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GENERAL

T/PET.4/76
5 November 1951

ORIGINAL: ENGLISH

PETITION FROM THE BAKWERI LAND COMMITTEE
CONCERNING THE CAMEROONS UNDER BRITISH ADMINISTRATION

Note by the Secretary-General: In accordance with rule 85 and supplementary rule F of the rules of procedure for the Trusteeship Council, the Secretary-General has the honour to transmit to the members of the Trusteeship Council and to the Government of Italy as the Administering Authority of the Trust Territory of Somaliland, a communication dated 6 September 1951 from The Bakweri Land Committee concerning the Trust Territory of the Cameroons under British administration.

COPY

Bakweri Land Committee,
Buea,
c/o Bakweri Native Authority
Office,
Buea,
Cameroons under United Kingdom Trusteeship,
West Africa.

6th September 1951.

The Assistant Secretary General,
Department of Trusteeship and Information for
Non-Self-Governing Territories,
United Nations Headquarters,
Lake Success, New York,
United States of America.

Sir,

Review of position of Bakweri Land Affairs
and the Administering Authority after the
United Nations Organisation Visiting
Mission to the British Cameroons
in November, 1949.

I am directed by the Bakweri Land Claim Committee, Buea, Cameroons under United Kingdom Trusteeship, West Africa, to acknowledge with thanks the receipt of your letter No. TRI.130/5/02/GD/B.IV.26.3 of May 19, 1950, together with the documents forwarded therewith. ^{1/}

2. While the Bakweri Land Committee appreciates the measures for the alleviation of the Land shortage in the Bakweri Tribal area and the social regeneration of the Bakweri people proposed by the Administering Authority and assented to by the Trusteeship Council in a resolution

1/ Note by the Secretariat: Letter transmitting to the petitioners Resolution 174 (VI) concerning the question of the Bakweri and other lands held by the Cameroons Development Corporation as raised in certain petitions concerning the Cameroons under British administration.
/adopted

adopted by it at its eightieth meeting on April 3, 1950, the Bakweri people consider that the execution of these measures should be preceded by an unequivocal pronouncement on the part of the Trusteeship Council that the Bakweri people are recognised as the sole legal owners of the plantation lands within their tribal area.

3. In the eighteenth paragraph of its observations (Document T/182 of June 15, 1948) on our petitions dated 24 August, 1946 and 17 November 1947 (Document T/PET.4/3), the Administering Authority stated that

"the Nigerian Government's plans as regards the future of the plantations were fully explained to the Bakweri Clan Council and the Bakweri Land Claim Committee who agreed that the formation of the Cameroons Development Corporation was in the best interests of the Cameroons people."

The same statement appears again in Part B paragraph (1) page 27 of Document T/L.75 of 30 March 1950. This assertion is not altogether correct. Although seemingly backward, we have a long memory. As regards the alleged full explanation, the position we understood it at the time was that as a result of our petition of 24th August, 1946, the Administering Authority was formulating plans for the restitution to the Bakweris of the lands expropriated from them by the late Imperial German Government, and that the Cameroons Development Corporation was being formed because the Bakweris were yet incapable of running unaided an industry of such complexity.

4. The Bill entitled the ex-Enemy Lands (Cameroons) Ordinance, which subsequently became Ordinance No. 38 of 1946, was not referred to the Bakweri people for study and detailed comments. No Patriotic Bakweri, who has the interests of his people at heart, would for one moment countenance any measures which are designed to deprive the people of their patrimony. We shall not feel satisfied unless and until this Ordinance is so amended as to right the wrong done us.

5. We have only recently become possessed of a printed copy of the Nigerian Legislative Council Debates (Twenty-Fourth Session; 9th to 12th December, 1946) cited on page sixty-seven of the cyclostyled report of the First United Nations Visiting Mission to the Trust Territory of the Cameroons under British Administration (U.N.O. document T/461 of 13 February, 1950), copies of which were only made available to the Bakweri people on 20 November, 1950.

/6. The following

The following passages culled from the printed speech of the Nigerian Government's spokesman (Mr. F.E.V. Smith, C.M.G., then Nigerian Development Secretary, and now Chairman of the Cameroons Development Corporation since 1 January, 1947) when moving the first reading of the Bill referred to in the fourth paragraph of this letter are revealing, and have given the Bakweri people a rude awakening.

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".....Now come to the end of the war, Sir, when it is felt that the correct thing to do is to repair the omissions of the past and ensure that those lands are acquired and operated for the benefit of the inhabitants of the Cameroons. The Proposal is, therefore, that this Government should, with the approval of this Council, purchase these freeholds and then convert the lands into native lands. As they stand at present, if the lands are purchased by Government they remain Crown Lands. It is proposed, they should not be made Crown lands but converted immediately into native lands by Government divesting itself of the freeholds in favour of the people of the Cameroons. It is proposed, nevertheless, that the Governor should be empowered to lease those lands, despite the terms of the Land and Native Rights Ordinance, to the Corporation which will operate solely for the benefit of the people of the Cameroons. Therefore those lands will be leased on a ninety-nine year term with a continuing option to the Corporation of renewals thereof. Before that is done, however, it may be found necessary to make some adjustments in the boundaries of native villages and lands available for those natives who are settled in that area, so that they have adequate farm land. I would like to say, however, that it is not the intention to exclude from those estates, land for purely and simply for the purpose of the native to exploit for land appreciation profits. It is intended to give the natives fully adequate land for their own use but no more."

"..... The idea is that we should stimulate the people of the Cameroons to work on these properties, and in doing so they will then participate in the profits which will naturally be distributed to each individual, proportionately according to the amount which he has earned as ordinary wages during the year"

/7. In

7. In this connection, it may also be appropriate to make reference to the speech of then then nominated Member for the Cameroons Division of the Nigerian Legislative Council (Chief J. Manga Williams, O.B.E., President of the Victoria Federated Native Authority) on pages thirty-eight to forty-one of the printed Legislative Council proceedings referred to in paragraph five of this letter. The greater part of this speech is not only merely designed to please the powers-that-be but it is also a travesty of the truth particularly that portion of it which says that

"the whole scheme has been explained to the people - not in English but in my own Native Language. The Bill has been welcomed by all the people ..."

The words which follow immediately cannot be taken seriously and belie Chief Manga Williams' assertion that the scheme had received the universal approbation of the Bakweri people. He had no right to commit the Bakweri people in the manner he had done.

8. With a view to testing the veracity or otherwise of Chief J. Manga Williams' statement quoted in the preceding paragraph, the Bakweri Land Committee invited him to a meeting in September, 1950. Chief Manga Williams refused to appear before the Committee and returned the following evasive reply:

"... With reference to your letter dated 15th September, 1950, requesting me to attend a meeting of your Committee arranged to take place on the 23rd of September, 1950, for the purpose of enlightening the people on certain passages relating to the Bill and the above quoted Ordinance which are doubtful to them I wish to refer you to the copy of that Ordinance which title and clauses should suffice to enlighten the points in doubts.

2. Should that not be explicit enough you may take it to the District Officer and he will certainly gladly do so.

3. I further beg to refer you to the Legislative Council at Lagos, if not satisfactorily understood to give full explanations of the Bill. The Crown Counsel may explain it better as I am not versed in Law."

The moral of this story is too plain to require emphasis,

9. We are fully alive to the fact that the measures proposed by the Nigerian Government for the disposal of the Ex-Enemy (Cameroons) Lands would have proceeded apace even without Chief J. Manga Williams

(The Cameroons representative in the Nigerian Legislative Council "nominated" by Government) having to sacrifice the vital interests of the Bakweri people in order to curry favour with our overlords. Nevertheless we feel very strongly that the Administering Authority should have seen fit to use Chief Manga Williams as a cloak in the furtherance of their designs upon our patrimony (vide page 19 of the Legislative Council proceedings referred to in paragraph five of this letter). We are yet to be convinced that the 1946 schemes have been contrived solely for the benefit of the Cameroons people.

10. The Bakweri people are very grateful to the West African Visiting Mission for stating their case so succinctly and concretely on pages eighty-one to ninety-seven of the Mission's report. Yet the people feel bound to part company with the Visiting Mission on certain of its conclusions and recommendations. The Bakweri people live in West Africa and are better acquainted with local conditions. Thus they are not easily beguiled by the sugar-coated platform rhetorics of the Administering Authority's representatives. Accordingly, the Bakweri people have studied with great care the "Summary Record of the Thirteenth Meeting (Sixty Session) of the AD HOC Committee on Petitions" particularly Part B, Economic Advancement, 2 Bakweri and other land alienation problems (U.N.O. document T/AC.20/SR.16 dated 17th March 1950, pages twelve to fourteen). They have decided, in view of Brigadier E.J. Gibbon's statement at the bottom of page twelve, not to co-operate with the Administering Authority and the Cameroons Development Corporation in the execution of their plans for land resettlement unless and until the Trusteeship Council has reached a decision of the Bakweri claim to ownership of these plantation lands in the Victoria Division. We would, for ease of reference, quote Brigadier Gibbons' statement to which the Bakweri people take great exception:

"... With regard to the Bakweri claim to ownership of the lands operated by the Cameroons Development Corporation, that land had become the property of the people of the Trust Territory as a whole, and was solemnly declared in the relevant Law. That solemn declaration had been re-stated on a number of subsequent occasions. That was why the Bakweri were dissatisfied, as they had hoped to come into the property themselves. In order to put their minds at rest, and to enable the Administration to proceed with its schemes for their social regeneration, a statement by the Council expressing

/satisfaction

satisfaction that the land in question had become the property of the people of the whole Territory would be extremely helpful. I would like the Council to say that it agreed with the Visiting Mission in discerning in the decision of the Administration in enlightened land policy. The Bakweri might then be ready to co-operate with the Authority in the regeneration schemes ..."

It is understood that the pronouncement sought by the Bakweri people is still under the active consideration of the Trusteeship Council.

11. The uncompromising attitude of the Bakweri people was made quite clear to the Acting Commission of the Cameroons under British Administration at the public meetings convened by him in the Buea Native Court Hall on 28 August, 11 September and 23rd October, 1950. In another meeting of Sir. H.M. Foot, K.C.M.G., O.B.E., then Acting Governor of Nigeria, with representatives of the Bakweri Land Committee, Bakweri Improvement Union and the Cameroons National Federation, on the 2nd of October, 1950, the Bakweri Land Committee representatives handed to His Excellency the Acting Governor a document containing a demand for their legal ownership of their lands and also a vote of no confidence on Chief J. Manga Williams, O.B.E., Dr. E.M.L. Endeley and Mr. E.K. Martin (Cameroons Members of the Cameroons Development Corporation Board) for having interceded with the Acting Governor at Bota on the Governor's way to Buea and had informed the Governor that the Bakweris' urgent need was the implementation of the rehabilitation schemes which the Bakweris had viewed with suspicion that they were meant to be the answer to their petitions. Members of the Visiting Mission would recall that when they discussed the question of the restitution of lands belonging to the Bakweri tribe at BUEA on 3 November, 1949, the Bakweri people definitely told them that nothing short of a categorical statement by the Trusteeship Council affirming that absolute ownership of the plantation lands in Victoria Division has been conceded to the Bakweri people as opposed to the people of the whole British Trust Territory of the Cameroons -- whose lands had not been expropriated by the late Imperial German Government -- would be acceptable to them. An interpellation by a member of the Bakweri Land Committee during one of the public meetings mentioned supra, as to why, after thirty-six years of British inaction in this territory, it is now considered necessary by the Administering Authority to embark on social regeneration and

/community

community development schemes, had elicited the admission by the Acting Commissioner of the Cameroons that these schemes were motivated by our petitions to the United Nations Organisation.

12. In the later part of paragraph 239 of the report on the Cameroons under British Mandate for the year 1931, the following statement occurs:

"The present acquisitions may therefore be viewed as the final act in the process of righting a wrong done to the Bakweri tribe in a previous generation" (vide page eight of U.N.O. document T/182 of June 15, 1948).

This statement taken in conjunction with that of Mr. F.E.V. Smith, C.M.G., quoted in paragraph six of this letter is a clear admission by the Administering Authority that the wholesale expropriation of Bakweri Lands in favour of European Companies and Missionary Societies was a wrongful act which needs to be rightened. Is it asking too much then to press that the British Government be made to restore in full the expropriated lands to the Bakweri people (the original owners) instead of to the whole Trust Territory.

13. In 1925, the provisions of the Land and Native Rights Ordinance (Chapter 105, Volume IV of the Laws of Nigeria, 1948), which were originally enacted for the Northern Provinces of Nigeria, were applied to the Cameroons under British Mandate. The main principles of this Ordinance are:

- (i) the lands are declared to be Native Lands;
- (ii) Native Lands and all rights thereover are placed under the control and subject to the disposition of the Governor without whose consent no title to its occupation and use by a non-native African or a stranger African is valid. The Governor holds and administers the land for the use and common benefit of the native, and in the exercise of his powers he shall have regard to their native laws and customs.

Furthermore, the Ordinance prescribes the principles on which and the procedure whereby rights and occupancy may be granted; it binds the occupier to pay to the Governor the rent fixed by the Governor, and any rent which may be fixed on revision in accordance with the provisions thereof.

14. Section five of the Land and Native Rights Ordinance (Chapter 105, Volume IV of the Laws of Nigeria, 1948) expressly says:

/"The Governor,

"The Governor, in the exercise of the powers conferred upon him by this Ordinance with respect to any land, shall have regard to the Native laws and customs existing in the district in which such land is situated."

In this connection, we would invite reference to page sixty-two of the report of the Visiting Mission which contains a concise and clear exposition of the system of land tenure of the Bakweris; we need, therefore, not labour the point in this letter.

We find it difficult to understand why our "de-alienated" lands should be termed "native land" to be administered for the use and common benefit of the whole indigenous population of the Trust Territory (compare Brigadier Gibbons' statement on page thirteen of U.N.O. document Limited T/AC.20/SR.16 of 17 March, 1950), when we have no say whatsoever in other lands of other tribes in this Trust Territory. But furthermore, the legal interpretation of the word "as defined under the Land and Native Rights Ordinance states as follows:

"Persons one or both of whose parents belong to a tribe indigenous to the territory or any African who has obtained the consent of the Native Community to make his permanent domicile there and obtained a certificate to that end from the Governor."

The Bakweri people who alone qualify as natives to own land in this Division question very strongly this invidious treatment of their patrimony. The question arises: Why are lands owned by other tribes in the Trust Territory not similarly treated? The first petition from the Bakweri people laying claim to ownership to plantation lands in the Victoria Division of the Cameroons Province was submitted through the Nigerian Government on 24 August 1946. It is significant that the Nigerian Government took steps in the latter part of the 1946 to acquire these lands ostensibly "for the use and common benefit of the entire indigenous population of the British Cameroons". The Bakweri people are sceptical of this unwonted generosity of the Administering Authority, and are yet to be satisfied that the so-called native interests are the real purpose of this land deal.

15. As regards the question of re-acquisition by the Administering Authority on behalf of the Bakweri people of surplus lands and the land's irregularly held by certain Religious Missions and Trading Companies, we

/have noted

have noted with great regret the suggestion of the Special Representative of the Administering Authority that we, if dissatisfied, may have recourse to the Law Courts (vide pages 27-28 of U.N.O. document T/L.75 (Limited) of 30 March 1950 and also page 15 of U.N.O document T/AC.20/SR.16 of 17 March 1950 and pages 1-2 of U.N.O. document T/578 of 3 April 1950) forgetting:

(a) that the Bakweri people are literally wallowing in extreme poverty due to economic factors brought about by the extensive expropriation of their patrimony in favour of European aliens: the Bakweri people cannot afford the ruinous legal expenses inseparable from such litigation in the Supreme Court of Nigeria;

(b) that one of the German statutes dealing with the disposal of so-called Crown Land laid it down that the purchaser or lessee of a parcel of Crown land shall cede to the Governor on demand and upon payment of adequate compensations such lands as may be required for "public purposes" (vide Dr. Heinrich Ruppel's Landes-Gesetzgebung fuer das Schutzgebiet Kamurun - page 696 et suite). To our knowledge, the majority of the title-deeds granted by the late Imperial German Government to the Religious Missions and Trading Companies before the 1914-18 War contained this important clause.

These titles have since been recognised by the Nigerian Government. Members of the Trusteeship Council will agree that the regeneration of an impoverished people such as the Bakweri is a "public purpose" of the first importance.

16. We suggest that the Administering Authority is not adequately discharging its solemn responsibilities towards the Bakweri (its wards) because of its diffidence to use the rights reserved to it in the deeds of conveyance, to re-acquire on payment of compensation all or portions of the lands held by Religious Missions and Trading Firms for "public purposes" (namely, the social regeneration of the Bakweri people).

17. Being convinced of the justice of our claim to ownership of the plantation lands and the areas occupied by Religious Missions and Trading Firms, we are prepared, in the event of our rights not being readily conceded by the Administering Authority, to submit the whole matter for judicial arbitration by the International Court of Justice at the HAGUE

/(Holland)

(Holland) instead of in the local law courts. (vide page ninety of the report of the Visiting Mission - U.N.O. document No. T/461 of 13 February, 1950). In view, however, of our proverbial poverty, (vide paragraph 15 above) we implore the General Assembly to give us financial assistance.

18. The much vaunted "act of goodwill and enlightened land policy of the Administering Authority discerned by the Visiting Mission", (to use Brigadier Gibbons' statement quoted in paragraph 10 above) bristles with inconsistencies which have, apparently, not been noted by the Trusteeship Council. As pointed out in the opening paragraphs of this letter, we are not opposed to community development schemes as such, but we hesitate to embrace these schemes because it appears to us that the authorities instead to use them as a sedative to lull the Bakweri people into a false sense of security of tenure (cf. the objectionable utterance of Brigadier Gibbons referred to in paragraph 10 of this letter). Take for an example the so-called "controlled tenancy". The areas to be excised from plantation land are undoubtedly parts of our own property, yet we are expected to hold the same on "controlled tenancy terms." Can an owner become a tenant of his own land? This policy is also at variance with both the letter and spirit of the Land and Native Rights Ordinance referred to in paragraphs 13 and 14. Why are the indigenous Natives of Mamfe, Bamenda, Adamawa and other divisions of this territory are allowed to use their lands for farming purposes without being hedged in by irritating control measures as envisaged in the Bakweri regeneration schemes? Do you blame us then when we view these so-called regeneration plans with grave suspicion? In this connection, we would invite reference to item (a) of the proposals of the Administering Authority embodied in the resolution on page 81 of U.N.O. document T/L.75 of 30 March, 1950 and paragraphs 2 and 6 pages 1-3 of U.N.O. document T/182/Add.1 of March 2nd, 1950).

19. Take another example: the fifteen-acre plot per family. This acreage aims at pegging down the economic standard of the Bakweri people so that they will always be a source of labour for planting food for the Cameroons Development Corporation employees. (See also the latter part of the quotation in paragraph 6 above). How long do the Trusteeship Council think it will take a peasant farmer with fifteen acres of soil of doubtful fertility -- for so is most of the land that is likely to be released to the Bakweri people -- for the growing of food-crops for the family and not

/economic

economic crops such as cocoa, palm trees, kola-nuts trees, et cetera, in order to earn about L1,400 what with to train one child up to University standard?

20. The Bakweri people are very poor; this has been abundantly demonstrated to the world by the recent Visiting Mission of the United Nations Trusteeship Council. Therefore, while the Trusteeship System lasts, we look up to the Trusteeship Council for all material help when we feel genuinely wronged or imposed upon by the Administering Authority.

We have the honour to be, Sir,

Your obedient Servants,

(signed) (illegible)

S e c r e t a r y,

for and on behalf of the

Bakweri Land Committee

Received at United Nations Headquarters:

15 October 1951

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