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CAMEROONS UNDER BRITISH ADMINISTRATION

PETITIONS FROM THE BAKVERI LAND COMMITTEE
DATED 24 AUGUST 1946 AND 17 NOVEMBER 1947
(DOCUMENT T/PET.4/3)

OBSERVATIONS SUBMITTED BY THE GOVERNMENT
OF THE UNITED KINGDOM

In accordance with rule 86, paragraph 2 of the rules of procedure for the Trusteeship Council, the Secretary-General transmits herewith to the members of the Council the following observations on the petitions from the Bakveri Land Committee, dated 24 August 1946 and 17 November 1947 (document T/PET.4/3), concerning the Cameroons under British administration.

JUN 16 1948

/United Kingdom

United Kingdom Delegation
to the United Nations,
New York

No. 118(144/12/48)

9 June 1948

I am directed by His Majesty's Principal Secretary of State for Foreign Affairs to transmit to you the attached memorandum on T/PET.4/3, which concerns the petition of the Bakweri Land Committee, with the request that, in accordance with rule 86 (2) of the rules of procedure, you will cause copies to be circulated to the Trusteeship Council.

(Signed) Alexander Cadogan

His Excellency

Monsieur Trygve Lie

Secretary-General

United Nations

Lake Success.

Received at the United Nations on 11 June 1948.

/T/PET.4/3

T/PET.4/3

OBSERVATIONS BY THE UNITED KINGDOM GOVERNMENT

During the German administration of Kamerun some 460 square miles of land in Victoria and Kumba Divisions of the Cameroons Province were alienated by the German Government to plantation companies and to individuals, in the majority of cases by sale, in others under lease. In Victoria Division these areas of land are in the vicinity of lands occupied by the Bakweri tribe.

2. The conditions of ownership and possession of landed property in Kamerun were the outcome of many years development of law and the interpretation put upon it. By far the most important of the Statutes dealing with land was the "All Highest Decree concerning the creation, occupation and disposal of Landed Property in the Protectorate of Kamerun", dated 15 June 1896. Section 1 of the Decree reads "Save and except in the case of claims to property or other realty which private or legal persons, chiefs or native communities can substantiate, save and except also the rights of occupation of third parties established by agreements with the Imperial Government, all land within the Protectorate, being ownerless, shall be Crown Land".

Section 4 of the Decree states "ownerless land (Crown Land) shall be sought out and determined by Land Commissioners who shall be appointed by the Governor who shall allot to them the requisite staff of surveyors. These Commissioners shall also decide any claims made by private persons. An appeal to the Law shall lie against such decision".

3. It would seem from this section that the original intention was for a Land Commission to tour the country and demarcate all Crown Land. In point of fact however, this was never done systematically nor did a Land Commission ever deal generally with all unoccupied land in Kamerun. When land was required for plantation purposes the Commission was convened. Its members were usually a political officer, one or more assessors, who were often missionaries, and a Surveyor. The Commission proceeded to the area where the land required for plantation purposes was situated and invited claimants to state the nature of their claims. If any claims were established the owners would be compensated by the planter or plantation company, this compensation being set off against the purchase price paid to the Government. If the owners were actually settled within the area to be sold for plantation purposes they would be required to remove to reserves outside the plantation area, the political officer

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having satisfied himself that sufficient land had been left to the villagers for their future maintenance which in an agreement of 1904 was estimated as "apart from land built and farmed upon by natives each hut is to be given six hectares".

4. After the conquest of Kamerun in the 1914-18 war, the Governor of Nigeria was empowered by a Commission signed by His Majesty dated 23 March 1916 to administer such parts of the Cameroons as might from time to time be occupied by British Forces.

5. A series of Proclamations were made dealing with matters in the British sphere of the Cameroons. Proclamation No. 25 of 6 May 1920 applied the Public Custodian Ordinance, 1916, of Nigeria, to the Cameroons and vested in the Custodian appointed under that Ordinance all property, rights and interests in that part of the Cameroons belonging or reputed to belong to any German national on 10 January 1920.

6. Proclamation No. 38 of 10 October 1922, in Part III thereof, dealt with the disposal of Ex-Enemy Property and by clause 3 declared that the properties set out in the First Schedule were deemed to be vested in the Custodian for the estates and interests set out in that Schedule. These properties included the then German Plantations in the Cameroons. The proclamation then directed the Custodian to sell these properties and laid down the procedure therefor and terms thereof and by clauses 15 to 19 inclusive prohibited the sale of any of the properties in the First Schedule to ex-enemy nationals or corporations under ex-enemy control. These clauses also provided for forfeiture if any such ex-enemy national or controlled corporation in any way purported to acquire any interest in the properties. The sales of land by the German Government were recognized by the Nigerian Government, after proof, as conferring rights similar to English freehold under English law and as allowing transfer absolutely or on lease, except to ex-enemy nationals, without restriction. The proceeds from the sales were ordered to be paid into the German Liquidation Fund.

7. An auction was held in October 1922 but only fourteen lots were sold for a total of £21,950.

8. In 1924 an Ordinance known as the British Cameroons Ex-Enemy Immoveable Property Disposal Ordinance, 1924, No. 22 of 1924, was enacted which provided that no sale, assignment etc. of ex-enemy immoveable property in the British sphere of the Cameroons should be void by reason of the person acquiring any title being an ex-enemy national or controlled corporation and clauses 15 to 19 of Proclamation No. 38 were revoked.

9. At a second auction held in November 1924, the great majority of the estates still unsold were re-purchased by their former German owners.
10. On 20 July 1922 a mandate had been accepted by His Britannic Majesty to administer the British sphere of the Cameroons in accordance with Article 22 of the Covenant of the League of Nations.
11. By Ordinance No. 1 of 1925, the British Cameroons Administration Ordinance as amended by Ordinances No. 1 of 1927 and No. 24 of 1929, the provisions of certain Nigerian Ordinances were applied to the Mandated Area, subject to modifications set out in the First Schedule to the Ordinance. Included in the Ordinances applied to the Mandated Area was the Land and Native Rights Ordinance, Chapter 85, the main principles of the provisions of which are:

- (a) the lands are declared to be Native Lands;
- (b) native lands and all rights thereover are placed under the control and subject to the disposition of the Governor to be held and administered for the use and common benefit of the natives; and the Land and Native Rights Ordinance then lays down the principles on which and the procedure whereby rights of occupancy may be granted.

12. The modifications set out in respect of the Land and Native Rights Ordinance as applied to the mandated territory of the Cameroons were:

"Save and except -

- (a) all such land in the British Cameroons as may at any time have been vested in the Public Custodian appointed under the First Public Custodian Ordinance (Chapter 161),
- (b) all lands to which a title shall have been established in accordance with the provisions of Section 22."

the above to be inserted at the beginning of Section 3 of the Land and Native Rights Ordinance, that section declaring land to be native land.

13. The Cameroons under British Mandate Administration (Amendment) Ordinance 1938, No. 9 of 1938, deleted paragraph (a) of the modifications shown in the last paragraph and substituted for that paragraph:

"(a) all those lands in the Cameroons under British Mandate which are described in the deeds specified in the Third Schedule to the Cameroons under British Mandate Administration Ordinance, 1925" and added a third schedule as mentioned above and gave to the Governor power to add to the third schedule additional items.

This new Third Schedule contains, by name, the plantation areas.

14. On the outbreak of war in 1939 the German-owned and controlled plantations came within the scope of the Trading with the Enemy Ordinance, 1939, by Section 9 of which the Governor was empowered by order to vest enemy property in the Custodian and by Article 8 of Order 15 of 1939 all property belonging to an enemy or enemy subject was declared vested in the Custodian.

15. By Ordinance No. 38 of 1946, the Ex-Enemy Lands (Cameroons) Ordinance, the Governor was authorized to acquire by purchase from the Custodian of Enemy Property the plantation lands, which were described in the Schedule to the Ordinance, which would then be declared native lands within the meaning of the Lands and Native Rights Ordinance. By the provisions of this Ordinance ex-enemy plantation lands set out in the Schedule to the Ordinance were placed in the same position as all other lands in the Cameroons subject to the provisions of the Lands and Native Rights Ordinance.

16. The proposal to acquire the ex-enemy-owned plantations by the Nigerian Government from the Custodian at a cost which will be in the neighbourhood of £850,000 and their declaration to be native lands was welcomed by the Bakweri people. Ordinance No. 38 of 1946 further empowered the Governor to lease all or any part of these lands to the Cameroons Development Corporation which was established by Ordinance No. 39 of 1946.

17. Under their German owners large areas of the plantations had been planted with bananas and considerable capital had been sunk in buildings, railways, rolling stock, vehicles and wharves for the development of these estates. The management of banana estates and the marketing of bananas are highly technical operations requiring the services of expert staff and the crop is not suited to a peasant economy. It was considered that the indigenous population in the Cameroons are not as yet competent to obtain, unaided, the maximum benefit from these valuable ex-enemy plantations and some arrangement was therefore required to develop them in their interest, while at the same time enabling the people to take an increasingly active part in their development until such time as they become competent to manage the whole enterprise without further assistance. The machinery to implement this purpose is found in the Cameroons Development Corporation. As set out in the Ordinance establishing it, its duties include, in addition to the cultivation of its lands and the development of their resources, provision for the religious, educational and general social welfare of its staff and the encouragement and development of Co-operative Societies among its employees while the net

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profits of its undertakings are to be applied for the benefit of the inhabitants of the Cameroons, primary attention being paid to the areas in which the plantations are situated.

18. The Nigerian Government's plans for the future of the plantations were fully explained to the Bakweri Clan Council, the Native Authority, who agreed with Chief Endeley, the District Head, that the formation of the Cameroons Development Corporation was in the best interests of the Cameroons people. The proposals were also explained to the petitioners, the Bakweri Land Committee, a body consisting of some forty-eight persons, of whom twenty-five are village heads, out of a total of sixty village heads in the area, and others are Government and Native Authority servants and traders. The Committee welcomed the formation of the Corporation.

19. During the debate in Legislative Council on the Ordinance setting up the Cameroons Development Corporation, an undertaking was given by the Nigerian Government to carry out an investigation into allegations that the people of the Cameroons residing in and around the plantations were short of land and if such investigations showed that farming land was insufficient to meet genuine needs the reserves around the villages would be increased where it was considered necessary.

20. In the period 1927-1932, 14,851 acres of plantation land had been re-purchased by the Nigerian Government for the benefit of the natives in Victoria and Kumba Divisions. The necessity for this procedure in so far as the Bakweri tribe is concerned is set out in paragraphs 291 to 294 of the Report on the Cameroons under British Mandate for the year 1931, quoted below:

"291. For some years past the question of ensuring that the natives of the Victoria and Kumba Divisions should have adequate land of their own in the areas where, before the war, land was alienated to plantation companies, has been a matter of anxious consideration to the Administration. From time to time the Government has expended sums in the purchase of land from the European owners and has handed such land over to native communities.

"292. The Government has attached such importance to this matter that in spite of the present financial stringency negotiations were completed during 1931 for the purchase by Government of the following areas from plantation companies:

	Cost £
5,089 acres in Victoria Division	6,871
1,455 acres in Kumba Division	736
300 acres in Kumba Division	150 "

Mention of this matter was made in paragraph 16 above.

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"293. The circumstances of the purchases in Victoria Division are that a number of the village communities of the Bakweri tribe are living in scattered blocks of native land surrounded by the various private estates created in the early years of European occupation of the Cameroons. The fact that excessive alienation of land had taken place was recognized by the German Government, and in 1908 the boundaries of several native reservations were considerably enlarged and the plantation companies given land elsewhere in compensation. 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.

"294. The land acquired is in nine parcels and the object is to secure to each community the possession of an area equal to nine acres per adult male. In some places the land acquired has been occupied by native houses and farms for many years without the occupiers' knowing that they were within the boundaries of the plantation company's land. In other parts the company had given permission to the natives to use the land temporarily until it should be required for the development of the company's estates."

21. In the 1932 report it was stated that it was not anticipated that any further purchases would be necessary.

22. The latest estimate of the area of land occupied by the Bakweri, Bimbia and Bota, Victoria and Tiko peoples whom the petitioners claim to represent is 634 square miles. Of this area some 300 square miles has been alienated to plantation companies and some 200 square miles represent the higher slopes of the Cameroons mountain. Some 134 square miles are therefore available for farming by the inhabitants. The latest estimate of population of the same areas is 20,340 which gives a density of 150 per square mile and allows 4 acres of farm land per person or 14 acres per adult male, using the factor 3.5 by which the number of adult males is multiplied to obtain the total population.

23. A senior Administrative Officer has already been posted to Victoria Division to make investigations in order to ensure that the local inhabitants have fully adequate land for subsistence farming under a system of shifting cultivation and for planting with such cash crops as a household is able to cultivate by its own efforts. The survey is being carried out on the basis that 15 acres per household is fully adequate for these purposes. Where it is found that a genuine shortage of farmland exists steps will be taken to remedy the situation by excision of land from the plantation areas leased to the Cameroons Development Corporation.

24. With regard to the prayer that all Mission lands except plots on which houses for ecclesiastical and educational purposes are situated should be returned to the Bakweri without cost, title, practically equivalent to freehold, to certain lands, was granted by the Imperial Government of Kamerun to Christian Missions, prior to the 1914-1918 war, and these titles were later recognized by the Nigerian Government. Consideration of the terms and conditions of the occupation of these lands by the Missions is being included in the investigation at present being carried out by an Administrative Officer as recorded in the preceding paragraph.
