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TWENTILETH REPORT OF THE STANDING COMMITTEE ON PETITIONS

Chairman: Mr. R.A. PEACHEY (Australia)

1. The Standing Committee on Petitions established by the Trusteeship Council at the 397th meeting, tenth session, and composed of the representatives of Australia, China, El Salvador, New Zealand, the Union of Soviet Socialist Republics and the United States of America, examined at its 38th, 39th and 40th meetings on 14, 15 and 18 July 1952 the following petitions concerning the Cameroons under British administration:

- (1) Petitions from Mr. Joseph Ngu (T/PET.4/70 and Add.1) and the French Cameroons Welfare Union (T/PET.4/71 and Add.1-5 and T/PET.4/72)
- (2) Petition from the Bakweri Land Committee (T/PET.4/76 and Add.1)
- (3) Petition from Mr. A.K. Ikomi (T/PET.4/78)
- (4) Petition from Josue Noubissie (T/PET.4/80)
- (5) Petition from the Bwinga Native Community (T/PET.4/81)
- (6) Petition from Mr. Martin Asongwed and others, Bamenda Improvement Association (T/PET.4/82)

2. Brigadier E.J. Gibbons participated in the examination as the special representative of the Administering Authority.

3. The Standing Committee submits herewith to the Council its report on these petitions, and recommends that the Council decide that no special information is required concerning the action taken on resolutions Nos. 1 to 5, inclusive.

4. The representative of the Union of Soviet Socialist Republics voted against the present report in view of the fact that it contained draft resolutions adopted by the Committee which were unacceptable to the Delegation of the Union of Soviet

Socialist Republics because in his view those draft resolutions did not take into consideration the interests of the indigenous inhabitants and did not recommend that the Administering Authority take urgent measures to satisfy the requests of the petitioners and to put an end to the violation of the rights and interests of the indigenous populations.

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- (1) PETITIONS FROM MR. JOSEPH NGU (T/PET.4/70 and Add.1) AND THE FRENCH CAMEROONS WELFARE UNION (T/PET.4/71 and Add.1 - 5 and T/PET.4/72)

A. Summary of the petitions

5. The French Cameroons Welfare Union (T/PET.4/71 and Add.1-5) refers to its previous petition^{1/} and states that despite the assurances given the Council by the special representative to the effect that immigrants from the French Cameroons enjoyed equal privileges with the local inhabitants of the British Cameroons, and the Council's consequent decision to take no action, the "real political situation" as concerns the immigrants is far from satisfactory. In fact, the petitioners state, immigrants from the French Cameroons are denied the right to vote in elections, are not given adequate representation in either the Native Authority Councils or the Native Courts of the Victoria Division, and are discriminated against both in respect of appointments to the public service and the granting of educational scholarships, this despite the fact that they are very numerous and make an important contribution to the economy of the Territory and to the revenue from taxation.

6. As regards the question of representation, the petitioners protest further that there has been no improvement of their situation under the new Nigerian Constitution. They urge that the French Cameroons Welfare Union should be constituted a primary electoral unit to represent all the immigrants scattered in the Victoria Division, and the Governor should utilize the discretionary power conferred on him by the Constitution to appoint special members to the House of Representatives to represent their interests. They find it difficult to understand why the Governor has exercised this power to appoint representatives of certain commercial interests but has not done so in the case of the immigrants from the French Cameroons who they estimate to number more than 20,000 persons in the most southern parts of the Territory alone.

7. The petitioners further express grief and disappointment at the resolution adopted on their petition^{2/} by the Trusteeship Council during its ninth session and state that the resolution seems to reflect either a cursory or inadequate appreciation of the arguments presented by the Union. They point out that the

^{1/} T/PET.4/19 - 5/8 and resolution 172 (VI).

^{2/} Resolution 383 (IX).

Union is fully conversant with the procedure for acquiring United Kingdom citizenship; however they do not wish either British or French nationality, but want the status of Cameroons nationality to be recognized, and look forward to the time when the two Cameroons will achieve self-government.

8. The petitioners also protest against the frontier between the two Cameroons and state that it should not be allowed to form a bar to the enjoyment of human rights by the people living on either side of it.

9. Attached to the petition and its addenda are copies of correspondence between the petitioners and the British authorities concerning the right of non-British nationals to participate in elections.

10. The second petition from the French Cameroons Welfare Union (T/PET.4/72) deals with the same questions covered by the first. The petitioners transmit a copy of the written statement submitted by the representative of the British Cameroons to the General Conference held at Ibadan to discuss the future system of government for Nigeria. They contend that this statement shows, inter alia, that the people of the British Cameroons share their view that the Trust Territory has a political status distinct from that of Nigeria and entertain misgivings lest the present political trend may lead to complete integration with Nigeria. They add that the people of both Cameroons are anxious for unification of the two Trust Territories and they feel that the observations of the Administering Authority on the frontier question (T/486) presented at the sixth session of the Trusteeship Council distorted the question. They claim that a referendum would show the importance to the frontier tribes of the unification question.

11. The petition from Mr. Joseph Ngu (T/PET.4/70 and Add.1) contains a similar protest from the French Cameroons immigrants in the Elombe Division against their exclusion from the electorate in the British Cameroons. The petitioners support the first petition of the French Cameroons Welfare Union and likewise call for unification of the two Cameroons.

B. Observations submitted to the Council during the ninth session

12. In an oral statement before the ad hoc Committee at the Council's ninth session,^{1/} the special representative outlined the position of French immigrants

^{1/} Document T/AC.41/SR.13

in the Cameroons under British Administration with regard to electoral rights. Under the new Nigerian Constitution the status of British subject or British protected person was a necessary qualification for voting, and persons born in the French Cameroons or having acquired French citizenship were automatically disqualified if they did not acquire subsequently the status of British subjects or British protected persons. The preliminary requirement for naturalization was a period of residence of five years. There were no educational requirements for citizenship. However, a delay of as long as two years might elapse between the application and the final granting of citizenship.

13. The suggestion for creation of a special electoral unit for French immigrants was considered to be impractical, as the immigrants were scattered and a constituency should be a geographical unit.

14. As regards the second petition of the French Cameroons Welfare Union (T/PET.4/72) the Administering Authority, in its written observations,^{1/} states that it raises no points additional to those contained in petitions T/PET.4/70 and T/PET.4/71 and their addenda, and therefore would best be considered in conjunction with them.

C. Action taken by the Trusteeship Council at its ninth session

15. At its ninth session the Trusteeship Council examined the petitions contained in documents T/PET.4/70, T/PET.4/71 and Add.1. The special representative of the Administering Authority, at the 13th meeting of the ad hoc Committee on petitions made an oral statement on the questions raised in these petitions.^{2/} The petitions were examined and discussed at the 13th and 14th meetings of the ad hoc Committee.^{3/} At its 374th meeting on 17 July 1951, the Trusteeship Council adopted a resolution^{4/} in which it noted that close co-operation between the Administering Authority and those elements of the population from the Cameroons under French administration was important to the development of the Territory; requested the Administering Authority to furnish

^{1/} Document T/955/Add.1, page 2.

^{2/} Document T/AC.41/SR.13.

^{3/} Documents T/AC.41/SR.13 and SR.14.

^{4/} Resolution 383 (IX).

in its next annual report additional information on the question of the status of residents of the Cameroons under British administration who were immigrants from the Cameroons under French administration, namely: the composition of this immigrant population, the length of time they remained in the Territory, the proportion which had been resident there for a long time, the proportion of this population which had come to the Territory recently, the number of immigrants who had asked to acquire the status of British subjects and the results of their requests, and the length of time required for an immigrant not only to be naturalized but to vote; urged the Administering Authority to make every effort to ensure that the petitioners understood the procedures for acquiring naturalization and the right to vote; and decided to place these petitions on the agenda of the session of the Trusteeship Council at which the requested information was available and to re-examine them at that time.

D. Information received after the ninth session

16. Pursuant to the Trusteeship Council's request at its ninth session the Administering Authority furnished the following information in its annual report for 1951:^{1/}

(a) Northern Province: Although precise figures cannot be ascertained, it is estimated that between 400 and 500 persons enter the Dikwa Division annually from the French Cameroons. With few exceptions these are all peasant farmers. About 65 per cent settle permanently and of the remainder 85 per cent leave before the end of the year. There is very little immigration from French Territory into the Adamawa region, although there is always a seasonal influx of casual workers.

(b) Southern Province: Approximately 17,000 people of the French Cameroons are living in the Cameroons or Bamenda Provinces representing a total of 3.6 per cent of the population. Of these, 15,045 are in the Cameroons Province and 2,047 in the Bamenda Province. The greatest number are in the Kumba (4,000 persons) and Victoria Divisions (9,845 persons). It is probable that the majority of the immigrant population in Kumba has been there for a long period of time. In Victoria, out of a total of 5,626 taxable males, 837 are understood

^{1/} See the annual report on the administration of the Cameroons under British administration, 1915, paragraphs 480 - 482.

to have arrived within the last five years. About half the immigrant population of the Victoria Division are employed by the Cameroons Development Corporation.

17. The qualifications for naturalization are set out in the Second Schedule to the British Nationality Act, 1948. An applicant must have resided in Nigeria or the Trust Territory for one year prior to application and must have resided in the United Kingdom or its colonies or protectorates for four out of the previous seven years. One application for naturalization has been received from a French Cameroonian in Kumba Division and is being considered. Naturalized persons would be entitled to vote immediately if their applications have been successful.

E. Observations submitted to the Council during the eleventh session

18. In oral statements before the Standing Committee on Petitions during the Council's eleventh session,^{1/} the special representative and the representative of the United Kingdom stated that the procedure for obtaining the status of British subject or British protected person was governed by a British Act of Parliament, which applied to the United Kingdom and all British-governed territories and that no exceptions could be made for any particular territory. Careful consideration had been, and was still being, given to the possibility of adjusting the electoral law in order to give immigrants from the Cameroons under French administration the right of suffrage but it was very doubtful whether the legal obstacles could be overcome. It was pointed out that there was ample time for immigrants who wished to apply for naturalization now and had fulfilled the necessary residence requirements, to obtain naturalization in time to participate in the next elections which would be held in four year's time.

19. It was further stated that with the exception of their disqualification in respect of electoral rights, immigrants from the French Cameroons did not suffer any major disability: they enjoyed full freedom of movement and did not suffer any discrimination in respect of appointments to the public service and the granting of scholarships. Applicants for scholarships sponsored by the Cameroons Development Corporation were required to have received their primary education in the British Cameroons and secondary education in either the British Cameroons or Nigeria, and any student with those qualifications was eligible irrespective of origin.

^{1/} See T/C.2/SR.38

20. As regards the frontier between the two Camercons, the special representative stated that there existed no barrier to cultural contacts between the inhabitants of both Territories. He added that, as a result of recent consultations between the two Administering Authorities, agreement had been reached on a number of minor questions which had in some instances caused unnecessary inconvenience. Amended regulations concerning trade and exchange control were under consideration by the Nigerian Government and would, if adopted, remove such minor inconveniences.

F. Action taken by the Standing Committee

21. This petition was examined and discussed at the 38th, 39th and 40th meetings of the Standing Committee on 14, 15 and 18 July 1952. The relevant discussion is contained in documents T/C.2/SR.38, 39 and 40.

22. At its 40th meeting, the Committee adopted, by 5 votes to 0 with 1 abstention the draft resolution which is reproduced below as resolution (1).

(2) PETITION FROM THE BAKWERI LAND COMMITTEE (T/PET.4/76 and Add.1)

A. Summary of the petition

23. The petitioners state that, while appreciating the measures proposed by the Administering Authority and approved by the Trusteeship Council^{1/} for the alleviation of the Bakweri land shortage and for their social regeneration, they consider that the execution of these measures should be preceded by an unequivocal pronouncement by the Trusteeship Council recognizing the Bakweri people as the sole legal owners of the plantation lands within their tribal area. They contend that certain statements by the Administering Authority to the effect that the Nigerian Government's plans for the plantations had been fully explained to and accepted by the Bakweri were not altogether correct. Furthermore, the Ex-Enemy Lands (Cameroons) Ordinance was not referred to the Bakweri people for study and comment.

24. The petitioners refer to statements made in the Nigerian Legislative Council Debates by the Government spokesman who declared, inter alia, that the lands which were to be converted into native lands would be leased to the Cameroons Development Corporation on a 99-year term, and that it was intended to give the natives fully adequate land for their own use, but no more. These statements, according to the petitioners, have given the Bakweri people a rude awakening.

25. The petitioners describe as a travesty of the truth certain statements by the nominated member for the Cameroons Division in the Nigerian Legislative Council, Chief Manga Williams, to the effect that the Government's scheme had been explained to and welcomed by all the Bakweri people. The petitioners consider that the Administering Authority has used Chief Manga Williams as a cloak for the furtherance of its designs upon the Bakweri lands, and are yet to be convinced that the scheme was contrived solely for the benefit of the Cameroons people.

26. The petitioners refer to Brigadier Gibbons' suggestion to the ad hoc Committee on Petitions that it would be very helpful if the Trusteeship Council were to make a statement agreeing with the Visiting Mission that the decision of the Administering Authority showed the existence of an enlightened land policy,

^{1/} Resolution 174 (VI).

as the Bakweri might then be ready to co-operate in the regeneration schemes. In view of his statement, the Bakweri people have decided not to co-operate in the land-resettlement plans unless and until the Trusteeship Council has reached a decision of the Bakweri claim to ownership.

27. The petitioners find it difficult to understand why "their de-alienated lands should be administered for the use and common benefit of the whole population when they have no say regarding the lands of other indigenous people in the Territory. The Bakweri people are not satisfied that furtherance of the so-called native interests is the real purpose of the land acquisition and consider that the "act of enlightened land policy" bristles with inconsistencies, such as the question of "controlled tenancy", which is not applied to other indigenous land-owners, and the fifteen-acre plot per family limitation. The petitioners further state that the Administering Authority is not adequately discharging its responsibilities toward the Bakweri because of its reluctance to make use of the right to re-acquire lands held by religious missions and trading firms which it possesses under the clauses of the alienation agreements drawn up by the former German Administration. The Bakweri are not financially able to bring legal suit to obtain these lands, as the Administering Authority has suggested. However, they are prepared, if necessary to submit the whole matter to the International Court of Justice and, in view of their poverty, they ask financial assistance from the General Assembly to enable them to do this.

28. In their second communication (T/PET.4/76/Add.1) the petitioners note that the Visiting Mission referred to the possibility of a judicial enquiry to investigate the legal question of the ownership of the land^{1/} and they request that a judicial body be established for this purpose and that it accompany the next Visiting Mission to the Territory.

B. Observations of the Administering Authority^{2/}

29. The Administering Authority observes that all the points raised in the petition have already been dealt with by the Trusteeship Council.

^{1/} Report of the Visiting Mission, Official Records of the seventh session of Trusteeship Council, supplement 2 (T/798) page 30, paragraph 195.

^{2/} See T/955/Add.1 and T/C.2/SR.39.

30. It further states that apparently the Bakweri Land Committee can no longer fairly claim to be fully representative of the Bakweri People. Other Bakweri representatives, anxious to avail themselves of the offered resettlement, have begun to approach the Administration with requests for its implementation and recently there has come into existence a Bakweri Farmers' Union, comprising some 70 members, which has adopted a realistic and non-political approach to the problem and is pledged to support the plans for Bakweri resettlement offered by the Administration and commended by the Trusteeship Council. The Bakweri Farmers' Union has, moreover, entered into an agreement with the Cameroons Development Corporation for the sale of bananas on the understanding that any expansion of peasant banana production will be matched by an equal expansion in food production. The ultimate objective is the exploitation by Bakweri farmers of lands to be excised from the Corporation's holdings in accordance with the Administration's resettlement plan. The Administering Authority considers that this changed attitude on the part of the Bakweri offers a reasonable prospect of making headway with the schemes for Bakweri rehabilitation.

3. As regards the Administration's efforts at community development including the provision of training facilities at Man O'War Bay, the Bakweri's response has not as yet been very satisfying but there have been signs of co-operation and it is the Administering Authority's intention not to relax its efforts in this direction.

C. Action taken by the Standing Committee

32. This petition was examined and discussed at the 39th and 40th meetings of the Standing Committee on 15 and 18 July 1952. The relevant discussion is contained in documents T/C.2/SR.39 and 40.

33. The representative of the Union of Soviet Socialist Republics proposed that the Committee insert in the draft resolution a paragraph whereby the Trusteeship Council would recommend that the Administering Authority return to the Bakweri Tribe the lands alienated from it, extend to the members of the Bakweri Tribe financial and other assistance in order to relieve their exceptionally grievous situation, and not permit in future the alienation of lands belonging to the Tribe. As a result of the Committee's rejection of this proposal, by 5 votes to 1, he was not in a position to support the draft resolution.

34. At its meeting, the Committee adopted by 5 votes to 1, the draft resolution which is reproduced below as resolution (2).

(3) PETITION FROM MR. A.K. IKOMI (T/PET.4/78)

A. Summary of the petition

35. The petitioner submits the following dispute concerning land.

36. During World War II, he states, two portions of his farm land were acquired by the local Government under the provisions of the Land and Native Right Ordinance and a "paltry" sum of E5 was paid to him as compensation. As the war progressed, virtually all his land was appropriated by the Government and was badly deteriorated by the occupants, successively soldiers and policemen.

37. Stating that he has submitted appeals to the British Authorities without avail, the petitioner requests that a fair compensation compatible with the provisions of the Land and Native Rights Ordinance be paid to him for the arrears originally excised from his holding and that the remaining arrears be returned to him.

B. Observations of the Administering Authority^{1/}

38. The Administering Authority transmits a plan of the piece of land claimed by the petitioner showing the two areas regarding which he claims further compensation and the other two areas which he requests be returned to him.

39. As regards the first two areas, the petitioner's right of occupancy was revoked in accordance with the provisions of chapter 105 of the Land and Native Rights Ordinance and the petitioner was granted E5 compensation which he accepted without comment. It was not until nearly nine years after the revocation that he raised any objection to the amount awarded, and it is therefore considered that he has forfeited any claim to additional compensation in respect of these portions of land.

40. As regards the other two areas, the petitioner's right of occupancy has not been interfered with by the Government and the petitioner has been reassured on this point by the District Officer. If, as he claims, these portions have been used by members of the police or military on their own initiative, the petitioner was always free to complain to the officer-in-charge or to the local courts.

1/ See T/1018 and T/C.2/SR.39.

C. Action taken by the Standing Committee

41. This petition was examined and discussed at the 39th and 40th meetings of the Standing Committee on 15 and 18 July 1952. The relevant discussion is contained in documents T/C.2/SR.39 and 40.
42. The representative of the Union of Soviet Socialist Republics proposed that the Committee insert in the draft resolution a paragraph whereby the Trusteeship Council would recommend that the Administering Authority comply with the petitioner's request. As a result of the Committee's rejection of this proposal by 5 votes to 1, he was not in a position to support the draft resolution.
43. At its 40th meeting, the Committee adopted by 5 votes to 1 the draft resolution which is reproduced below as resolution (3).

(4) PETITION FROM JOSUE NOUBISSIE (T/PET.4/80)

A. Summary of the petition

44. The petitioner complains that, on 18 December 1951, British customs officials seized ten half sacks of cocoa, the year's production of his plantation in the Cameroons under French Administration, which he was transporting across the border with the intention of selling in the British administered Territory. The seizure took place within a few metres of the border and not only was the produce declared confiscated, but the petitioner was fined £4.

45. The petitioner draws attention to the statement made before the Trusteeship Council by the representative of the Administering Authority (T/AC.20/SR.13, pages 15-16) to the effect that no frontier restrictions are placed upon the export or import of indigenous products, and appeals to the United Nations to have the produce in question restored to him.

B. Observations of the Administering Authority^{1/}

46. The Administering Authority states that, on 18 December 1951, the petitioner and another African from Nlohe, named Pear Samra, were arrested at the border by customs officials while attempting to smuggle some 700 pounds of cocoa into the Territory. They were charged under Section 197 (d) of the Customs Ordinance (Cap 48, Laws of Nigeria) but agreed to settle the case out of Court. They were, therefore, dealt with under the provisions of Section 223 of the Ordinance and fined a total of £4, the cocoa being confiscated. These penalties appear to be extremely reasonable in view of the fact that the maximum penalty which may be imposed under the Ordinance is equivalent to three times the value of the goods or £100, whichever is greater.

47. The petitioner's allegations are not, therefore, founded on fact and he has adduced no evidence to support his general charges against the preventive staff. The population of the areas adjoining the border is well aware that the relaxation of restrictions on trans-frontier trade does not apply to cocoa and it is a matter of common knowledge that anyone intending to import cocoa in commercial quantities should obtain the necessary export and import licenses and pay the prescribed duty on the cocoa at a customs port at the frontier.

^{1/} See T/997.

C. Action taken by the Standing Committee

48. This petition was examined and discussed at the 39th and 40th meetings of the Standing Committee on 15 and 18 July 1952. The relevant discussion is contained in documents T/C.2/SF.39 and 40.

49. At its 40th meeting, the Committee adopted, by 5 votes to none with one abstention, the draft resolution which is reproduced below as resolution (4).

5. PETITION FROM THE BWINGA NATIVE COMMUNITY (T/PET.4/81)

A. Summary of the petition

50. The petitioners refer to their previous petition (T/PET.4/7) in which they sought title to and compensation for land occupied by the United Africa Company since before the First World War. They refer also to a subsequent letter from the Chief Secretary of the Nigerian Government (copy not attached) which apparently communicated the Government's decision in the matter and states that compensation has been paid to the Victoria Native Administration. The petitioners complain that the Government has not consulted them in reaching this decision, that indigenous ownership of the land has not been recognized and that the compensation should not have been paid to the Native Authority but to the petitioners themselves since the land in question was alienated before the present law was passed relating to the administration of native lands. They therefore request the Trusteeship Council to intervene with the Administering Authority on their behalf with a view to obtaining revocation of the Government's decision and satisfaction of their demands.

B. Observations of the Administering Authority^{1/}

51. The Administering Authority states that the United Africa Company occupies the land in question as successor to a previous company which was established prior to the First World War. The Company did not possess freehold title to the land since it had failed to register its claim within the prescribed time-limit. However, this was regarded as a purely technical omission in view of its long period of undisputed occupation of the land.

52. The question was submitted to negotiation between the Company and the Administering Authority acting as trustee for the indigenous inhabitants as a result of which the Company was granted a certificate of occupancy subject to payment of an annual rental and of arrears of rent covering the period of occupation. This rent is paid to the Government which, in turn, pays a sum equivalent to the rent to the Victoria Native Administration which is the nearest and smallest unit of local government in the area. The monies thus transferred are used for the benefit of the indigenous population in the area in which the property is situated.

/53. The

53. The Administering Authority states that it is not prepared to reverse its policy by paying the revenue derived from the land directly to the Bwinda Native Community.

C. Action taken by the Standing Committee

54. This petition was examined and discussed at the 39th and 40th meetings of the Standing Committee on 15 and 18 July 1952. The relevant discussion is contained in documents T/C.2/SR.39 and 40.

55. At its 40th meeting, the Committee adopted, by 5 votes to 0 with 1 abstention, the draft resolution which is reproduced below as resolution (5).

(6) PETITION FROM MR. MARTIN ASONGWED AND OTHERS, BAMENDA IMPROVEMENT ASSOCIATION (T/PET.4/82)

A. Summary of the petition

56. In a cablegram, parts of which are rather difficult to understand, the petitioners submit a dispute concerning land which they allege to have been wrongfully taken from them by the people of Bali with the assistance of the former German and present British administrations. They state that after having petitioned unsuccessfully for the return of the land they brought their case before the Supreme Court. Their suit was rejected and they were required to pay 150 guineas costs; the judge stating that they should have obtained title to the land before initiating legal proceedings.

57. On the day of the judgment, fifty women demonstrated before the judge demanding that he either grant permission for them to farm the land or restrain both parties to the dispute from doing so until the case was settled. The following morning, while the judge left Bamenda under a police escort, the executive officer addressed the women and later wrote letters to the petitioners ordering them to restrain from using the land.

58. Incensed by the court's action and by the taunts of their opponents, the petitioners state that they "declared civil war" against the people of Bali on 3 March and that the Resident of Bamenda summoned a detachment of over 100 constabulary to restore order. They assert that the disorders in Bamenda are due to bad administration and they protest the Resident's action in removing two of their chiefs from the hospital. They also demand that periodic reports on the disturbances be sent to the Governor and the Press of Nigeria.

B. Observations of the Administering Authority^{1/}

59. The Administering Authority states that the land in question was occupied by a number of clans known collectively as the Widekum Migration until about 1860 when the Balis invaded and took possession of the area. Since that time the Widekums have never ceased to assert their claim to the land and there has been considerable ill-feeling between the tribes. For its part, the

^{1/} See T/1013 and T/C.2/SR.39.

Administration has consistently held the view that since the Balis were in effective occupation at the time a European administration was established in the Cameroons, the validity of their title by right of conquest must be recognized. The Administering Authority adds that the situation is complicated by the fact that along the greater part of the boundary the two communities are intermingled and repeated efforts to delimit the boundaries of their respective territories have been unsuccessful.

60. In 1950 the people of Mengen (a branch of the Widekums) commenced a series of legal actions which resulted in an appeal to the Supreme Court in which they claimed title to virtually the whole area subject to the jurisdiction of the Bali Native Authority and \$10,000 damages for trespass. The claim was dismissed on 25 February 1952 because the plaintiffs had not pleaded a title to the land under the Land and Native Rights Ordinance and the Bali defendants were awarded 150 guineas costs. The Mengen people felt aggrieved at this decision and a deputation of some 150 people, mostly women, demonstrated before the Judge's quarters where lengthy explanations were given by both the Judge and the Senior District Officer although with little effect.

61. Subsequently, on 3 March, about 5,000 armed persons from Mengen and allied communities made a concerted attack on Bali territory during which they burnt some 2,000 homes, looted crops, cattle and property and destroyed bridges on the roads. In this and subsequent minor affrays 4 Balis and 3 Widekums were killed and a total of 48 persons injured, the number being not more only because of the timely intervention of the Resident and other officials. Order has now, however, been restored without resort to the use of force. The two chiefs referred to by the petitioners were in hospital at the time of the attack but upon their discharge were taken back to their village in order to recall their tribesmen.

62. In view of the Supreme Court's judgment referred to above, the Governor has appointed a judge of the Supreme Court to conduct an enquiry into the rival claims of the disputants to the land in question and to make recommendations touching the exercise of any powers conferred upon the Governor by the Land and Native Rights Ordinance.^{1/} The Commissioner is at present engaged in this

^{1/} The relevant sections of the Ordinance are quoted in the observations.

enquiry and the Administering Authority suggest that, while the matter is sub-judice, the Trusteeship Council may deem it appropriate to bring to the attention of the petitioners the fact that a Commission of Enquiry has been established.

63. The Administering Authority further states that a separate investigation has been instituted under the Collective Punishment Ordinance to ascertain the responsibility for the disturbances and that the results of this investigation will be available shortly.

C. Action taken by the Standing Committee

64. This petition was examined and discussed at the 39th and 40th meetings of the Standing Committee on 15 and 18 July 1952. The relevant discussion is contained in documents T/C.2/SR.39 and 40.

65. At its 80th meeting, the Committee adopted, by 5 votes to none with 1 abstention, the draft resolution which is reproduced below as resolution (6).

RESOLUTION (1)

PETITIONS FROM MR. JOSEPH NGU (T/PET.4/70 and Add.1) AND THE FRENCH CAMEROONS WELFARE UNION (T/PET.4/71 and Add. 1 to 5 and T/PET.4/72) CONCERNING THE CAMEROONS UNDER BRITISH ADMINISTRATION

Acting under Article 87 b of the Charter and in accordance with its rules of procedure,

Having accepted and examined at its eleventh session the petitions from Mr. Joseph Ngu (T/PET.4/70 and Add.1) and the French Cameroons Welfare Union (T/PET.4/71 and Add. 1 to 5 and T/PET.4/72) in consultation with the United Kingdom of Great Britain and Northern Ireland as the Administering Authority concerned, which designated Brigadier E.J. Gibbons as special representative,

Having taken note of the information provided by the Administering Authority in pursuance of Council resolution 383 (IX) as well as of the oral statements of the special representative and the representative of the United Kingdom, in particular that:

(a) the status of British subject or British protected person is a necessary qualification for voting and in order to obtain naturalization an applicant must have resided in Nigeria or the Trust Territory for one year prior to application and must have resided in the United Kingdom or a British-governed territory for four out of the previous seven years.

(b) the Administering Authority is examining the possibility of adjusting the electoral law in order to give immigrants from the Cameroons under French administration the right of suffrage but it is doubtful whether the legal obstacles could be overcome,

(c) with the exception of electoral rights, immigrants from the French Cameroons enjoy full freedom and do not suffer from any discrimination in respect of appointments to the public service and the granting of scholarships,

(d) recent consultations between the two Administering Authorities have resulted in agreement on a number of questions concerning the frontier and amended regulations concerning trade and exchange, are under consideration by the Nigerian Government which, if adopted, would remove all existing minor inconveniences.

/The Trusteeship

The Trusteeship Council,

1. Draws the attention of the petitioners to the observations of the Administering Authority;
2. Notes that the Administering Authority is examining the possibility of adjusting the electoral law in order to give immigrants from the Cameroons under French administration the right of suffrage but that it is very doubtful whether the legal obstacles can be overcome;
3. Informs the petitioners that a United Nations Visiting Mission charged with investigating conditions in the Trust Territory will visit the Cameroons under British administration during November 1952;
4. Decides that for the present no recommendation by the Council is necessary;
5. Invites the Secretary-General to inform the Administering Authority and the petitioners of this resolution in accordance with rule 93 of the rules of procedure for the Trusteeship Council.

RESOLUTION (2)

PETITION FROM THE BAKWERI LAND COMMITTEE (T/PET.4/76 and Add.1):
CONCERNING THE CAMEROONS UNDER BRITISH ADMINISTRATION

Acting under Article 87 b of the Charter and in accordance with its rules of procedure,

Having accepted and examined at its eleventh session the petition from the Bakweri Land Committee (T/PET.4/76 and Add.1) in consultation with the United Kingdom of Great Britain and Northern Ireland as the Administering Authority concerned, which designated Brigadier E.J. Gibbons as special representative,

Having taken note of the written observations of the Administering Authority (T/955/Add.1) as well as of the oral statement of the special representative, in particular that:

(a) the Bakweri Land Committee is no longer fully representative of the Bakweri tribe,

(b) other Bakweri representatives, notably the recently formed Bakweri Farmers' Union, have adopted a realistic and non-political approach to the problem, and are seeking to avail themselves of the offered resettlement; the Bakweri Farmers' Union has, moreover entered into an agreement for the sale of bananas to the Cameroons Development Corporation,

(c) there have been signs of co-operation with the Administration in regard to the latter's community development schemes and it is the Administering Authority's intention not to relax its efforts in this direction,

The Trusteeship Council,

1. Draws the attention of the petitioners to the observations of the Administering Authority and also to paragraphs 495-498 of the annual report on the administration of the Territory and the relevant statement of the special representative at the 443rd meeting of the Council^{1/};

^{1/} See annual report on the administration of the Cameroons under British administration, 1951, paragraphs 495-498 and T/PV.443, page 11, 4th paragraph.

/2. Reaffirms

2. Reaffirms the previous resolution 174 (VI) adopted by the Council at its sixth session;
3. Urges the petitioners to co-operate with the Administering Authority in its schemes for resettlement and rehabilitation of the Bakweri;
4. Invites the Secretary-General to inform the Administering Authority and the petitioners of this resolution in accordance with rule 93 of the rules of procedure for the Trusteeship Council.

RESOLUTION (3)

PETITION FROM MR. A.K. IKOMI (T/PET.4/78) CONCERNING
THE CAMEROONS UNDER BRITISH ADMINISTRATION

Acting under Article 87 b of the Charter and in accordance with its rules of procedure,

Having accepted and examined at its eleventh session the petition from Mr. A.K. Ikomi (T/PET.4/78) in consultation with the United Kingdom of Great Britain and Northern Ireland as the Administering Authority concerned, which designated Brigadier E.J. Gibbons as special representative,

Having taken note of the written observations of the Administering Authority (T/1018) as well as of the oral statement of the special representative, in particular that:

(a) in respect of the land appropriated from him by the Government under the provisions of the Land and Native Rights Ordinance, the petitioner was granted £5 compensation which he accepted without comment; since he did not raise any objection to the amount awarded for nearly nine years he is deemed to have forfeited any right to further compensation,

(b) as regards the remainder of his land, the petitioner retains his right of occupancy and if any portions of this land have been used by members of the police or military on their own initiative, the petitioner has always been free to complain to the officer-in-charge or to the local courts,

The Trusteeship Council,

1. Draws the attention of the petitioner to the observations of the Administering Authority;
2. Considers that under the circumstances no recommendation by the Council is necessary;
3. Invites the Secretary-General to inform the Administering Authority and the petitioner of this resolution in accordance with rule 93 of the rules of procedure for the Trusteeship Council.

/RESOLUTION (4)

RESOLUTION (4)

PETITION FROM JOSUE NOUBISSIE (T/PET.4/80) CONCERNING
THE CAMEROONS UNDER BRITISH ADMINISTRATION

Acting under Article 87 b of the Charter and in accordance with its rules of procedure,

Having accepted and examined at its eleventh session the petition from Josue Noubissie (T/PET.4/80) in consultation with the United Kingdom of Great Britain and Northern Ireland as the Administering Authority concerned, which designated Brigadier E.J. Gibbons as special representative;

Having taken note of the written observations of the Administering Authority (T/997) as well as of the oral statement of the special representative in particular that:

(a) The petitioner and another African were arrested at the border by customs officials while attempting to smuggle some 700 lbs. of cocoa into the Territory; they were charged under section 197 (d) of the Customs Ordinance but agreed to settle the case out of court and were fined a total of £4, the cocoa being confiscated,

(b) These penalties appear to be reasonable in view of the fact that the maximum penalty which may be imposed under the Customs Ordinance is equivalent to three times the value of the goods or £100, whichever is greater,

(c) There is no evidence to support the petitioner's charges against the preventive staff,

(d) The population of the areas adjoining the border is well aware of the customs regulations governing trans-frontier trade.

The Trusteeship Council,

1. Draws the attention of the petitioner to the observations of the Administering Authority;
2. Considers that under the circumstances no recommendation by the Council is necessary;
3. Invites the Secretary-General to inform the Administering Authority and the petitioner of this resolution in accordance with rule 93 of the rules of procedure for the Trusteeship Council.

/RESOLUTION (5)

RESOLUTION (5)

PETITION FROM THE BWINGA NATIVE COMMUNITY (T/PET.4/81) CONCERNING
THE CAMEROONS UNDER BRITISH ADMINISTRATION

Acting under Article 87 b of the Charter and in accordance with its rules of procedure,

Having accepted and examined at its eleventh session the petition from the Bwinda Native Community (T/PET.4/81) in consultation with the United Kingdom of Great Britain and Northern Ireland as the Administering Authority concerned, which designated Brigadier E.J. Gibbons as special representative,

Having taken note of the oral statement of the special representative, in particular that:

- (a) The United Africa Company did not possess freehold title to the land in question because it had failed to register within the prescribed time-limit, but this was regarded as a purely technical omission in view of the long period of undisputed occupation of the land by the company,
- (b) As the result of negotiations between the company and the Administering Authority as trustee for the indigenous population of the Territory, the company was granted a certificate of occupancy subject to payment of an annual rental and of arrears of rent covering the period of occupation,
- (c) A sum equivalent to the rent is paid to the Victoria Native Administration, which is the nearest and smallest unit of local government in the area to be used for the benefit of the indigenous population in the area in which the property is situated,
- (d) The Administering Authority is not prepared to transfer the revenue derived from the property to the Bwinda Native Community.

The Trusteeship Council

1. Draws the attention of the petitioners to the observations of the Administering Authority;
2. Considers that under the circumstances no recommendation by the Council is necessary;
3. Invites the Secretary-General to inform the Administering Authority and the petitioners of this resolution in accordance with rule 93 of the rules of procedure for the Trusteeship Council.

/RESOLUTION (6)

RESOLUTION (6)

PETITION FROM MR. MARTIN ASONGWED AND OTHERS, BAMENDA IMPROVEMENT
ASSOCIATION (T/PET.4/82) CONCERNING THE CAMEROONS
UNDER BRITISH ADMINISTRATION

Acting under Article 87 b of the Charter and in accordance with its rules of procedure,

Having accepted and examined at its eleventh session the petition from Mr. Martin Asongwed and Others, Bamenda Improvement Association (T/PET.4/82) in consultation with the United Kingdom of Great Britain and Northern Ireland as the Administering Authority concerned, which designated Brigadier E.J. Gibbons as special representative,

Having taken note of the written observations of the Administering Authority (T/1013) as well as of the oral statement of the special representative, in particular that:

(a) The petition relates to a dispute of long standing concerning land which the Bali Tribe took by conquest from a group of clans known as the Widekum Migration about 1860,

(b) Recently the people of Mengen (a branch of the Widekum) submitted an appeal to the Supreme Court claiming virtually the whole of the area subject to the jurisdiction of the Bali Native Authority and £10,000 damages for trespass; the claim was dismissed on 25 February 1952 because the plaintiffs had not pleaded a title to the land under the Land and Native Rights Ordinance and the Bali defendants were awarded 150 guineas costs,

(c) Subsequently concerted attacks were made on Bali territory by persons from Mengen and allied communities during which the attackers burnt some 2,000 homes, looted crops, cattle and property and destroyed bridges on the roads; in this and subsequent minor affrays 4 Balis and 3 Widekums were killed and 48 persons injured; order was, however, restored without the use of force.

(d) The two chiefs referred to by the petitioners were in hospital at the time of the attack but upon their discharge were taken back to their villages to recall their tribesmen,

/(e) A Commission

(e) A Commission of Enquiry has been appointed to investigate the rival claims of the disputants to the land in question and to make recommendations touching the exercise of any powers conferred upon the Governor by the Land and Native Rights Ordinance.

The Trusteeship Council,

1. Draws the attention of the petitioners to the observations of the Administering Authority, in particular regarding the establishment of a Commission of Enquiry to investigate the rival land claims;
 2. Requests the Administering Authority to inform the Council of the results of the above-mentioned enquiry;
 3. Considers that pending the outcome of the enquiry, no recommendation by the Council is necessary;
 4. Invites the Secretary-General to inform the Administering Authority and the petitioners of this resolution in accordance with rule 93 of the rules of procedure for the Trusteeship Council.
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