

UNITED NATIONS
TRUSTEESHIP
COUNCIL



DOCUMENTS
INDEX UNIT

7 APR 1950

GENERAL

T/512

3 March 1950

ORIGINAL: ENGLISH

Sixth Session
Item 5 of the Agenda

Dual Distribution

PETITIONS FROM MR. JOSEPH L. FOKUM AND OTHERS. (1) TITA NYAMBI AND CO., (2)
AND CHIEF FONJENGO MBAKUREWAN (3) CONCERNING THE CAMEROONS UNDER
BRITISH ADMINISTRATION

Observations of the Administering Authority

Note by the Secretariat: The following observations were communicated to the Secretariat on 3 March 1950 by the representative of the United Kingdom of Great Britain and Northern Ireland on the Trusteeship Council.

1. These three petitions concern events which had their origin in a succession dispute at Bali in 1940. Of the grievances alleged all have either already been disposed of judicially, or are now sub-judice or are capable of settlement in court.

2. The story is as follows. The petitioner Joseph L. Fokum is a son of the late Sama Fokum who died at the end of 1947. Sama Fokum's father (Fokum or Tita Fokum; "Tita" being a Bali title conferred by the Fon) was a trusted personal servant to the last Fon (Fonyanga) and by virtue of long and faithful service he attained a position of great influence in Bali. When Fokum died in 1938 he was succeeded by his son Sama Fokum (an ex-Native Court Clerk and Native Administration Treasurer) who was not, unfortunately, a man of the same

- (1) T/PET.4/54
(2) T/PET.4/56
(3) T/PET.4/40

calibre as his father. When the last Fon (Fonyanga) died in 1940, Sama Fokum attempted a "coup d'etat" with the object of securing the succession of the second petitioner Tita Nyambi, who had no right to succeed. This angered the Balis, who very quickly countered Sama Fokum's move and installed the rightful successor (the present Fon-Galega) in accordance with Bali native law and custom. As a result of this unsuccessful bid in Bali Sama Fokum was discredited and his influence was broken.

3. Meanwhile, Sama Fokum's activities had been under observation by the police, and it was found that, about two years previously he had begun to style himself "Hitler Ntaiton" ("Ntaiton" being the Quarter in Bali of which he was the head) and that at an early stage of the war he had, when pretending to read a News Bulletin issued to the Bali Native Court, spread alarm and despondency in Bali by saying that a German victory was imminent. An order under the Defence Regulations for his removal from Bamenda Division was therefore obtained, and in July 1941, he left Bamenda for detention at Buea. Later, when it was found that while he remained at Buea he could still, without much difficulty, maintain contact with his associates in Bamenda, he was removed to Onitsha.

4. In 1945, with the repeal of the Defence Regulations, Sama Fokum was released and returned to Bamenda. Now by Bali Native Law and Custom any man who leaves Bali also loses the use of his land, and in such cases the disposal of the land to other persons rests with the Fon; if, in due course, the man becomes reconciled with the Fon and wishes to return to Bali, the Fon will restore to him the use of his land or its equivalent. The Balis, therefore, were unwilling to receive Sama Fokum unless he made his peace with the Fon and recognised the latter's authority. This Sama Fokum was not prepared to do, and he went to reside in the Ngenba Native Authority area, on land made available to him by the Village Head of Mankon.

5. Thereafter, numerous attempts were made to effect a reconciliation between the Fon and Sama Fokum. The Fon intimated that he was prepared to receive Sama Fokum and the Fokum family into Bali provided he (Sama Fokum) gave a written undertaking to observe certain conditions; Sama Fokum refused. In

1946 he was informed by the District Officer that it was believed that his differences with the Fon and his Council could be settled if the latter were approached in a manner which accorded with Bali usage, failing which the only alternative was for him to seek redress through the Courts. He attempted neither of these alternatives. In 1947 he was advised by the District Officer he was at liberty to return to Bali without signing any undertaking, but at the same time he was warned that if on his return to Bali he caused any trouble, directly or indirectly, an order would be obtained against him under Ordinance No. 64 of 1933 (the Ex-Native Office Holders (Removal) Ordinance 1933). He replied to the District Officer that he would not return to Bali pending the hearing of a suit for £7,000 which he was bringing against the Fon.

6. Towards the end of 1947, information was laid that Sama Fokum and one Diaga Fokum (another member of the Fokum family) were attempting to procure forcible entry into certain lands at Bali which were in the peaceful possession of others. (The lands in question were those in respect of which he has taken court action against the Fon in the Supreme Court.) Both were required by the Magistrate to enter into a recognisance to keep the peace for twelve months; they lodged an appeal in the Supreme Court against this order, but the appeal was dismissed. They then failed to produce adequate security under the order and were committed to prison where Sama Fokum died from natural causes (cerebral haemorrhage) on the 31st December 1947.

7. With regard to the requests contained in Joseph Fokum's petition, the suit against the Fon, which is in respect of lands and property at Bali, is still pending, and the question of the petitioners' rights in Bali must therefore await the judgment of the Court. The second request, that a special enquiry should be held into Sama Fokum's death, was also addressed to His Excellency, by telegram, shortly after the event, and they were informed that as the death had already been the subject of a judicial inquest by the Coroner, there were no grounds on which their request for a further enquiry could be granted. It would appear, therefore, that in both matters Rule 81 of the Council's Rules of Procedure must apply.

8. The authors of the other two petitions were associated with the late Sama Fokun's ill-fated attempt to flout custom and public opinion in 1940. Tita Nyambi, as he admits in his petition, has been assured that he is free to return to Bali. His claim for the return of property, insofar as it relates to property seized under a lawful court order, is res judicata and, if it refers to other property, may be brought to court for decision. Chief Fonjengo Mbakurewan also has on several occasions been advised that there were no legal restrictions placed on his return to Bali. Moreover, he was invited personally by the District Officer to attend a Bali Council Meeting held in March, 1949, to state his various grievances in person, but he failed to attend. With regard to his claim to land in Bali, he has already been advised that he is at liberty to take the matter to Court. It would appear that Rule 81 of the Trusteeship Council Rules of Procedure must apply to the requests made in both these petitions, as well as to those made by Joseph Fokun.