

TC/VM.1949/5  
15 September 1949

Visiting Mission to  
Trust Territories in West Africa

CAMEROONS UNDER BRITISH ADMINISTRATION:  
ADMINISTRATIVE AND FISCAL INTEGRATION WITH NIGERIA

I. LEGISLATIVE BASES OF INTEGRATION

1. Mandate and Trusteeship Agreement

Confirming the British Mandate for the Cameroons on 20 July 1922, the Council of the League of Nations authorised the Mandatory to administer this area "in accordance with the laws of the Mandatory as an integral part of his territory" and "to constitute the territory into a customs, fiscal, or administrative union or federation with the adjacent territories under his sovereignty or control, provided always that the measures adopted to that end do not infringe the provisions of this Mandate". (Article 9).

The clause authorising the Administering Authority "to constitute the (Trust) Territory into a customs, fiscal or administrative union or federation with adjacent territories under its sovereignty or control, and to establish common services between such territories and the Territory where such measures are not inconsistent with the basic objectives of the International Trusteeship System and with the terms of this (i.e. Trusteeship) Agreement" is included in Article 5 (b) of the Trusteeship Agreement.<sup>1/</sup>

<sup>1/</sup> See Chapter II of Document T/338/9, pp. 7-10.

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From the beginning of the Mandate period the Mandated Territory of the Cameroons was in actual fact integrated with Nigeria. The integration was given a constitutional basis by the Cameroons under British Administration Order in Council of 26 June 1923 which provided that various portions of the Mandated Territory should be integrated for administrative purposes ("...shall be administered as if they formed part of...") in the two administrative subdivisions of the adjacent Protectorate of Nigeria, i.e., the Northern Provinces and the Southern Provinces.<sup>1/</sup>

## 2. Administrative Integration

The process of administrative integration of the Cameroons under British Administration in the two sub-divisions of the Protectorate of Nigeria culminated in the Nigeria (Protectorate and Cameroons) Order in Council of 2 August 1946 which revoked the Cameroons under British Mandate Order in Council 1923 and provided for the administration of the Protectorate of Nigeria including the Cameroons under British Administration. The Protectorate is divided into two regions, the Northern and the Southern Provinces. The Southern Provinces are sub-divided into the Western and Eastern Provinces. The Trust Territory is administered as if it formed part of the Northern and the Southern Provinces of the Protectorate. In accordance with the Order in Council the Governor and Commander-in-Chief of the Colony of Nigeria is the Governor and Commander-in-Chief of the Protectorate and the Cameroons (Section 7). The Executive Council for the Colony of Nigeria is the Executive Council of the Protectorate and the Cameroons (Section 9).

<sup>1/</sup> The text of the British Cameroons Order in Council 1923 is to be found in Document T/AC 14/24/Add.1.

The Public Seal of the Colony is the Public Seal of the Protectorate and the Cameroons (Section 14).<sup>1/</sup>

The Administering Authority has noted that the principle of administrative integration and of common legislative and judicial system with the adjoining areas of the Protectorate of Nigeria has been thereby fully established (Report on the Administration of the Cameroons under United Kingdom Trusteeship for 1947, p. 14).

### 3. Executive and Legislative Integration

The extent and character of the powers and duties exercised by the Governor were set out in Nigeria Letters Patent 1946 of 2 August 1946. Section 9 (1) contains provisions for an Executive Council. Its composition, appointment and functions were defined in the Instructions under the Royal Sign Manual and Signet of 2 August 1946. The Executive Council consists (Section 3) of the Chief Secretary, the Chief Commissioners of the three Regions (Northern, Western and Eastern Provinces), the Attorney-General, the Financial Secretary, the Directors of Medical Services and of Education, and at present four appointed unofficial members, two of whom are Africans. The functions of the Executive Council are mainly advisory.

The Nigeria (Legislative Council) Order in Council of 2 August 1946 constituted a common legislative system for the Colony and Protectorate of Nigeria and the Cameroons under British Trusteeship.

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<sup>1/</sup> Text of the Nigeria (Protectorate and Cameroons) Order in Council of 2 August 1946 was reproduced in Document T/AC/14/4, pp. 5-9.

The Legislative Council established for the three territories consists of the Governor as President, 13 ex-officio members, 3 nominated official members, 24 nominated unofficial members and 4 elected members (Part II, Section 5). The Governor appoints the 3 nominated official members (Section 7) and 6 of the 24 nominated unofficial members (Section 8 (1) (c), (f) and (g)). The resting 18 nominated unofficial members are appointed as follows: 4 members by the House of Chiefs, 5 members by the unofficial members of the Northern House of Assembly, 4 members by the unofficial members of the Western House of Assembly, and 5 members by the unofficial members of the Eastern House of Assembly. Of the 4 elected members three are for the town of Lagos and one for Calabar.

With the advice and consent of the Legislative Council the Governor makes laws for the peace, order and good government of the three territories (Section 21). The Governor may assent or refuse his assent to a Bill presented to him by the Legislative Council, or he may reserve the Bill for the signification of His Majesty's pleasure (Section 27, paragraph 2). Governor's reserved powers empower him in the interests of public order, public faith or good government to enact legislation which has not been passed by the Legislative Council (Section 26). The Legislative Council is to meet in session once at least in every year (Section 29(2)).

In the Northern Provinces a Northern Regional Council consisting of the House of Chiefs and the Northern House of

of Assembly was established by the same Order-in-Council.

The House of Chiefs is presided over by the Chief Commissioner for the Northern Provinces and is composed of all first class chiefs and not less than ten members selected by second class chiefs (Section 33). The Emir of Dikwa (Cameroons) is, as a first class chief, ipso facto a member of the House of Chiefs.<sup>1/</sup>

The Northern House of Assembly consists of 19 official members and of not less than 20 nor more than 24 unofficial members. Six of the 24 unofficial members are appointed by the Governor to represent interests and communities which, in his opinion, are not otherwise adequately represented (Section 33).

A Western House of Assembly was established for the Western Provinces with 14 official members and not less than 15 nor more than 19 unofficial members (Section 24).

An Eastern House of Assembly was established for the Eastern Provinces with 14 official members and not less than 15 nor more than 18 unofficial members. Five unofficial members are appointed by the Governor (Section 35). The two unofficial members selected by the Cameroons Provincial meeting are Mr. J. Manga Williams, President of the Victoria Federated Council and Galega, Fon of Bali.<sup>1/</sup>

Each House of Assembly considers the annual estimates of expenditure together with a statement of the estimated revenue to be apportioned or assigned to the region concerned and may, by resolution, make recommendations in respect of the estimates of expenditure (Section 52). It also considers every Bill other than Appropriation Bills to be

<sup>1/</sup> Annual Report for 1948, p. 15.

introduced into the Legislative Council and may submit to the Governor its advice (Section 53). The Administering Authority noted that the Regional Councils are as yet in their infancy.<sup>1/</sup> The constitution of 1946 by which those organs were established is to be subject to further reform in 1950. (See TC/VM.1949/6)

#### 4. Judicial Integration

The judicial organization of the Trust Territory, as set out in the Supreme Court Ordinance, the Magistrates' Court Ordinance, and the Native Courts Ordinance is amalgamated with and forms part of the judicial organization of the Colony and Protectorate of Nigeria and comprises the Supreme Court of Nigeria, Magistrates' Courts, and Native Courts. Appeal from the decision of a Magistrates' Court or a Native Court is to the Supreme Court, whence a further appeal lies to the West African Court of Appeal.

In 1948 judicial government officials employed solely within the Trust Territory, were one magistrate (British) in the senior service of four persons in the junior service (registrar third class clerk, clerical assistant and messenger, all Africans).<sup>2/</sup>

#### 5. Administrative Reorganization

Being aware of the need to preserve the distinct status of the Cameroons as a Trust Territory, the Administering Authority approved during 1948 an administrative reorganization whereby a Commissioner for the Cameroons is to be appointed.

<sup>1/</sup> Ibidem, p. 15.

<sup>2/</sup> Annual Report for 1948, p. 298.

He will be responsible to the Chief Commissioner of the Eastern Provinces for the administration of the part of the Trust Territory included in the Eastern Provinces, which is itself to be divided into two provinces, each in the charge of a Resident. The areas of the Trust Territory at present administered as portions of Benue, Adamawa and Bornu Provinces of the northern region, will continue to be administered as parts of those provinces, but the Commissioner for the Cameroons will be authorized to travel in the northern areas and will therefore be well informed on the whole of the Trust Territory.<sup>1/</sup>

Although he is to be described as "Commissioner of the Cameroons" he is nevertheless responsible for the administration only of a part of the Trust Territory, namely the Cameroons Province in the South.

## II. EFFECTS OF THE ADMINISTRATIVE UNION ON THE STATUS AND INTEGRITY OF THE CAMEROONS AND ON ITS DEVELOPMENT AS A DISTINCT ENTITY

The Administering Authority has expressed the view that a glance at the map of the Trust Territory is sufficient to demonstrate the unlikelihood of its developing into a distinct political entity.

Referring to the observations on the Ewe Petitions submitted by the Governments of France and United Kingdom at the second session of the Trusteeship Council (Docu-

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<sup>1/</sup> Annual Report for 1948, p. viii and 39.

ment T/58) the Administering Authority has also stated that "it is the opinion of the United Kingdom and French Governments that the proper policy in West Africa is not to create a large number of small isolated units but to foster their development within the framework of larger units."<sup>1/</sup>

The Administering Authority believes that "it is therefore improbable that the Trust Territory, in view of the artificiality of its territorial boundaries and the heterogeneity of its ethnical composition, will ultimately become a separate political entity, but, as stated above, the people of the Territory are being fully consulted regarding their wishes and it is expected that the forthcoming reforms to be made in local government and in the constitution will give them both a greater measure of local autonomy and larger representation in the Nigerian Legislature."<sup>2/</sup>

### III. CONSULTATION OF THE INDIGENOUS POPULATION

The Administering Authority has stated that there is no evidence that the different elements of the population of the Cameroons, as a whole, desire to form their own distinct community.<sup>2/</sup> "The indigenous inhabitants of the Cameroons have not been specifically called upon to express an opinion regarding the continuation of the present administration of the Cameroons as though it was an integral part of Nigeria."<sup>3/</sup>

<sup>1/</sup> See T/AC/14/24, p. 13.

<sup>2/</sup> Ibid., p. 13.

<sup>3/</sup> Ibid., p. 14.

Nevertheless, the Administering Authority has also pointed out that "in Cameroons Province among the educated element and, perhaps to an even greater extent, among the various associations of the inhabitants of the Cameroons living outside the Territory, such as the Cameroons Youth League, there is a movement for the establishment of the Trust Territory as a separate Region, in accordance with the present regionalized constitution of Nigeria, with its own House of Assembly and with direct representation in the Legislative Council."<sup>1/</sup>

The Administering Authority has noted further that "if there was substantial opposition on the part of the indigenous inhabitants to the present administrative organization full weight would be given to this expression of opinion."<sup>2/</sup>

#### IV. ECONOMIC EFFECTS OF THE ADMINISTRATIVE UNION

##### 1. General

The Administering Authority has stated that the indigenous inhabitants of the Cameroons have benefited in a very large measure from the administration of the Trust Territory as an integral part of Nigeria.

The Trust Territory has been able to call upon the services of technical officers in the economic departments of the Nigerian Government Service (such as the Agricultural, Forestry, Electricity and Public Works Departments) of a far superior grade to those which it would have been

<sup>1/</sup> See T/AC 14/24, p. 14.

<sup>2/</sup> Ibid.

able to employ, had it existed as a separate economic unit.<sup>1/</sup>  
It has shared with Nigeria the cost of the overheads of the various social, educational and health services, the use of institutions such as the University College at Ibadan which they would not have been able to afford if they had not been integrated with Nigeria and directly subsidized from the finances of Nigeria. The estimated figures of expenditure in the Cameroons are roughly double those of revenue, and the annual "subsidy" from Nigerian funds now exceeds £ 250,000.<sup>2/</sup>

Nevertheless, in view of the complete integration of the Cameroons under British administration in the adjacent sub-divisions of Nigeria the question has arisen as to whether it may not be difficult to obtain separate and exact data on important sections of the administration, economy and finance of the Trust Territory.

No separate budget is prepared for the Trust Territory, since Government revenues accruing therein form part of the revenues detailed in the Estimates of Nigeria. Provision is made for Government services and work within the Trust Territory in the detailed Expenditure Estimates of Nigeria.<sup>3/</sup>

## 2. Cameroons Development Corporation

Although the estimates of revenue and expenditure now being submitted to the Trusteeship Council, and submitted in the past to the Permanent Mandates Commission, have suggested that the Cameroons has always been administered "at

<sup>1/</sup> See T/AC 14/24, p. 15.

<sup>2/</sup> Ibid., p. 10.

<sup>3/</sup> Annual Report for 1948, p. 62.

a loss" to the Nigerian Government, a potentially important new factor has recently been introduced in the financial situation by the establishment of the Cameroons Development Corporation. (See TC/VM.1949/7).

The Corporation not only pays direct and indirect taxes to the Nigerian treasury, but is also required to devote its net profits to the benefit of the Trust Territory.

In its first year, 1947, the Corporation showed a profit of £178,275. This was not a normal return, however, since lack of shipping prevented the export of approximately £400,000 worth of bananas. Exports in 1948 and 1949 were expected to be greatly above those of 1947, and considerable future expansion is planned in the diverse fields of activity of the Corporation. It may be considered that in a relatively short period the contribution of the Corporation to the funds available for expenditure in the Trust Territory is capable of equalling and possibly exceeding the amount of the present estimated deficit.

## V. PROBLEMS RAISED IN TRUSTEESHIP COUNCIL

### 1. General

During the examination of the annual report on the Cameroons under British Administration, 1947, the problem was raised that, because of the administrative incorporation of the Trust Territory into various provinces of Nigeria, it was difficult, if not impossible, for the Trusteeship Council to exercise its supervisory functions

as required by the Charter. Reference was made to the fact that the effective administrative control was located outside the Trust Territory, that even the various parts seemed to be administered under different policies and that it was difficult for the Council to form an accurate appraisal of the Territory's progress because in most cases separate statistics for the Cameroons had not been supplied. It was furthermore noted that the Trust Territory had no administrative, legislative, judicial or budgetary autonomy; that the integration was of such a nature that various portions of the Territory were separately integrated into different administrative divisions and sub-divisions of Nigeria; that this integration was carried down even to the lowest level of administration so that certain sections of the Territory were administered as parts by Native Authorities having their seats of administration in Nigeria; that the Council could hardly consider the Cameroons as an entity having a separate political existence.

In the Report to the General Assembly covering its Fourth and Fifth Sessions the Trusteeship Council formulated the following recommendations with regard to political advancement:

"The Council, concerned over the difficulty in performing its supervisory functions with respect to the Trust Territory, arising from the fact that the Territory has been integrated for administrative purposes into different administrative divisions and sub-divisions of the British Protectorate of Nigeria and from the fact that the integration is so carried out that

even on the lowest levels of administration certain portions of the Trust Territory are being administered by Native Authorities with seats outside the Territory, with the result that there is no legislative, judicial or budgetary autonomy in the Territory, and consequently, no adequate figures and data which would enable the Council to appraise the exact status or situation of the Trust Territory, recommends that, pending a final solution of the question of these administrative arrangements, the Administering Authority review the situation and take steps or institute measures, such as budgetary autonomy for the Territory, which will enable the Trusteeship Council better to perform the duties and functions vested in it by the Charter, and requests that the Administering Authority include in future annual reports precise and separate data on all common services."

"The Council further recommended

that the Administering Authority consider the possibility of establishing, as soon as practicable, such democratic reforms as will eventually give the indigenous inhabitants of the Trust Territory the right of suffrage and an increasing degree of participation in the executive, legislative and judicial organs of government preparatory to self-government or independence."

## 2. Economic and financial

During the examination of the annual report for 1947, the question was also raised as to whether the budget of the Trust Territory did not bear a disproportionate amount of

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the total cost of administration of Nigeria, since the number of the population of the Trust Territory compared with that of Nigeria did not necessarily indicate that one twenty-third of the expenditure of the Governor and the Nigerian Secretariat was spent in the Trust Territory. The difficulties were mentioned of ascertaining what proportion of the budget was allocated to the Cameroons.

#### VI. REPORT OF THE COMMITTEE ON ADMINISTRATIVE UNIONS

In its Report to the Trusteeship Council (T/338) the Committee on Administrative Unions considered that the following facts resulting from the administrative integration of the Trust Territory into different parts of Nigeria seemed to appear:

(a) In view of the geographical configuration and the ethnical composition of the population, it was the intention of the United Kingdom Government since the establishment of the Mandate in 1922 to administer, and de facto and de jure it administered, the Cameroons as part of the adjacent areas of the Protectorate of Nigeria.

(b) The Permanent Mandates Commission stated that measure of administrative incorporation adopted by the Mandatory Power in accordance with the provisions of Article 9 of the Mandate might be the best calculated to ensure good administration and consequently the well-being of the population.

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(c) The administrative integration thus established and constitutionally deriving from the Nigeria (Protectorate and Cameroons) Order in Council, 1946, represents a complete incorporation with a common administrative, legislative and judicial system and services.

(d) The full incorporation of the Trust Territory in the adjacent areas of the Protectorate of Nigeria with a common administrative, executive, customs, fiscal, legislative and judicial system and services has the character of a political union.