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Item 5 of the provisional agenda

PETITION FROM THE MENGEN COMMUNITY AND WEDICUM COMMUNITY LEAGUE CONCERNING THE CAMEROONS UNDER BRITISH ADMINISTRATION^{1/}

Observations of the Administering Authority

Note by the Secretariat: The following observations were communicated to the Secretariat by a letter from Mr. J. Fletcher-Cooke, alternate representative of the United Kingdom of Great Britain and Northern Ireland on the Trusteeship Council.

1. The Bali-Mengen land dispute first engaged the attention of the Administration in 1921 when the Mengen people were evicted from settlements on what was then understood to be Bali land, held by right of conquest.
2. The background of the case is described in the Divisional Officer's letter No. 471/85/21 of the 8th of December, 1922 reproduced as pages 7-9 of Trusteeship Council document No. T/PET.4/5 of the 20th of April, 1949.
3. A further attempt by the Mengen people to resume occupation ended in another forcible eviction in 1934.
4. From 1938 onwards the Mengen people submitted a series of petitions claiming ownership of the land in question. The Administration endeavoured to promote an amicable settlement and in 1943 the Fon of Bali was persuaded to agree to the Mengens returning to Bali land provided they accepted his decision as to where they should live. Acceptance of this offer would have implied abandonment of the claim to absolute ownership of the land and the Mengen people rejected it and asked for the dispute to be determined by an inquiry under the Inter-tribal Boundaries Settlement Ordinance.

^{1/} T/PET.4/5

5. Such an inquiry was held at the beginning of 1949 by an Administrative Officer who found that the Mengen people were not entitled to the land and that therefore no boundary could be made. The Mengen people appealed against the decision to the Chief Commissioner, Eastern Provinces, who upheld it.
6. When this decision was announced, however, it was pointed out that it did not preclude the Mengen people from commencing proceedings in court for declaration of title, and the Chief Commissioner undertook that if they should take action in the Bali Native Court, which is the competent court of first instance, the case would be at once transferred to the Supreme Court. The Mengen people have been advised on several occasions since then to take action in court accordingly, but have so far failed to do so.
7. The present position, therefore, is that this is a dispute with which the courts have competence to deal and the petitioners are being urged to bring it to court.
8. The Administering Authority therefore considers that this petition falls under Rule 81 of the Trusteeship Council's Rules of Procedure and should accordingly be considered inadmissible.
