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TRUSTEESHIP
COUNCIL



GENERAL

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PETITION FROM MR. A.K. IKOMI 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 18 December 1951 from Mr. A.K. Ikomi concerning the Trust Territory of the Cameroons under British administration.

COPY

A.K. Ikoni,
C/o Messrs. John Holt & Co. Ltd.
Victoria, Camerouns under United
Kingdom Trusteeship,
West Africa
18 December, 1951

The Assistant Secretary-General
Department of Trusteeship and
Information,
United Nations Organisation,
Lake Success, New York.,
U. S. A.

Sir,

I have the honour to enlist the intervention of the Trusteeship Council in the following matter which is of considerable economic importance to me.

2. During the 1939-1945 World War the British Administering Authority found it necessary to maintain troops in Victoria on the Atlantic coast. With a view to providing accommodation for these troops, the farmland belonging to Mr. Simon Ekumene, which borders on my patrimony, was requisitioned by the Administering Authority. Subsequently portions of my own farm land were excised by Government for the purpose of providing space for an officer's residence and a parade ground for the troops. Our lands were, we were informed, acquired by the Government for "public purposes" under the provisions of the Land and Native Rights Ordinance (Cap.105 Vol.IV of the Revised (1948) Edition of the Laws of Nigeria). I attach hereto a sketch plan illustrating the land in question: the sketch plan is self-explanatory.

3. A paltry sum of £5 (five pounds sterling) was awarded to me by the Government as the value at the date of revocation of my right of occupancy in and over the two separate and distinct areas excised from my holding, and also of the unexhausted improvements (i.e. economic trees, such as palm trees, coconut trees, etcotera, destroyed in the process of clearing the expropriated land) and for the inconvenience occasioned by this disturbance.

4. The Land and Native Rights Ordinance provides, 'inter alia', that the compensation to be awarded to a displaced land owner shall, if not agreed upon by the Governor and the land owner, be determined by arbitration. However, I considered it unpatriotic, while the emergency lasted, to avail myself

/of the

of the remedy provided by statute, that is to press that the amount of compensation payable to me be determined by arbitration.

5. As the Second World War progressed, it was brought home to me that the Government had virtually appropriated the whole of my farm land, for soldiers had then started to cut down and use the economic trees and food-crops planted by my late father on the remaining areas. Taking into consideration the amount of labour and capital expended by my late father on this land for a considerable number of years coupled with the acute shortage of suitable farm land in the Victoria Native Authority area, I felt bound to address several petitions both to the local and central British authorities, the last being a petition sent to the Chief Secretary to the Government of Nigeria, Lagos, on 4 September, 1950, wherein

- (a) I protested vehemently against the inadequacy of the compensation awarded to me for the two areas excised from my patrimony (areas 4 and 5 on the sketch plan attached to this letter) for the purpose of an officer's residence and a parade ground for the troops;
- (b) I requested the release to me of the areas not included in the original expropriation (vide sketch plan).

As to (a), my late father had spent over E700 in clearing and cultivating the whole area. Moreover, the annual income accruing to us, my father's children, from the products of these economic trees, etc., used to be in the neighbourhood of E75. Add to this the fact that the family of the late Mr. Elufa Nambeko Ebenezer Williams was paid nearly E500 as compensation for the land taken over by the Government for the purpose of erecting the existing General Hospital in Victoria. My total holding embraces an area of six acres approximately.

6. I have had no reply from the Chief Secretary to the Government of Nigeria; The Divisional Officer, Victoria, informed me in his letter No. V.942/155 of July 6, 1950, as follows:-

"The present position is, therefore, that there is in fact no petition before the Resident.

"I am to say that the Resident has, however, been carefully into the records concerning the Old Military Barracks at Victoria, and he is satisfied that they were lawfully acquired under the Land and Native Rights Ordinance, and that adequate compensation was duly paid".

/7. In order

7. In order to follow closely the arguments advanced in this letter, members of the Trusteeship Council might, I think, wish to be placed in possession of the salient provisions of the Land and Native Rights Ordinance dealing with the matter in issue. They are:-

"a right of occupancy" means a title to the use and occupation of land and includes the title of a native or native community lawfully using or occupying land in accordance with native law and custom.....

"native" means a person whose parents were members of any tribe or tribes indigenous to the Northern Provinces or the Cameroons under British Mandate and the descendants of such persons, and includes -

(a) any person one of whose parents was a member of such tribe,.....

"occupier" means the holder of a right of occupancy and includes a native or native community lawfully using or occupying land in accordance with native law and custom.

"public purpose" has the meaning assigned to that term by the Public Lands Acquisition Ordinance.

"unexhausted improvement" means anything or any quality permanently attached to the land directly resulting from the expenditure of capital or labour by any occupier or any person acting on his behalf and increasing the productive capacity, the utility or amenity thereof, but does not include the results of ordinary cultivation other than growing produce.

Section 12 of the Land and Native Rights Ordinance says:-

"It shall not be lawful for the Governor to revoke a right of occupancy granted as aforesaid save for good cause. "Good Cause" shall include:-

x x x x x

(c) requirement of the land by Government for public purposes.

8. The military forces have since left Victoria, and their cantonment has been taken over by a Detachment of the Nigeria Police. These men have, in defiance of my protests, continued the destruction of my economic trees which took years to grow. Policemen are also using my land for the cultivation of

/seasonal crops

seasonal crops such as casava, cocoyams, etc. The trusteeship Agreement relating to the Cameroons under United Kingdom Trusteeship provides, amongst other things, that the Administering Authority shall protect Native rights over land. I am yet to be convinced that the expropriation measures adopted by the Government in the acquisition of my patrimony are strictly in consonance with the letter and spirit of the provisions of the Trusteeship Agreement, and the Nigerian Land and Native Rights Ordinance quoted in extenso in the seventh paragraph of this letter.

9. My prayers in fine are:-

- (1) that the Trusteeship Council may feel inclined to intervene effectively on my behalf with a view to my being awarded compensation compatible with the provisions of the Land and Native Rights Ordinance for areas 4 and 5 originally excised from my holding, and
- (2) that the remaining areas not included in the original acquisition be returned to me.

10. Copies of this letter have been forwarded to the District Officer, Victoria, for the information of the Nigerian Government.

I have the honour to be, Sir, Your
obedient servant,

(Signed) ALBERT IKOMI
