on the same date trusteeship shall end and the Southern Cameroons should freely associate with Republic of Cameroun in a federation of two states, equal in status. Trusteeship was indeed terminated on the appointed date. But independence was not achieved. Free association did not take place. Rather, on 1 September 1961, the National Assembly of Republic of Cameroun passed an annexation law illegally asserting territorial claim to the Southern Cameroons. One month later, on 30 September 1961 the Administering Authority invited to the Trust Territory a foreign Head of State, the President of Republic of Cameroun, transferred power over the Southern Cameroons to Republic of Cameroun in violation of international law and left. In violation of international law as well, Republic of Cameroun physically occupied the Southern Cameroons and has remained in colonial occupation of the territory to this day. The Southern Cameroons thus passed from British to Republic of Cameroun colonial rule. More than 55 years on, the former United Nations Trust Territory of the Southern British Cameroons is still languishing under the yoke of colonial domination and oppression by Republic of Cameroun. The Territory continues to cry out for freedom and independence.

1. Purpose

This Briefing Paper seeks:

- (i) To apprise the fair and conscientious world of the long and ongoing re-colonisation of the former United Nations Trust Territory of the Southern British Cameroons by the contiguous State of Republic of Cameroun, formerly French Cameroun;
- (ii) To alert the world to the existential threat that the people of the former United Nations Trust Territory of the Southern British Cameroons are faced with;

- (iii) To request urgent measures by states and international organisations to ensure by joint and separate action the speedy decolonisation of the Southern Cameroons;
- (iv) To urge states and international organisations to provide any means or form of assistance recognised by the international community to the dependent people of the Southern Cameroons in their just and peaceful epic struggle to free themselves from colonial oppression and the bonds of domination by Republic of Cameroun; and
- (v) To recommend to the African Union and the United Nations joint and separate speedy action in this matter.

2. Historical Background

The year 1858 marked the onset of foreign control over the territory that became known as the Southern British Cameroons. This year, 2015, marks 157 years of unbroken alien domination of that territory: British from 1858 to 1887, German from 1888 to 1914, British again from 1914 to 1961, and Republic of Cameroun from 1961 to date. This is a unique concatenation in Africa and the rest of the world.

The British established a foothold in the armpit of Africa as far back as 1847. In 1858 they took over an English missionary settlement at Ambas Bay in the Gulf of Guinea and named the British colony Victoria, after Queen Victoria. Thirty years later, in 1887, Britain transferred the settlement to Germany. Four years earlier, in 1884, Germany had proclaimed a protectorate over a mudflat area some 100 miles to the east. Following the British cession, Germany from 1888 onwards slowly extended its imperial control from its original *Kamerun* protectorate to the contiguous territory that would later be known as the Southern British Cameroons. At the onset of the First World War in 1914, however, British-led forces from neighbouring Nigeria to the west overran areas that included the Victoria settlement which Britain had ceded to Germany in 1887.

A major consequence of her defeat in World War I was that Germany, as provided in the Treaties of Versailles 1919, renounced and relinquished title and right to all her colonial possessions. The possessions in question included the *Kamerun* territory which had been seized in 1916 by Britain and France as war booty according to the Laws of War at the time. The territory was partitioned between the two Powers along what became known as the Milner-Simon Line. Britain retained the whole area it had overran in 1914 at the onset of the War and it became known as the British Cameroons. To sooth French

pain and humiliation resulting from the crushing defeat of France by Germany in the Franco-Prussian war in 1870, France was allowed to take the original German *Kamerun* protectorate proclaimed in 1884, naming it French Cameroun.

Out of the extinct German colony emerged two separate and distinct legal and political entities, British Cameroons and French Cameroun. Each of these two political entities was placed under the mandate system, the goal being ultimate independence of the natives of each mandated territory. In 1922 the League of Nations granted to Britain a mandate over the British Cameroons and a mandate to France over French Cameroun. In doing so the League confirmed the 1916 Anglo-French partition put in treaty form in the 1919 Anglo-French boundary treaty between the British Cameroons and French Cameroun (Milner-Simon Declaration). The frontier alignment between the British Cameroons and French Cameroun, as defined by the 1919 boundary treaty, was more particularly determined in the 1931 Anglo-French boundary treaty (Graeme-Marchand Declaration) and confirmed once again in 1946 by the United Nations in the Trusteeship Agreement relative to the British Cameroons and the one relative to French Cameroun.

The British Cameroons and French Cameroun were thus separate, new, legal and political entities created in 1922 by the political force represented by the mandate system. The juridical basis of their respective existence and the international basis of the frontier between the two countries are the mandate system, transmuted into the trusteeship system after World War Two. France granted independence to French Cameroun on 1st January 1960 and sponsored the new state's admission to membership of the United Nations in September that year. The United Kingdom, by contrast, dilly-dallied, spoke with a forked tongue on the subject of independence for the Southern British Cameroons, and actively opposed independence for the Trust Territory.

The name 'Southern British Cameroons' is often written in abbreviated form as 'Southern Cameroons', shorn of the qualifier 'British'. That abbreviated form shall be used throughout the rest of this Briefing Paper. The Southern Cameroons is not the southern or any part of French Cameroun/Republic of Cameroun. The name *Southern Cameroons* comes from the fact that the British Order in Council of 26 June 1923 divided the Mandated Territory of the British Cameroons into two parts, a southern part known as the Southern Cameroons and a northern part known as the Northern Cameroons. Each part was tagged on to Nigeria in an administrative union and administered as though it formed an integral part of Nigeria. By this act of the Administering Authority, the

Southern British Cameroons became a distinct territory from the Northern British Cameroons within the international system and a distinct unit of self-determination. From 1962-1972 the Territory was confusingly also known as West Cameroon. To confound matters further, in 1972 it was split by Republic of Cameroun into two parts denoted as North West & South West provinces. The Territory's definitive geographical indication or name, **Ambazonia**, envisaged by the national liberation forces speaks to the very critical matters of sovereign branding, identity, specificity and territorial integrity, and seeks to end the name confusion.

The territory of the Southern Cameroons begins at the Atlantic coast in the Gulf of Guinea. It has about 200 km of coastline and stretches approximately 550 kilometres inland. It is sandwiched between Nigeria to the west and Republic of Cameroun to the east. Its frontiers with Republic of Cameroun are firmly secured by the following international boundary treaties:

- (i) the Milner-Simon Declaration of 10th July 1919 respecting the Frontier between the British Cameroons and French Cameroun, more elaborately defined in 1928 in a joint declaration by the Governor of the Colony and Protectorate of Nigeria and the Governor of French Cameroun and approved in an Exchange of Notes between the British and French Governments on 9th January 1931; and
- (ii) the Declaration made by the Governor of the Colony and Protectorate of Nigeria and the Governor of the French Cameroun determining the Frontier between British Cameroons and French Cameroun, 9th January 1931.

Likewise, its frontiers with Nigeria are secured by the following boundary treaties:

- (i) Agreement of 11th March 1913 between Great Britain and Germany respecting the Settlement of the Frontier between Nigeria and the Cameroons, from Yola to the Sea; and the Regulation of Navigation on the cross River; and
- (ii) Agreement concerning the Demarcation of the Anglo-German Boundary between Nigeria and the Cameroons from Yola to the Cross River, 12th April 1913.

The Southern Cameroons has an estimated population of about 7 million inhabitants and a land size of 43,000 sq. km. It is well endowed with natural resources. These include oil, gas, iron, gold, diamonds, bauxite, salt, timber, medicinal plants, rare species of fauna and flora in the Korup Park, food crops of a wide variety, and agricultural export crops

such as rubber, banana, tea, oil palm and coffee. Forming an integral part of the territory is the much-talked-about Bakassi Peninsula with its large and varied fish stocks and huge oil and gas reserves.

Southern Cameroons' decolonisation woes began in 1959. In that year the United Nations stamped the Trust Territory into a plebiscite with dead-end alternatives. By General Assembly resolution 1352 (XIV) of 16 October 1959, the United Nations decided that a plebiscite must be held in the Territory. This decision was taken in the teeth of strong objections by the political leadership of the Territory. The imposed plebiscite questions formulated by the United Nations read: "Do you wish to achieve independence by joining the independent Republic of Cameroun?" "Do you wish to achieve independence by joining the independent Republic of Nigeria?" This was a Hobson's choice. It ignored the people's ventilated bewilderment and frustration. It also ignored the strident demand for outright independence. That demand came from elected Southern Cameroons Ministers, two political parties in the territory, and the majority of the people. The demand was consistent with Article 76 b of the Charter of the United Nations and binding United Nations General Assembly Resolution 1514 (XV) of 14 December 1960: the Declaration on the Granting of Independence to Colonial Countries and Peoples.

In framing the plebiscite questions the promoters of the plebiscite used the nebulous term 'joining'. There was a real possibility of a subsequent dispute over its interpretation or application. In order to obviate that eventuality, in October 1960 the Premier of the Southern Cameroons sought from the Administering Authority the interpretation of that term in relation to Republic of Cameroun. The British Government solemnly stated that 'joining Republic of Cameroun' was to be understood as meaning that the Southern Cameroons would achieve independence and associate with Republic of Cameroun in a federation of two states, equal in status. This interpretation was accepted by the Southern Cameroons. It was subsequently also accepted by Republic of Cameroun which went further to confirm the same in its *Note Verbale* of 24 December 1960 to the United Kingdom as Administering Authority. Significantly, that *Note* came two weeks after the General Assembly had authoritatively clarified the concept of free association or achieving independence by joining an independent state. Principle VII of United Nations General Assembly Resolution 1541(XV) of 15 December 1960 enunciates the concept in these terms:

"(a) Free association should be the result of a free and voluntary choice by the peoples of the territory concerned expressed through informed and democratic process. It should be one which respects the individuality and cultural characteristics of the territory and its peoples, and

retains for the peoples of the territory which is associated with an independent State the freedom to modify the status of that territory through the expression of their will by democratic means and through constitutional processes.

(b)The associated territory should have the right to determine its internal constitution without outside interference, in accordance with due constitutional processes and the freely expressed wishes of the people. This does not preclude consultations as appropriate or necessary under the terms of the free association agreed upon.”

It is clear from this resolution that if the envisaged and valid political association between the Southern Cameroons and Republic of Cameroun had taken place (rather than annexation and colonial occupation), the Southern Cameroons would have had to retain its individuality and cultural characteristics, retain the right to determine its internal constitution without outside interference and retain the right to modify the status of its territory, possibly towards complete independence in pursuance of perfecting its self-determination.

The political party that campaigned for political association with Republic of Cameroun did so on the clear understanding that if the vote went in favour of that proposition the Southern Cameroons and Republic of Cameroun would form an enduring federation of two states, equal in status and underpinned by a lasting constitution, the fruit of common bargain.

3. Non-implementation of UNGA Resolution 1608 (XV)

The Southern Cameroons was fully self-governing from 1954 to 1961. It was a thriving constitutional democracy operating a parliamentary system of government modelled after that of the British. During that period it had two free and fair elections, a peaceful regime change, and a Constitution (the Southern Cameroons Constitution Order-in-Council 1960) based on values of democracy, the rule of law, an independent judiciary, an open society, a free press, freedom of expression and movement, human rights and accountability. It had international personality and international status, first as a League of Nations Mandate and secondly as a United Nations Trust Territory. By dint of this international personality and international status, it was a qualified subject of international law. After seven years of full self-government, the Southern Cameroons was poised for sovereign statehood as provided in Article 76 b of the UN Charter and the Declaration on the Granting of Independence to Colonial Countries and Peoples (UNGA Resolution 1514 (XV) of 14 December 1960). Rather than grant independence outright

to the Southern Cameroons, the United Nations and the United Kingdom as Administering Authority contrived to organise a questionable plebiscite in the Territory.

Soon after the plebiscite results were announced Republic of Cameroun started plotting secretly on annexing the Southern Cameroons. And yet, in 1959 the President of Republic of Cameroun had gone to the United Nations and given the solemn assurance that it had no expansionist ambitions and that it would not annex the Southern Cameroons. "We are not annexationists," he declared to the World Body, stating that Republic of Cameroun is prepared to form a political association with the Southern Cameroons "on a footing of equality."

On 21 April 1961 the General Assembly of the United Nations met to consider the results of the plebiscite. It took two separate roll-call votes on those results. The first roll-call vote endorsed the decision of the people of the Trust Territory to achieve independence. The second roll-call vote acknowledged the matter of political association with Republic of Cameroun in a federation of two states, equal in status. In Resolution 1608 (XV) of that date, the results of these two separate roll-call votes were infelicitously conflated in one sentence thus: "endorsed the results of the plebiscite that the people of the Southern Cameroons decided to achieve independence by joining Republic of Cameroun".

In that resolution the United Nations went on to appoint 1st October 1961 as the effective date of independence of the Southern Cameroons concomitant with the termination of the Trusteeship Agreement "in accordance with Article 76 b of the Charter of the United Nations." In rather ambiguous phraseology, the World Body further decided on the termination of the Trusteeship Agreement "upon the Southern Cameroons joining the Republic of Cameroun." Untidily, all three events, namely, independence, termination of trusteeship, and 'joining', were enjoined to take place on the same date. 'Joining' was however made conditional upon the Southern Cameroons, Britain and Republic of Cameroun finalizing the manner of implementation of the federal set-up agreed upon by the Southern Cameroons and Republic of Cameroun before the plebiscite. On this specific point the United Nations in that same resolution invited: "the Government of the Southern Cameroons, the United Kingdom, and Republic of Cameroun to initiate urgent discussions with a view to finalizing before 1 October 1961, the arrangements by which the agreed and declared policies of the parties concerned will be implemented."

It was understood by all concerned that the United Nations would be associated with these “urgent discussions” contemplated by Resolution 1608. This understanding comes from the solemn assurance given by the United Kingdom Government during Anglo-Southern Cameroons talks in London in October 1960. During those talks the British Secretary of State for the Colonies informed the anxious Southern Cameroons delegation that:

“A vote for attaining independence by joining the Republic of Cameroun would mean that, by an early date to be decided by the United Nations after consultation with the Government of the Southern Cameroons, the Cameroun Republic, and the United Kingdom as Administering Authority, the Southern Cameroons and Cameroun Republic would unite in a Federal United Cameroon Republic. **The arrangements would be worked out after the plebiscite by a conference consisting of representative delegations of equal status from the Republic of Cameroun and the Southern Cameroons. The United Nations and the United Kingdom would also be associated with this conference.**”

Republic of Cameroun advisedly voted against Resolution 1608 (XV). By that act it rejected political association with the Southern Cameroons and maintained its frontiers with the Territory as unchanged. The instruments attesting to its independence and international boundaries deposited with and duly recorded at the United Nations when it was admitted to membership of the Organisation remain unchanged. By July 1961 Republic of Cameroun started speaking expansionist language. It asserted claim to the territory of the Southern Cameroons.

The envisaged Four-Party post-plebiscite conference failed to take place, resulting in the non-implementation of the outcome of the plebiscite. In fact, after adopting Resolution 1608 (XV) of 21 April 1961 the United Nations simply washed its hands off the Southern Cameroons. And yet the trusteeship still had at least six months to run since the United Nations itself had set 1 October 1961 as the end date of the trusteeship. The United Nations did not monitor post-plebiscite developments in the Trust Territory. It did not require the Administering Authority to submit a report on developments leading up to termination of trusteeship. It made no efforts to ensure the effective implementation of its own resolution. Republic of Cameroun cashed in on this serious dereliction of responsibility by the United Nations. It carried out military incursions deep into the Southern Cameroons. On 1 September 1961, its Assembly passed a law amending its Constitution by providing for the annexation of the Southern Cameroons. In that law and in policy statements made afterwards Republic of Cameroun stated that the Trust Territory of the Southern British Cameroons is part of its territory returned to her by the United Nations and the United Kingdom. In the same month of September 1961, French-

led forces of Republic of Cameroun marched into the Southern Cameroons, physically occupied the territory with the acquiescence of the Administering Authority, and began enforcing an unwarranted state of emergency declared over the peaceful Territory.

The annexation and occupation of the Southern Cameroons took place while the United Nations and the Administering Authority passed 'on the other side' like the Biblical priest and the Levite. Tragically, the Southern Cameroons did not achieve independence promised by the Charter of the United Nations and the plebiscite. Nor was there a valid political association of the Southern Cameroons and Republic of Cameroun. Republic of Cameroun occupies the territory and administers it with an iron fist as its colonial dependency.

4. Re-colonisation rather than decolonisation

As saltwater or white colonisation in Africa was retreating, sadly a new and dangerous situation of black-on-black colonisation was emerging in parts of the continent. Some states, themselves beneficiaries of the right to self-determination, soon became latter-day colonisers of less fortunate peoples in countries that happen to be their neighbours. Eritrea and Namibia secured their independence through armed struggle. In other cases, territorial claims were later abandoned by the states asserting them. Somalia gave up its claim to Northern Kenya and the Ogaden region in Ethiopia. Libya gave up its claim to the Aouzou strip in Chad. Following the ICJ ruling in *Case Concerning Land and Maritime Boundary (Cameroun v Nigeria)* Nigeria gave up its claim to the Bakassi Peninsula which has always been firmly in the territory of the Southern Cameroons. That leaves two re-colonisation cases in the continent, the colonial occupation of the Western Sahara by Morocco and the colonial occupation of the Southern Cameroons by Republic of Cameroun. Both cases portend violent confrontation, especially in the face of a Yaoundé-Rabat entente to support each other in their respective territorial aggrandisement claims.

Morocco's occupation of the Western Sahara has received extensive international attention. But so far and strangely, the annexation and colonial occupation of the Southern Cameroons for over 55 years already has largely escaped African and international notice and concern. Many reasons account for this situation. Firstly, the United Nations, creator and supervisor of the international trusteeship system, and the United Kingdom, trustee power for the Southern Cameroons for half a century, in effect aborted the process of decolonisation they had set in motion, denying the Southern

Cameroon's sovereign statehood. Secondly, the colonial takeover of the Southern Cameroons by the Republic of Cameroon was surreptitious. It was covert, using political subterfuge and outright fraud. It was not overt and flamboyantly dramatic like Morocco's seizure of the Western Sahara. Thirdly, an armed anti-colonial national liberation struggle has as yet not been launched, efforts still being concentrated on exhausting peaceful intervention and strategic litigation.

Fourthly, over the years the Republic of Cameroon has developed and implemented policies designed to conceal from the world its annexation and colonial occupation of the Southern Cameroons. It has rolled out several policies to this end, taking a multi-pronged approach. The policies include:

- Active international isolation of the Southern Cameroons, especially from the English-speaking world, so that few outside are aware of the existential threat faced by its people;
- Deliberate misinformation and disinformation that the Southern Cameroons is the southern part of French Cameroon/Republic of Cameroon seeking to secede therefrom;
- Purposeful pauperisation of the people, ghettoisation of the Territory's human habitat, and spoliation of the Territory's wealth and natural resources;
- Militarisation of the Southern Cameroons and the periodical unleashing of violence against the people to impress upon them their situation of utter vulnerability;
- Terrorisation of the people of the Southern Cameroons by an occupying force with licence to do as it sees fit as a means of enforcing the colonial occupation, securing submission to it and preventing revolt against colonial oppression;
- Creeping population transfer as well as various attempts to modify the well-attested frontier alignment between the Southern Cameroons and Republic of Cameroon; and
- Implementation of various ploys designed to end the use of the English language in the Southern Cameroons, and equally sustained actions to obliterate the English-based legal system and educational and social culture of the Southern Cameroons.

These policies aim at denying the people of the Southern Cameroons the right to exist and the right to cultural development - language, education, law and tradition. They aim at destroying their identity, their specificity and their individuality as distinct English-

speakers with a well-defined territory attested by international boundary treaties. Republic of Cameroun hopes thereby to completely extinguish the identity of the people of the Southern Cameroons and detrimentally change their way of life and the physical character of their environment, irretrievably altering the fundamental aspects of the Territory. This is an odious scheme of genocidal proportions. Republic of Cameroun's functionaries, civil-police-military, have taken total control of the Southern Cameroons in every aspect. Republic of Cameroun occasionally makes token and decorative appointments of some citizens of the Southern Cameroons in its colonial administration and even in its government and administration. This is copied French colonial practice. The purpose of this ploy which is euphemistically denoted as 'national integration', is to ensure the systematic Frenchification of the people of the Southern Cameroons and to eventually sink them in the French-derived world of Republic of Cameroun.

The people of the Southern Cameroons do not make the charge of colonisation lightly. It is said that the person who wears the shoes knows where it pinches. The occupying State does not deny that it is in complete and asphyxiating control and domination of the Southern Cameroons actively pursuing a policy of Frenchification and oppression of its people. The Southern Cameroons sovereign statehood question is a case of a legal and historical injustice crying out to be set right, a case of cultural genocide and a case of an existential threat. The people of the Southern Cameroons seek sovereign rights to which they are legitimately due. They seek the independence, national life, and territorial integrity which they have been forcibly deprived of by Republic of Cameroun colonisation and oppression.

The terms of the Declaration on the Granting of Independence to Colonial Peoples and Countries indicate that a situation may properly be classified as colonial when the acts of a State have the cumulative outcome that it annexes or otherwise unlawfully retains control over territory and thus aims permanently to deny its people the exercise of its right to self-determination. In a 1980 study on the subject prepared by Hector Gros Espiell, the UN Special Rapporteur of the Sub Commission on the Prevention of Discrimination and Protection of Minorities, authoritatively states that

"...the right of peoples to self-determination exists as such in modern international law, with all the consequences that flow therefrom, **where a people is subject to any form or type of colonial and alien domination of any nature whatsoever**. ... [T]he notion of colonial and alien domination is broader than - though it includes - the notion of foreign occupation, and hence the right of peoples to self-determination may arise and be typified in other situations in addition to those where there is merely foreign occupation."

In the case of the Southern Cameroons, its people have no control over their territory. They have been deprived of basic human rights and of self-government, all of which they enjoyed even while as a Trust Territory. They cannot freely determine their political status. They cannot freely pursue their economic and social development according to the policy they ought freely to choose. They cannot exercise the right to their economic, social and cultural development. Political and economic self-determination are completely out of reach. The Territory is under occupation and administered as an adjunct of Republic of Cameroun. That country has completely subordinated and subsumed the territory and economy of the Southern Cameroons to its own. The result is that the people of the Southern Cameroons have been totally deprived of the capacity to govern themselves and order their economic affairs. Their right to economic self-determination has thus also been suppressed.

Republic of Cameroun is in breach of the principle of permanent sovereignty over natural resources in relation to the Southern Cameroons. The right of permanent sovereignty over natural resources entitles a people to freely dispose of their wealth and natural resources and in no case shall they be deprived of it. Oil, timber, gas, gold, diamond, bauxite, iron and other mineral and cash and food crop resources are looted from occupied Southern Cameroons for the almost exclusive development of Republic of Cameroun. These natural resources are accounted on paper as from Republic of Cameroun. This practice has been going on for half a century.

The Southern Cameroons has changed little in the past half century. The few kilometres of tarred narrow windy roads that exist are not only death traps for motorists. They are also the typical colonial extractive routes meant to facilitate the evacuation of natural resources and food commodities from the Southern Cameroons to Republic of Cameroun. Most parts of the Southern Cameroons are unreachable throughout the year because they are inaccessible by land or air. Trekking and head-load over long distances is still very common in this day and age. Water, electricity, health facilities, and road infrastructure remain rare amenities, accessed, if at all, with very great difficulty. Infrastructural development is virtually absent. The enjoyment of first, second and third generation human rights remains a pipe dream. Republic of Cameroun's civilian and police/military colonial functionaries routinely commit human rights violations, especially extrajudicial killings, arbitrary arrests, false imprisonment, stage-managed 'trials', disappearances, grievous bodily injury, denial of freedom of association and assembly, and denial of freedom of expression. Citizens of the Southern Cameroons are regularly arrested, imprisoned, tortured, injured, or put through the motion of a pretended trial,

sometimes in a military tribunal and sometimes in Republic of Cameroun, for no other reason than that they decry colonisation and oppression by Republic of Cameroun. Republic of Cameroun's violence and terrorization in the Southern Cameroons are unchecked neither by law nor morality. They have induced a terrifying state of utter fear and hopelessness in the Territory.

Republic of Cameroun actively continues to deny the people of the Southern Cameroons the right freely to express, develop and practice their culture. Its practices privilege the French language, the French legal system, the French administrative system, the French educational system and its French-based cultural referents. These practices and the active pursuit of its Frenchification agenda materially and purposefully prevent the inherited cultural development and expression of the people of the Southern Cameroons. Republic of Cameroun's unwarranted assumption of sovereignty as successor colonialist in the Southern Cameroons and the pursuit of inimical policies to destroy the Southern Cameroons culturally, historically, economically, socially, and as a legal and political expression are cumulatively indistinguishable from cultural genocide and strongly raise identity, dignity, and existential issues.

The Southern Cameroons as a self-governing country and a qualified subject of international law was tyrannically decreed out of existence by Republic of Cameroun. Southern Cameroons' government, parliament, civil service, police force, and system and method of public administration, in existence since 1954, were also despotically abolished by Republic of Cameroun. Its judicial and legal systems have been mangled, mutilated beyond recognition. Its education system is under siege. French has since been imposed as the primary language of all public administration in the Southern Cameroons. Republic of Cameroun's domination and oppression of the people of the Southern Cameroons is total: political, administrative, power relations, economic, social and cultural. Republic of Cameroun exploits the huge resources of the Southern Cameroons essentially for its benefit. The exploitation is reckless and at an alarming rate. This would suggest an intention to rapidly deplete the resources of the Southern Cameroons. It is truly a case of spoliation of the wealth and natural resources of the Southern Cameroons. The people of the Southern Cameroons enjoy not even a modicum of self-government. This is the harsh, bitter, lamentable, untenable and intolerable lived reality in the Southern Cameroons since 1961.

5. Abuse by the Administering Authority

The plebiscite in the Southern Cameroons was an unwarranted imposition. Neither the British Government nor the United Nations acted in the best interest of the people of the Southern Cameroons over whom they had voluntarily assumed a 'sacred trust of civilisation.' The purpose of the plebiscite as stated in General Assembly resolution 1350 (XIII) of 13 March 1959 was "to ascertain the wishes of the people of the territory concerning their future". But strangely, the future of the people was then narrowly confined to that of being a dependent people of either Nigeria or Republic of Cameroun. The all-important self-determination status option of sovereign statehood was unjustifiably withheld.

The policy of the British Government of the day was to yoke the Southern Cameroons to Nigeria as can be seen from this sample of policy statements by the Administering Authority between 1952 and 1961:

"The British view is that ... the progressive development of the inhabitants [of the Southern Cameroons] towards self-government or independence must ... be promoted in association with the socially advanced protectorate of Nigeria. The British delegation has impressed this view with consistent firmness and frankness upon the Trusteeship Council and the Council has been obliged to accept it grudgingly ... qualified by a natural and legitimate anxiety that our policy should be accompanied by adequate measures to preserve the identity of the Trust Territory." (**British Consul General** in Brazzaville, January 1952);

"Many of the best friends of the Southern Cameroons do not foresee a destiny more likely to promote her happiness and prosperity than in continued association with Nigeria." (**Alan Lennox-Boyd**, British Secretary of State for the Colonies, June 1957);

"An independent Southern Cameroons would not be economically viable." (**Andrew Cohen**, UK Ambassador to the UN repeating the disputed conclusion in a report by Sir Phillipson on the economic viability of an independent Southern Cameroons, October 1959);

"The Southern Cameroons and its inhabitants are expendable."(**Lord Perth**, British Minister of State at the Colonial Office, January 1960).

"We are not attracted to the idea of an independent Southern Cameroons ... We cannot expect to get any advantage from being foster mother to an independent Southern Cameroons and it is clear that it would have to be fostered by somebody ... In fact, the sooner we can ... wash our hands off the Southern Cameroons, the more pleased we shall be." (**Boothby**, British Foreign Office, June 1960);

"I believe a firm attitude on this now may save us a great deal of trouble later and I think that H.M.G.'s position should be made abundantly clear to Foncha [the Premier of the Southern Cameroons] in an effort to scotch tendencies towards the third question on sovereign independence. ... The policy of H.M.G. [Her Majesty's Government] is to discourage any tendency towards a third question very strongly." (**Andrew Cohen**, UK Ambassador to the UN, June 1960);

“If the plebiscite went in favour of joining Cameroun Republic, arrangements would have to be made for the early termination of Trusteeship, and the transfer of sovereignty to the Republic of Cameroun.” (**Iain Macleod**, British Secretary of State for the Colonies, October 1960);

“Nigeria was kept fully informed of every move in the discussion of the hand-over of the Southern Cameroons to the Cameroun Republic.” (**Colonial Office**, March 1961);

“The Southern Cameroons had already been transferred to Mr Ahidjo of Cameroun Republic.” (**Hugh Fraser**, British Under-Secretary of State for the Colonies, October 1961)

6. Case Firmly Anchored in Law

The entitlement of the people of the Southern Cameroons to the continuing right of self-determination is firmly anchored in law.

The Southern Cameroons is not and has never been part either of French Cameroun or of Republic of Cameroun. The Southern Cameroons sovereign statehood question therefore raises no issue of secession from, or violation of the territorial integrity of, Republic of Cameroun, the colonial occupier. The latter’s spatial configuration does not, has never, and will never, include the territory of the Southern Cameroons. The international boundaries of Republic of Cameroun as they were on the date of its achievement of independence from France were frozen on that date. The territory of the Southern Cameroons does not fall within those boundaries which therefore are in no way affected by Southern Cameroon’s achievement of independence. The principle of *uti possidetis juris* and the principle of respect for borders existing on the date of independence apply. Article 4(b) of the African Union Constitutive Act ordains that AU Member States are under treaty obligation to respect their respective state borders existing on the date of their achievement of national independence. The jurisprudence of the International Court of Justice emphasises the need for decolonised states to respect the principle of intangibility of colonial borders as at the moment of independence.

It is thus an impossibility, legal and factual, for a decolonised territory such as Republic of Cameroun to succeed at independence not to the territory of the immediate but to that of some remote predecessor state. The plebiscite in the Southern Cameroons was a complete refutation and rejection of the averment that the Southern Cameroons was at some point in time part of Republic of Cameroun or of French Cameroun. If the Southern Cameroons had at some point in time been a part of that country (the existence of which

dates only as from 1916 at best) the plebiscite would have been redundant. The territory would simply have been returned to Republic of Cameroun like Ifni handed over to Morocco by Spain, Hong Kong to China by Britain and Walvis Bay to Namibia by South Africa. Claimed historical consolidation, historical connection, or mere geographical propinquity cannot give Republic of Cameroun title over the territory of the Southern Cameroons. The law is not that stupid as to give title to territory on the basis of mere historical connection or geographical contiguity because that would put most countries in the world at the mercy of an expansionist-minded neighbour, resulting in the dismantling of the Westphalian state system.

Even the ruling of the International Court of Justice in the 'Bakassi case' cannot possibly be taken as having decided that the Southern Cameroons is part of the territory of Republic of Cameroun. The international boundaries of the Southern Cameroons and the question of sovereignty over the Southern Cameroons were not issues put and pleaded before the Court. It is elementary that a court of law does not decide matters not put before it and argued by the parties. Further, the ICJ is not a territorial sovereign. It does not have territory with which to assuage the colonial cravings of expansionist states. Sovereignty over the Southern Cameroons unquestionably vests in the people of the Southern Cameroons but for the time being remains in abeyance until the moment of achievement of independence when it will then vest in the nascent state. Republic of Cameroun's annexation and occupation of the Southern Cameroons is adverse to the undisputed title of the people of the Southern Cameroons to their territory. That occupation cannot vest title in Republic of Cameroun.

The Southern Cameroons could not have absurdly voted for the extinguishment of its territory, its identity, its self-government, and the absorption of its people as a dependent people of Republic of Cameroun. That would have been an act contrary to human nature. People do not opt for a detrimental change in their station in life. The Southern Cameroons had nothing whatsoever to gain by an act of collective political, economic, social and cultural suicide. The same Southern Cameroons that fought doggedly for almost half a century to maintain its identity when it was administered as part of Nigeria could not possibly have made a volte-face overnight and opted for the destruction of its identity, its freedom and its legal and democratic culture. It could not have voted to become extinct.

The people of the Southern British Cameroons voted for independence on 11 February 1961. That decision to achieve independence was endorsed on 21 April 1961 by the United Nations. The World Body set 1 October 1961 as the effective date of independence and the concomitant termination of trusteeship. But Republic of Cameroun unlawfully repressed that independence. Independence therefore failed to materialise. Trusteeship was indeed terminated but independence was suppressed.

The envisaged free association between the Southern Cameroons and Republic of Cameroun never took place. Instead, the Southern Cameroons was annexed by Republic of Cameroun and subjected to bitter colonial administration by Republic of Cameroun. A month before the UN-appointed independence date of 1 October 1961 Republic of Cameroun illegally assumed jurisdiction over the Southern Cameroons by performing acts of sovereignty in the territory. On 1st September 1961 the parliament of Republic of Cameroun passed an annexation law deceptively dressed as an amendment of its Constitution of 4 March 1960. In a labelling trick, the document was denoted as a so-called 'federal constitution'. In that annexation law Republic of Cameroun formally laid claim to and asserted jurisdiction over the Southern Cameroons baselessly saying it is part of its territory returned to it by the United Nations and Britain.

The territorial integrity of the Southern Cameroons was infringed when, in that same month, the French-led troops of Republic of Cameroun entered the Southern Cameroons and committed acts of cold-blooded massacre. A state of emergency was declared over the Territory. Terror was unleashed. Repression by way of brutal and brutalizing periodic cordon and search operations (*'ratissage'*) by the military are periodically carried out to elicit submission to the new colonial ruler. This method of repression is copied from the French who used it as a tool of colonial repression in former North Vietnam, in Algeria and in French Cameroun. The UK was still the Administering Authority when Republic of Cameroun troops entered the Southern Cameroons but it designedly chose to look the other way. And when the British colonial authorities left the territory on the 30th of September 1961, violence, terrorization and deprivation by Republic of Cameroun simply intensified and have not abated ever since.

The ending of United Nations trusteeship over the Southern Cameroons was on 1st October 1961. But the independence promised by the United Nations in terms of Article 76 b of its Charter, the independence for which the people voted for, and the effective date of which the United Nations set for 1st October 1961 was suppressed. When leaving the Southern Cameroons the British handed power over the territory, not to the elected Government of the Southern Cameroons as it should legally have done, but to

the Head of State of a foreign country, namely, the President of Republic of Cameroun. That act was contrary to the letter and spirit of the Charter of the United Nations and the United Nations Declaration on Decolonisation. Upon the departure of the British Commissioner of the Southern Cameroons, Republic of Cameroun appointed one of its citizens to take charge of the overall administration of the Territory as the new colonial governor, stepping into the shoes of the departed British Commissioner. The repeated propaganda by Republic of Cameroun about a so-called 'reunification' that supposedly took place, is a mere fiction. It is an imaginary 'reunification', a ruse and a fat lie to hoodwink the world. It is mere window dressing to camouflage annexation and colonial occupation and bondage.

Republic of Cameroun's suppression of the right to self-determination of the people of the Southern Cameroons constitutes a denial of human rights. It is contrary to the Charter of the United Nations. It is an impediment to the promotion of world peace and cooperation in the Gulf of Guinea. Moreover, acts of Republic of Cameroun as successor colonialist in the Southern Cameroons constitute *delicta juris gentium* in the following two forms involving the principle of self-determination. Republic of Cameroun's continuing attempt at cultural genocide in the Southern Cameroons and its suppression of the right of the people of the Southern Cameroons to self-determination constitute high illegality or breach of *jus cogens*. Republic of Cameroun's infringement of principles of law creating rights the beneficiaries of which are dependent peoples such as the dependent people of the Southern Cameroons and who therefore do not presently have effective means of protecting their rights, also constitute a breach of the law of nations.

7. Absence of effective means of protecting rights

Prompted by their conviction in the peaceful resolution of disputes, the people of the Southern Cameroons have for half a century patiently sought diplomatic intercession in and legal redress of their problem without much headway. Their mantra of "the force of argument, not the argument of force" is now assailed by many as a catastrophic strategic mistake. After over half a century of patient waiting, the people have now run out of patience. Many argue that Republic of Cameroun might as well exterminate the people of the Southern Cameroons and that it is unbearable to continue to suffer the humiliation and indignity of living as a colonised people in the contemporary world.

In the past decades, countless deputations and memoranda on this matter have been addressed to the President of Republic of Cameroun as well as to the UN, the (O)AU,

the Commonwealth and a number of Governments. These efforts have unfortunately been met with a studied silence. Nearly two decades ago, the President of Republic of Cameroun gave an undertaking that Republic of Cameroun would organise an independence referendum in the Southern Cameroons. The Southern Cameroons reminded him that under international law the Territory is entitled to outright independence without any condition or reservation. It pointed out that an independence referendum was uncalled for and unnecessary. However, while reserving all its rights, the Southern Cameroons bent over backwards to welcome the commitment of Republic of Cameroun to organise the said referendum. The Southern Cameroons has repeatedly called on Republic of Cameroun to organise the referendum under international supervision and monitoring. Aware of the very predictable outcome of the referendum, Republic of Cameroun has back tracked on its commitment as in many other of its commitments relating to the Southern Cameroons sovereignty question.

While on a visit to Republic of Cameroun in the year 2000, Mr Kofi Annan, then Secretary General of the UN called for dialogue between the two parties. The Southern Cameroons welcomed this call but Republic of Cameroun spurned it. On a recent official visit to Republic of Cameroun on 20th May 2010, the President of the UN General Assembly, in an act of great symbolism, presented two maps, one of the Southern Cameroons and another of Republic of Cameroun, to the President of Republic of Cameroun and pointedly told him in French that “*L’histoire en a ainsi décidé*” (“History has so decided it”). Republic of Cameroun ignored this coded message.

Attempts have also been made to have this matter put on the agenda of the United Nations General Assembly as an unfinished colonial business still to be properly and decently concluded. Paradoxically, the Organisation has not been forthcoming on the subject.

The matter at hand is governed by international law and raises questions of international law. An attempt was therefore made in 1994 to bring this dispute to the International Court of Justice for an authoritative ruling. But access to the World Court was denied on the ground that the Southern Cameroons lacks the status of sovereign statehood given that in terms of Article 34(1) of the Statute of the Court only states may be parties in cases before the Court. A further attempt was made in 2011 to have the African Court on Human and Peoples’ Rights pronounce itself on this matter (Application No. 014/2011: *Atabong Denis Atemnkeng v African Union*). But, here too, access to the Court was

denied on the basis of lack of statehood and the hurdle erected by Article 34(6). Republic of Cameroun has not ratified the Protocol establishing this Court, let alone make a declaration accepting the competence of the Court to receive cases instituted directly before the Court by NGOs or individuals.

However, this matter was successfully brought before the Nigerian High Court at Abuja in 2002 (*Southern Cameroons v Attorney-General for Nigeria*, suit no. FHC/ABJ/CS/30/2002). The Court ruled that Nigeria should take the Southern Cameroons case before the International Court of Justice. Nigeria is yet to comply with this decision of its own High Court.

Two communications on this matter were brought before the African Commission on Human and Peoples' Rights. In the first communication, *Gumne et al v Republic of Cameroun* (comm. no. 266/2003), filed in 2003 and decided in 2009, the Commission ruled that the native inhabitants of the former UN Trust Territory of the Southern British Cameroons constitute indeed a people within the meaning of international law. The Commission thereby reaffirmed the fact that the plebiscite in the Southern British Cameroons was a clear and loud statement by the international community that the native inhabitants of the Southern Cameroons constitute a people. As a people they have a territory and have the inalienable and continuing right to self-determination.

The Commission in its ruling gave the Southern Cameroons and Republic of Cameroun six months to meet and reach an amicable settle on the dispute and offered its good offices for that purpose. The people of the Southern Cameroons indicated their readiness to engage in good faith negotiations with Republic of Cameroun at an acceptable venue and called upon the Commission to appoint a facilitator. Republic of Cameroun first asked for extension of time and when the extended time expired it decided to completely ignore the ruling of the Commission. The Commission also found Republic of Cameroun in violation of a series of human rights against individual citizens of the Southern Cameroons and ordered compensation to be paid to the victims. Republic of Cameroun has refused to do so. The Commission further ordered Republic of Cameroun to end its practice of transferring accused persons from the Southern Cameroons for trial in French in Republic of Cameroun by civilian and military courts. Again, Republic of Cameroun has refused to do so.

An appeal was lodged by the Southern Cameroons for review of that part of the Commission's ruling in Communication 266 involving a very serious miscarriage of justice. The Commission is yet to deal with the appeal for review. The Commission is also yet to deal with the second communication, Communication No. 337/2007, relevant to the Southern Cameroons sovereignty question.

On the whole then, peaceful opposition to Republic of Cameroun's territorial aggrandizement and colonial oppression have so far failed to get that country to reverse its policy of trying to bring about territorial changes in violation of international law and of its suppression of the right of the people of the Southern Cameroons to self-determination. Informed political analysts note that peaceful protests, litigation, and countless deputations and petitioning over the past half century have not succeeded in getting Republic of Cameroun to end its colonisation of the Southern Cameroons. They caution that it is increasingly likely that the effect of that country's stubbornness would be to impose on the people of the Southern Cameroons the inevitable necessity of armed struggle in order to vindicate their unquestionable and inalienable right to self-determination. In the circumstances, the people of the Southern Cameroons seem condemned by the law of necessity and self-defence to remove the existential threat they are confronted with, to break Republic of Cameroun's chain of colonial bondage around their neck, arms and feet and to take by any means what is legitimately theirs by birth, by right and by law.

8. Conclusion

Colonialism is no less reprehensible because the coloniser is of the same race as the colonised. Colonisation is slavery, a form of terrorism and a threat to international peace and security. Article 20 of the African Charter on Human and Peoples' Rights emphatically rejects it. The African Union in the preamble to that Charter strongly denounces it. The existence of colonialism in any form or manifestation, including economic exploitation, is thus incompatible with the African Charter on Human and Peoples' Rights. It is moreover also incompatible with the United Nations Charter, the United Nations Declaration on Decolonisation and the Universal Declaration of Human Rights. The United Nations, the African Union and the international community are therefore duty-bound to affirm their support for the legitimate aspiration of the people of the Southern Cameroons to be free from colonial bondage and to establish an independent sovereign state. For, in pursuit of the exercise of their right to self-determination, the people of the Southern Cameroons are entitled to seek and to receive support, in their actions against, and resistance to, the forcible actions of Republic of

Cameroun depriving them of their right to self-determination and freedom and independence.

The point needs to be reiterated that independence voted for by the people of the Southern Cameroons and endorsed by the UN was suppressed:

- (a) **by the UK as Administering Authority** in that on the eve of its departure from the Southern British Cameroons it invited a foreign Head of State, the President of Republic of Cameroun, to the Trust Territory and illegally transferred power over the Southern Cameroons to him rather than to the elected Government of the Southern Cameroons, thus making Republic of Cameroun a successor colonialist; and
- (b) **by Republic of Cameroun** in that: it violated the territorial integrity of the Southern Cameroons when it sent its troops illegally into the Southern Cameroons to carry out a massacre; it enacted an annexation law unlawfully asserting territorial claim over the Southern Cameroons; and, it effectively occupied the Southern Cameroons as from 1 October 1961 onwards, illegally exercising power in the Territory, and has since been administering the territory as its colonial dependency.

The Southern Cameroons was therefore never decolonised. It is still a colonial territory seeking decolonisation. The United Nations and the conscientious world have unfinished decolonisation business in the Southern Cameroons. For, the territory moved from colonial rule by Britain to colonial rule by Republic of Cameroun; one colonial ruler withdrew, another took over. As recently as 2010 the Government of Republic of Cameroun reiterated its earlier statement that 1st January 1960 is the only date recorded at the United Nations as that of the independence of Republic of Cameroun. This truthful statement concedes that the Southern Cameroons over which Republic of Cameroun is exercising illegal authority did not achieve independence as promised by the UN and is still a dependent territory. In his widely acclaimed *Textbook on International Human Rights* (2nd ed., 2005) RKM Smith states at page 275 in respect of the Southern Cameroons as follows:

“Under the auspices of the United Nations itself, a number of plebiscites have been held, including West Irian and Togo. However, the United Nations does not have an entirely unblemished record vis-à-vis self-determination. In some instances it has been argued that the United Nations has compromised the doctrine of self-determination. For example the people of the former Trust territories of the North and South Cameroons were given only two choices: independence as part of Nigeria, or independence as part of the former French Cameroons.

*Becoming an independent State was not one of the proffered options. Consequently the people of the North and **South Cameroons once again found themselves under foreign rule. Re-colonization rather than decolonization was the result.***

On 24th October 1970 the United Nations General Assembly adopted by consensus the Declaration on Principles of International Law Concerning Friendly Relations and Co-Operation Among States in Accordance with the Charter of the United Nations (UNGA Resolution 2625 (XXV)). The Declaration is emphatic that the “subjection of peoples to alien subjugation, domination and exploitation constitutes a violation of the principle of [equal rights and self-determination of peoples], as well as a denial of fundamental human rights, and is contrary to the Charter [of the United Nations].” It is also emphatic that the territory of a colony or other dependent Territory has, under the Charter, “a status separate and distinct from the territory of the State administering it” and that “such separate and distinct status ... shall exist until the people of the [dependent] Territory have exercised their right of self-determination.”

9. Recommendations

The people of the Southern Cameroons demand legal and historical redress in the form of fulfilment of their legitimate aspiration to recover their stolen and deferred sovereignty and citizenship. In this regard, there is urgent need for appropriate anti-colonialist measures by the African Union and the United Nations, acting jointly and severally, to ensure the speedy and peaceful decolonisation of the former United Nations Trust Territory of the Southern British Cameroons presently under the colonial bondage and administration of Republic of Cameroun. Africa is already burdened with too many violent conflicts. Another violent conflict would be one too many.

The following recommendations are therefore made:

To the African Union:

The AU has repeatedly reaffirmed the solemn pledge to “eradicate all forms of colonialism from Africa”. It has undertaken “to eliminate colonialism, neo-colonialism ... and all forms of discrimination” from Africa. Colonialism is a practice of domination

which involves the subjugation of one people by another and the political and economic control of a dependent territory through various techniques. Colonialism is moreover an appalling human tragedy because of its abhorrent brutality, its magnitude, its organized nature and its negation of the existence of the colonized people. It has therefore earned universal opprobrium. The contested occupation and administration of the Southern Cameroons by Republic of Cameroun is an attempt to steal territory. Legal title to the territory of the Southern Cameroons vests in the people of the Territory and it cannot be displaced by even effective occupation by the colonial occupier.

It is therefore recommended that the African Union should take the following actions:

- To require Republic of Cameroun to immediately end its continuing violation of Article 4 b of the Constitutive Act of the African Union by pulling out of the Southern Cameroons without delay;
- To send a fact-finding mission to the former UN Trust Territory of the Southern British Cameroons to ascertain the facts on the ground, determine the needs of the Territory and provide for those needs during the transitional period leading to independence; and
- To take adequate measures to ensure the speedy decolonisation of the Southern Cameroons.

To the United Nations:

The Southern Cameroons Statehood Question falls squarely within the terms of the Charter of the United Nations and the Declaration on the Granting of Independence to Colonial Countries and Peoples. The people of the territory have the inalienable right to freedom and independence. The United Nations still has at least a residuary obligation, legal and moral, towards the people of the Southern Cameroons until they achieve sovereign statehood. It has the right to take appropriate action in this matter. Such action includes the right to revert to itself the interim administration of the territory.

It is accordingly recommended that the United Nations should take the following actions:

- To call on Republic of Cameroun to refrain from any further forcible action calculated to deny or deprive the people of the Southern Cameroons of their unquestionable and inalienable right to self-determination;
- To call on Republic of Cameroun to forthwith withdraw its colonial administration, civil and security, from the Southern Cameroons;

- To take precautionary measures to safeguard life, property and the wealth and resources in the Southern Cameroons, including the deployment of a peacekeeping mission; and
- To set up a two-year interim United Nations administration in the Southern Cameroons leading up to democratic elections and independence for the Territory.

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COMMITTEE FOR THE DECOLONISATION OF THE SOUTHERN CAMEROONS (CDSC)

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