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Title: The United Nations and Britain in the Independence Process of the Trust Territory of British Southern Cameroons: politics of independence, assimilation and neo-nationalism in the Cameroons since 1946

### **Abstract**

This paper makes an account to a controversial “minority” problem about the Ex-British Trust Territory of Southern Cameroons’ process to independence, which characterized little application of statutory rules by Britain and the UN and caused a sense of annexation in the people, leading to a separatist struggle organized by a nationalist organization that evolved in different names, culminating to the “Southern Cameroons National Council (SCNC).” The work questions Britain and UN neglect with the death of Dag Hammarskjöld, in guiding the Trust Territory towards independence, and makes a critical analysis of SCNC’s ideology and approaches in its quests, and to determine the basis and validity of its claim.

Other authors are subjective to this question, claiming either secession or separation of the territory from, or its continuous vulgar assimilation by, The Republic of Cameroon as justifiable. On the contrary, this paper brings a scientific verdict to the Southern Cameroon quandary, based on qualitative research design, and investigative methodologies including non-obtrusive observation. Evidence of formal propositions, the drawing of inferences and hypothesis testing are provided. Books, theses, journals, and archives comprise documented sources. The hypothesis states that, “As the incomplete independence process of Ex-Southern Cameroon renders the territory’s union with Cameroon republic un-statutory to UN rules and procedures, so is SCNC’s quest for a separation, and its approach to attain that goal un-statutory.”

It is a technical judgment that, Britain and the UN abandoned the course to Southern Cameroons’ independence, which subsequently led to her problematical union with, and lose of identity to, the Republic of Cameroons. In opposition to other ideologies, this study opines that the marriage is not an act of “Annexation” of Ex-Southern Cameroons by, or “Unification” of Ex-Southern Cameroons with, the Republic of Cameroon; it is an act of “Subjugation” by the Republic of Cameroon over Ex-Southern Cameroons. Thus neither, “Secession” or “Separation” of Ex-Southern Cameroons from the Republic of Cameroon, nor “Centralization” or “Decentralization” to the governance in a union between them is justifiable, but a “Federation,” vis-à-vis the terms of the course to Ex-Southern Cameroons’ independence. The predictive understanding is that lasting solution to the Southern Cameroons question lies in Britain and UN awareness to the current crisis in Cameroon, and resolve it before it attains a conflict stage, by considering Article 5 of Chapter 15 of UN Resolution 1608 of April 21, 1961 to grant the Independence of Ex-Southern Cameroons, constitutionally and statutorily to the 1946 Trusteeship Agreement.

**Key words:** Annexation; Cameroon Republic; Independence; Minority; Separation; Southern Cameroons; Southern Cameroons National Council; UN Resolution 1608 of 1961

## **Introduction**

The Southern Cameroons is presently two of the ten Regions of the Republic of Cameroon known as the South-West (SW) and North-West (NW). The territory and the former French Cameroon territory were inhabited by different ethnic groups with different cultures, traditions and languages. During the period generally known as Europe's imperialist "Scramble for Africa," the territories became one under German protectorate in 1884.

With the outbreak of World War I on September 27, 1914 Britain and France jointly attacked Kamerun and the administration of the territory was disrupted.<sup>1</sup> Following Germany's defeat, General Dobell proclaimed the partitioning of the territory into British and French spheres on the 17th of March 1916. This took effect with the Treaty of Versailles of 1921, when the Territory was divided into two League of Nations Mandates (Class B) under the administration of Britain and France, as British Cameroons and French Cameroon respectively. In 1922, these two spheres became mandates of the League of Nations. After the Second World War, British and French Cameroons became United Nations Trust Territories. British Cameroons comprised of Northern Cameroon and Southern Cameroon. Southern Cameroons was administered from Enugu, Eastern Region under which she suffered "Ibo domination" and hegemony. As a result, Southern Cameroons politicians protested and declared Benevolent Neutrality in Nigerian politics at the first parliamentary elections to choose representatives to the Eastern Regional House of Assembly and Federal House in Lagos (David, and Le Vine, V. 1964), and held the first Southern Cameroons Conference in Mamfe in 1953, petitioning the UK in demand for a separate regional status in conformity with Southern Cameroons' status as UN Trust territory. Southern Cameroons was then granted a quasi-territorial autonomy in 1954 and achieved a partial Self-Governing Status with Dr EML Endeley as first Premier. Thence, Southern Cameroons nationalism took a multi-facet nature (Bongfen Chem-langhëë, 1976). Some of her leaders thought that this was a progress that was to lead them to regional autonomy hence opted for integration with Nigeria. Some, due to the bad experience under Nigeria, opted for independence. Yet others, due to British, UN and French Cameroon's influence, opted for reunification with French Cameroun. With this non-consensus, the UN imposed two options: to achieve independence by reunification or integration.

Prior to the plebiscite, Southern Cameroonians organized democratic elections for a third time in 1959, where John Ngu Foncha (KUNC) won against incumbent E.M.L. Endeley (CPNC). Following the UN-organized Plebiscite of February 11, 1961, Southern Cameroonians voted for reunification with French Cameroon. Foncha expected a weak federation in which the Governments of the Federated States would be stronger than the federal government (Chem-Langhëë 1976: 303-33; Chilver pers. comm.). He declared that he seeks 'a Cameroons Federation in which Southern Cameroons would remain much the same as it is now, with the powers presently held by the Administering Authority to be vested in the central government of the Federation' (Le Vine 1961: 4).

On April 10, 1961, with respect to UN Resolution 2101 (S-XI), the Trusteeship Council forwarded the report submitted to it by the Plebiscite Commissioner Abdoh Djalal of Iran who stated that the plebiscite had been effectively organized and conducted by the Administering Authority in accordance with the legislation promulgated for this purpose, and that he was satisfied that the people of Southern Cameroons had had the opportunity to express their wishes freely and secretly at the polls. This was the last legitimate act performed in conformity with UN Resolutions, towards Southern Cameroons' independence. From thence, the territory faced unconstitutional acts from French Cameroon and abandonment from Britain and the UN till date.

## **The Status Quo of Southern Cameroons Right to Self Determination**

Abandoned after the February 11 Plebiscite, Southern Cameroons politicians, inexperienced and excited, got blindly lured into a labyrinth of political entanglement, to the utmost advantage of the Republic of Cameroon under French guidance. John Ngu Foncha and his folks proceeded at the

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<sup>1</sup>Those areas still under German control were barely administered

talks in Foumban in September 1961. A deal for a federal system of governance with equal status between Southern Cameroons and the Republic of Cameroon was arrived at as was envisaged in the Trusteeship Agreement. It was a baseless union called the Federal Republic of Cameroons, with no universal law protecting the status of minority Southern Cameroons. The absence of Britain at the Foumban Conference rendered its provisions void of UN rules and procedures. The rulings are not recorded in any UN memorandum, leaving the course to Southern Cameroons Independence uncompleted. Nevertheless, Southern Camerronians felt a brief sense of Self-Determination and Sovereignty. But after the May 1, 1972 declaration of the United Republic of Cameroon and abolition of the federal system, Southern Cameroons identity was trampled upon.

Southern Cameroonians' economic structures were plundered, condemning the people to a state of economic dependency and forced them to move to French Cameroon in search of jobs. the Santa Coffee Estate, the Wum Area Development Authority (WADA), the Ntem Oil Palm Estate, the Ako Forest Estate, the Yoke Hydroelectric Power Station went defunct and all air strips and seaports abandoned. The Southern Cameroons indigenous bank was shut down with its huge cash reserve plundered. Attempts were made in the 1990s to construct a pipeline linking the National Refining Company, SONARA in Limbe to the Douala sea port; it failed thanks to an outcry from Southern Cameroonians. A liter of Super at SONARA is put at FCFA 175 and at the pumping stations, with taxes at FCFA 580 as at December 2006. 90% of its work force is recruited from French Cameroon. SONARA, Plantecam, Delmonte and Brasseries pay their taxes to Douala as matter of fiscal policy for decades. Even though based in Limbe, SONARA matriculates all its cars "LT," and all the money goes to Douala council. Personal cars matriculated "LT" and "CE" face little police control to those with "SW" and "NW" number plates.

Communication between the South West and North West regions are unconnected for 50 years. Some analysts say this is to completely divide the peoples in order to enhance occupation (Konings, P. & F.B. Nyamnjoh, 1997).<sup>2</sup> But the two regions have attracted international concern. The Pan African Highway project will finally see the linkage of the two regions. The 203km Bamenda – Mamfe – Ekok road sections, the 100m bridge over the Munaya River and the 280 meter border bridge over the Cross River is part of the \$413 million project facilitated by the African Development Bank (ADB), the Japanese International Corporation Agency, the World Bank, Nigeria and Cameroon.

That notwithstanding, current industrial development plans are still centred in the French territory with numerous mining projects underway with non in the English territory, in spite of the huge natural endowments in this territory. There are mineral deposits, potential eco-touristic attractions in Southern Cameroons that remained unexploited. The famous Menchum fall with capacity to generate electricity to run iron and steel industries and generate power to the whole of West Africa is neglected. Because this giant economic potential booster is found in Southern Cameroons, the government decides to exploit the Edea dam in French Cameroon, which is even man-made. Yet there is rampant power supply sharing due to shortage in supply. Southern Cameroonians have a feeling of subordination to the Republic of Cameroon, and are seeking sovereignty using several approaches, against the will of the "occupier."

The organization of peaceful parades on the eve of various October 11s, Petitions to French Cameroon to withdraw from the territory of Southern Cameroons, the declaration of Ex-Southern Cameroons independence, Petitions to the UN requesting and, requests to the Unrepresented Nations and People's Organisation (UNPO) for recognition are a few of the numerous historical and current effigies of blatant dissatisfaction in the marriage between ex-Southern Cameroons and ex-French Cameroon.

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<sup>2</sup>Yet, the supposed economic dependency is generating 60% of the Gross Domestic Product (GDP)

The SCNC advocates what is sometimes confused between the terms “Session” and “Separation” from French Cameroon; it is declared an illegal sect. The separatists are arbitrarily arrested and detained, while some simply disappear, are extra-judicially executed, systematically tortured to death, abducted under cover of darkness, or are denied due process of law until challenged by the international community.

Chief Ayamba Ette Otun, Chairman of the SCNC, Mr. Nfor Ngala Nfor, Vice Chairman of the SCNC and Mr. Sylvester Taku, Chairman of Southern Zone as well as their driver, Mr. Ndam Amadu, were detained in Menji prison on 22 February 2005 and released the 26<sup>th</sup> after UNPO addressed UNHCHR, the Working Group on Arbitrary Detention and European Institutions within the framework of the ACP-EU Convention to request for their immediate release (African Human Rights Commission, 28 April to 8 May 2005).<sup>3</sup>

Since the knell of subjugation in 1972, Southern Cameroons until this day, sing and dance freedom dirges in ignorance to the liberty path. Southern Cameroonians are still administered under a centralized system of governance as two of the ten Regions of the country in a fake decentralized system where councils still have no executive duties over regions and governors are appointed by decrees. They remain a lost and weeping burgeoning entity, a potential threat to the peace. Britain and the UN, who were to guide the territory to independence, either pretend not to see the political crisis, have less concern, minimize it, or barely blame petition approach.

### **Literature Review**

Previous authors have researched on the Southern Cameroons Question and have based their research on different orientations. A study was made on the union between the Territory and the Republic of Cameroon, pure and simple (Gardinier and Le Vine, 1964), and a tacit narration has been made of the political evolution of the territory towards the unitary status with the Republic of Cameroun, (Chem-Langhëë, 1976). Most of the works unjustified the union, criticized the inequality and marginalization of Southern Cameroonians by the Government of the Republic of Cameroon giving different reasons (Ngoh, 1999; Awasum, 1998), and yet others orientate the criticism to an Anglophobia-centric problem faced by the English-speaking Cameroonians (Kom, M, 1995; Konings, P. & F.B. Nyamnjoh, 1997). In another view, other authors consider the union as an annexation, pure and simple (Anyangwe, 2000), while others studied the conflicting nature that characterizes the union (Kom, 1995; Tata, 1991). Other authors affirm that Britain and the UN failed in the process of British Southern Cameroons’ independence, but hold that an Independent State of Southern Cameroons is genuine (Awasun, 1998; Awasun, 2004). While other authors hold that Southern Cameroon politicians lacked foresight and were misled or acted out of circumstances towards the union (Awasum, 2000), others prophesied that such a union would not last (David, and Le Vine, 1964).

My hypothesis states, “As the incomplete independence process of Ex-Southern Cameroons renders the territory’s union with the Cameroon Republic un-statutory to UN Rules and Procedures, so is the SCNC’s quest for a separation un-statutory.” Facts about the main UN Resolutions and Charters that defined the process of independence of colonial peoples are verified herewith to see if Britain and the UN respected them in the case of the Southern Cameroons and, to assess the validity of the claims of both Separatists and Unionists.

### **UN Charters and Resolutions Guiding the Independence Process of Colonial Peoples**

I- Article 102, Chapter XVI of the United Nations Charter of 1946:

1. Every Treaty and every international agreement entered into by any member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the secretariat [of the UN] and published by it.

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<sup>3</sup>The Government always claims that the holding of detainees without charge for up to five years is due to what it calls “administrative bottlenecks”. It is significant that whenever surviving detainees have been released it has been due to pressure from the international community.

2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations."

II- UN Trusteeship Agreement of December 13, 1946: Britain undertook to lead the territory of British Cameroons and its inhabitants ultimately to self-government or independence, in accordance with Article 76 of the UN Charter;

Art. 76

a: The basic objective of the [Trusteeship] system, in accordance with the Purposes of the United Nations lay down in Art. 1 of the present Charter shall be,

b: To promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement."

III- UN Resolution 1350 (XIII) of 13 March 1959: It Concerns the future of the Trust Territory of Cameroons in which the General Assembly recommended, inter alia, that the Administering Authority take steps, in consultation with the United Nations Plebiscite Commissioner for Southern Cameroons, to organize, under the supervision of the United Nations, separate plebiscites in the Northern and Southern parts of the Cameroons, in order to ascertain the wishes of the inhabitants of the territory concerning their future, and that the plebiscite in the Northern Cameroons be held about the middle of November 1959 on the basis of the two questions set out in paragraph 2 of the said Resolution.

IV- UN Resolution 1352 (XIV) of 16 October 1959: It decided, inter alia, that a plebiscite in the Southern Cameroons would be held between 30 September 1960 and March 1961, on the basis of the two questions set in paragraph 2 of the said resolution.

V- UN Resolution 1514 (XV) of December 14, 1960, on the Declaration of the granting of independence to colonial countries and peoples. The General Assembly, [...] declares that:

1. The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation.

2. All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

3. Inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence.

4. All armed action or repressive measures of all kinds directed against dependent peoples shall cease in order to enable them to exercise peacefully and freely their right to complete independence and the integrity of their national territory shall be respected.

5. Immediate steps shall be taken, in Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or color, in order to enable them to enjoy complete independence and freedom.

6. Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations.

7. All States shall observe faithfully and strictly the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and the present Declaration on the basis of equality, non- interference in the internal affairs of all States, and respect for the sovereign rights of all peoples and their territorial integrity.

VI- UN Resolution 1541(XV) of 15 December, 1960:

This stated that, short of gaining outright independence, a non-self-governing territory could be deemed to have attained independence (viz. reached a full measure of self-government) by either:

1. Freely associating with an independent state or,
2. Integrating with an independent state.

VII- Resolution 1608 (xv) as submitted by the Fourth Committee, A/4737, adopted by the General Assembly on 21 April 1961, meeting 994, by roll-call vote of 64 for, 23 against and with 10 abstentions, “The general assembly, having examined the report of the United Nations Plebiscite Commissioner concerning the two plebiscites held in the Northern and the Southern Cameroons in February 1961 and the report of the Trusteeship Council thereon,

“1. Expresses its high appreciation of the work of the United Nations Plebiscite Commissioner for the Cameroons under United Kingdom Administration and his staff;

“2. Endorses the results of the plebiscite that:

“(a) The people of Northern Cameroons have by a majority, decided to achieve independence by joining the independent Federation of Nigeria;

“(b) The people of the Southern Cameroons have similarly decided to achieve independence by joining the independent Republic of Cameroon;

“3. Considers that, the people of the two parts of the Trust Territory having freely and secretly expressed their wishes with regards to their respective futures in accordance with General Assembly resolution 1352 (XIV) and 1473 (XIV), the decisions made by them through democratic processes should be immediately implemented;

“4. Decides that, the plebiscites having been taken separately with differing results, the Trusteeship Agreement of 13 December 1946 concerning the Cameroons under United Kingdom Administration shall be terminated, in accordance with Article 76b of the Charter of the United Nations and in agreement with the Administering Authority, in the following manner:

“(a) With Respect to the Northern Cameroons, on 1 June 1961, upon its joining the Federation of Nigeria as a separate province of the Northern Region of Nigeria;

“(b) With respect to the Southern Cameroons, on 1 October 1961, upon its joining the Republic of Cameroon;

“5. Invites the Administering Authority, the Government of the Southern Cameroons and the Republic of Cameroon to initiate urgent discussions with a view to finalizing, before October 1, the arrangements by which the agreed and declared policies of the parties concerned will be implemented” (Justice Mulu Mbulu, 2004). With knowledge of these UN Charters and Resolutions, any violation of the terms by any party, would be inferred to as an unconstitutional act.

### **How Britain and the UN Betrayed Southern Cameroons Independence**

The betrayal of the independence process of Southern Cameroons here means the non respect for UN Resolutions and Charters that were to be implemented to qualify Southern Cameroons for a constitutional and statutory independence, and this transpired within a short time period, from July 17 to September 30, 1961. There are so many UN Charters and Resolutions guiding Southern Cameroons Independence, but the few cited in the previous section of this study will suffice to analyze visa-a-vis Britain and UN roles in the process since the February 11, 1961 plebiscite.

Southern Cameroons politicians worked out amendments in anticipation and preparation for the union with French Cameroon on Federal Constitution to serve as the Constitution of Independence. So on May 26, 1961, Southern Cameroons Constitutional Order-in-Council 1961 was drafted and placed before the British Parliament on June 1, 1961.<sup>4</sup> In June 1961, the governments of Southern Cameroons and the Republic of Cameroon met in Buea, capital of Southern Cameroons in the presence of British representatives. In the meeting, Foncha raised stakes by demanding that any future Cameroon Federation should guarantee the Status quo ante of Southern Cameroons, which

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<sup>4</sup> It contained the amendments to the Order-in-Council 1960, by increasing the number of members of the House of Assembly from 26 to 37, and also increased the number of Ministerial Posts from five to eleven, while Parliamentary Secretaries also increased from a maximum of three to a maximum of five.

would give them rights of maintaining their monetary, educational, legislative, Judicial and administrative systems and police powers.

From July 17 to 21, 1961, a conference was opened in Foumban to discuss conditions for the implementation of the result of the February 11 Plebiscite. But on the 19<sup>th</sup>, the Southern Cameroons delegation at the Foumban Conference was surprised with the Republic of Cameroon's conditions which would lead to the amendment of her constitution to accommodate Southern Cameroons. Most Southern Cameroons delegates protested, some requested time to consider the proposals and some suggested a boycott so that the negotiations for a Confederation should collapse but Foncha insisted that talks should continue (Awasom, N.F. 2000). Subsequently, they came up with fourteen points which would have created a loose confederation such as the motto, flag and anthem, the structure of the legislature, the powers of the President, and a request that citizens of the federation should have dual nationality and that the word "indivisible" should be deleted from the constitution.<sup>5</sup> On September 27, 1961 Britain signed an Edict terminating administration of Southern Cameroons and at midnight of September 30, 1961, lowered the flag of the British Empire.<sup>6</sup>

The UN Trusteeship Agreement of December 13, 1946 was violated because in the end, Southern Cameroons never had independence. This resolution, including UN Resolution 1514 (XV) of December 14, 1960 and UN Resolution 1541(XV) of 15 December, 1960 were all not respected because of the violation of Article 102 in Chapter XVI of UN Charter of 1946 and, Article 5 of Chapter XV of UN Resolution 1608, during the 994<sup>th</sup> UN Plenary Session of April 21, 1961. Britain was to be a prominent member at the Foumban Talks of July 17, 1961 but did not and did not hold any other such meeting before October 1, 1961. Although Dag Hammarskjöld was pre-occupied with the Congo Crisis in which he died, Britain's un-statutory Edict relinquishing her UN Trusteeship over Southern Cameroons would have been an issue for discussion by U Thant.

According to paragraphs 1 and 2 of Article 102 of Chapter XVI of UN Charter of 1946 there is no record in the Secretariat of the UN serving as a reference to the independence of Southern Cameroons with the Republic of Cameroon, either by "Association" or by "Integration;" it is a "pipe dream." It is therefore clear that Britain abandoned Southern Cameroons in the course of her struggle for independence after 11<sup>th</sup> February 1961, and this, in the watchful eyes of the UN.

### **The Veritable Status of the Territory of Ex-Southern Cameroons**

As has been stated earlier, the union that ensued between Southern Cameroons and French Cameroon has resulted to a problematic marriage. Southern Cameroonians, under the banner of the NCNC term the union an "Annexation" while the Government of the Republic of Cameroon terms it "Unification."<sup>7</sup>

The word "Annexation," according to the Cambridge International Dictionary of English, is a noun to the verb "Annex," which is, to take possession of [...] a country usually by force or without permission. With respect to UN Resolutions 1350 (XIII) of 13 March 1959 and 1352 (XIV) of 16 October 1959, and the 11<sup>th</sup> February, 1961 plebiscite where Southern Cameroonians voted to have their independence with the Republic of Cameroon, the foundation of her independence was statutorily and constitutionally put in place according to the will of the people. Since it was not forced, no other ordeal that befell Southern Cameroons in her union with French Cameroon can cause the marriage to be termed an "Annexation."

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<sup>5</sup> At the end of the last day of the Conference, while the delegates rose to sing the national anthem of French Cameroon of course, only one Southern Cameroonian, Dr. Bernard Fonlon could sing it, especially since it was in French.

<sup>6</sup>By this act, Britain endorsed the Foumban Conference in which she did not participate, thus handing over the administration of Southern Cameroons to the Republic of Cameroon.

<sup>7</sup>While the Separatists ask for a separation of the Southern Cameroons region from the Republic of Cameroon, the Government seeks to maintain a strong centralized union with the Southern Cameroons.

On the other hand, “Unification,” according to the Cambridge International Dictionary of English, is a noun to the verb “Unify,” which is, to bring together; combine. UN invitation for a tripartite meeting of Britain, Southern Cameroons, and French Cameroon to engage in talks in view of taking necessary measures before October 1, 1961, for the implementation of policies agreed on, and declared by the parties concerned, was not respected because Britain boycotted this invitation and violated Sub section 5 of Article XV of UN Resolution 1608, of April 21, 1961. As such, the decision that ensued after the July 17, 1961 Foumban Conference was unconstitutional and un-statutory by international law.

Second, the fact that there is no verifiable reference in the UN Secretariat tracing any resolution that declared Southern Cameroons independence, it would be a violation of Article 102, Chapter XVI of the United Nations Charter of 1946 to say Southern Cameroons’ process to independence was complete.”<sup>8</sup> Since the arrangement cannot be cited before any organ of the UN, it is evident that Her Majesty’s Government failed in the diligent execution of the trust responsibilities it had assumed in 1946 to lead the Trust Territory to self-government. Therefore, for the Government of French Cameroon to define the status of the union between her and the Southern Cameroons as “Unification” would be in violation of Article 5 of Chapter XV of UN Resolution 1608, of April 21, 1961 and Article 102, Chapter XVI of the United Nations Charter of 1946.

Semantically, the noun that best qualifies the status of the union between Southern Cameroons and French Cameroon is “Subjugation,” from the verb “Subjugate,” which means to defeat (people or a country) and rule them in a way which allows them no freedom, according to the Cambridge International Dictionary of English. Subjugation because, Southern Cameroons’ independence that was to be based on a union with French Cameroon was not achieved. The violation of Ex-Southern Cameroonians right to self determination is the basis of the current crisis between the peoples and French Cameroon government.

### **Futile Efforts in the Liberation of Southern Cameroons**

The struggle for a separation of Southern Cameroons from French Cameroon has involved several attempts including wrong procedures to seek UN solution by nationalist organizations like the Ambazonia Restoration Council (ARC), the Southern Cameroons National Council (SCNC), Southern Cameroons Peoples Organization (SCAPO), the Ambazonia Peoples Emancipation Council (APEC), the Southern Cameroons Youth League (SCYL) and the Southern Cameroons Defense Force (SOCADEF), who now regard the UN as weird.

Nationalist activism was nursed in 1985, when ARC called on the Government of French Cameroon to withdraw from Southern Cameroons territory by limiting her administration to her territorial boundaries.<sup>9</sup> On October 10, 1990, ARC made a proclamation formalizing the restoration of Southern Cameroon’s independence and filed at the UN on the 27<sup>th</sup> with a petition asking for Southern Cameroons’ seated at the UN as full member.<sup>10</sup> In 1993, the All Anglophone Conference (I) was held in Buea to draw the attention of French Cameroon on self-determination issues, and in 1994, AAC (II) was held in Bamenda where the SCNC was created, in boycott of ARC’s activities.

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<sup>8</sup>(1) Every Treaty and every international agreement entered into by any member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the secretariat [of the UN] and published by it. (2) No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations."

<sup>9</sup> Under the command of General Pierre Semengue, Fon Fongum Gorji-Dinka, leader of the ARC, was arrested and detained for High Treason.

<sup>10</sup>This was to be under a new name, The Republic of Ambazonia, inherited from the former British colony at Amba Bay, Victoria, from 1858 - 28 Mar, 1887.



The SCNC has been the most active at home although it has witnessed several factions.<sup>11</sup> It evolved from the ARC and became very active in its nationalism. It quickly accused French Cameroon for an annexation, claiming a separation and granting of total independence to Southern Cameroons. It is a non-violent organization, and its motto is "The Force of Argument, Not the Argument of Force." The executive bureau of the SCNC is headed by a chairman, one of the most influential ones being Chief Ayamba Ette Otun. Through pressure from the SCNC in 1995, John Ngu Foncha and Solomon Tandeng Muna lead a Thirteen man delegation to the UN to petition against the marginalization of Southern Cameroons by French Cameroon. The petition demanded the return of Southern Cameroons to a Trusteeship Status, against the will of ARC and the SCNC, who considered this the "biggest scam in the Southern Cameroons struggle" (M. Mbuh, 2004).

In 1997, Justice Ebong formed a faction of the SCNC from that of Elad Ekontang and in December 1999, Dr. Emile Mondo and Edwin Ngang co-Chairs of SCNC and ARC in the US respectively, appointed visiting Ambassador Fossung as the legitimate leader of the SCNC. Nevertheless, the SCNC faction of Justice Ebong back home declared independence for Southern Cameroons over Radio Buea in which he renamed Southern Cameroons as the *Federal Democratic Republic of Southern Cameroons*. He was arrested but released then exiled to Nigeria. In the interim, many factions of the SCNC continued to denounce one another and none did come out openly in support of ARC. The *Republic of Ambazonia* was declared by the SCAC as an independent state on 31<sup>st</sup> December 1999, but the area remained under the control of French Cameroon.

In March 2002, a twelve-man delegation from the Southern Cameroons Peoples Organization (SCAPO) filed a case against Nigeria in the Abuja High Court demanding that Nigeria should "stop treating Southern Cameroons as part of the Republic of Cameroon."<sup>12</sup>

A petition was filed by ARC to UNHRC accusing Cameroun inter alia of imposing her nationality on Southern Cameroonians and denying their right to a nationality. In November, UNHRC served the Republic of Cameroon with a copy of the petition and gave her six months to answer to the accusation and show cause why the illegal occupation should not be terminated. In May 2003, Six months after, UNHRC reminded the Cameroon government of their obligation to provide answers to Southern Cameroons charges of illegal occupation on or before May 12, 2003 deadline, but she failed to respond (M. Mbu, 2004).

On July 7 and 16, 2003, ARC and the Ambazonia Peoples Emancipation Council (APEC), announced in Press Releases in Washington DC, that they have exhausted both domestic and international remedies concerning the Southern Cameroons Question. So in October 26 and 27, SCYL called for an international meeting of all factions of the liberation movements in Minnesota to re-examine the issue of Southern Cameroons independence. Following the release of SCYL leader Ebenezer Akwanga from the maximum security prison Kondengui, Yaoundé, a conference was organized in Abuja, which formed the Southern Cameroons Defense Force (SOCADEF) with the intention of a military confrontation with the Republic of Cameroon (M. Mbu, 2004)..

In 2005 Southern Cameroons became a member of the Unrepresented Nations and Peoples Organization (UNPO). According to report by a French news agency, AFP on 31 October, the 'Republic of Ambazonia' was formally declared by SCAPO on August 31 and on Thursday October 27<sup>th</sup>, SCNC Radio - Radio Free Southern Cameroons (RFSC) broadcasted repeats of the SCNC national hymn (BBC Monitoring Nov 1 via DXLD 5-188, 2005).

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<sup>11</sup>Safe the SCNC, the other political groupings are in the Diaspora. On the other hand, the Republic of Cameroon accuses SCNC of secessionist activities against the "unification" of the two Cameroons.

<sup>12</sup>In this same light, ARC placed lawsuit No. FHC/ABJ/CS/461/2003 in October 2, 2003 with the Abuja, Nigeria High Court requesting Nigeria amongst other Reliefs, not to surrender Bakassi Peninsula to the Republic of Cameroon because it is a part of Southern Cameroons.

The futile struggle for the liberation of Southern Cameroons perpetrated by several liberation movements at home and abroad has remained the same until today; their efforts have recorded no achievement but huge loss of lives and property. Yet, neither the UN nor Britain seems to have any interest in the imbroglio. The UN is disapproved of, for being quiescent to the Southern Cameroons problem. This assertion is historic. But an analysis to the reason for UN reticence may be helpful. A concise approach to this is by reviewing UN modalities and application to matters related to self-determination. This is to see if the liberation movements act with respect to UN rules or whether the UN is being biased to the Southern Cameroons.

### **UN Rules and Procedures to Matters of Self-Determination**

The SCNC and likeminded organisations have made several attempts including UN petitions to restore the Right-to-Self-Determination of ex-Southern Cameroons for two decades in vain; why? This question shall be answered by findings to the following questions: *Are SCNC claims and approaches legitimate? Are UN rules and procedures to matters of sovereignty applicable?*

It should be noted that, because of the great number of questions the institution is called upon to consider, the UN General Assembly allocates items relevant to its work amongst its six Main Committees.<sup>13</sup> The Committees discuss items of petitions and requests for hearing and present their recommendations in draft resolutions and decisions and forward to a plenary meeting of the General Assembly for consideration.

The Fourth Committee (Special Political and Decolonization Committee) and the Sixth Committee (Legal Committee) make recommendations for the peaceful settlement of situations that might mitigate relations amongst nations; they deal with Decolonization and International legal matters respectively. For any request concerning decolonization and/or sovereignty to be considered by the UN General Assembly, this traditional approach is most recommended.

Depending on the different problems faced by nations, non-state nations and peoples, representative organizations like opposition political parties and NGOs initially draft and send their petitions in the form of a Request for hearing to the Chair of the Fourth Committee. It then discusses the items, seeking where possible, to harmonize the various approaches of petitioners and send the results in draft resolutions to the Assembly for consideration. The Fourth Committee serves as a mediator of States, Nations, Non-State Nations and the UN General Assembly; it decides which requests for hearing are valid at the time, considering the gravity of the problem. This is the initial most democratic and statutory approach to address petitions to the UN. Requests for hearing from States, Nations, None-State Nations, and Peoples to the Chair of the Fourth Committee on the issue of independence and/or self-determination are discussed in the Fourth Committee under the Implementation of Decolonization on the Granting of Independence to Colonial Countries and Peoples.

Another way by which Nations and Peoples seeking self-determination can democratically and statutorily channel their requests to the UN is defined in Article 73 e of the UN Charter. It states that, “The Administering Powers of the Non-Self-Governing Territories under UN Charter have the primary obligation to promote the well-being of the inhabitants of these territories.” To cater

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<sup>13</sup>First Committee (Disarmament and International Security Committee) is concerned with disarmament and related international security questions; Second Committee (Economic and Financial Committee) is concerned with economic questions; Third Committee (Social, Humanitarian and Cultural Committee) deals with social and humanitarian issues; Fourth Committee (Special Political and Decolonization Committee) deals with a variety of political subjects not dealt with by the First Committee, as well as with decolonization; Fifth Committee (Administrative and Budgetary Committee) deals with the administration and budget of the United Nations; and Sixth Committee (Legal Committee) deals with international legal matters. The Sixth Committee is the primary forum for the consideration of legal questions in the General Assembly. All of the U.N. Member States are entitled to representation on the Sixth Committee as one of the main committees of the General Assembly.

for the needs of such Non-Self-Governing Territories, the UN has created bodies that offer assistance to them in the exercise of their rights to self-determination. The Special Committee on Decolonization offers advice on the options available to the Non-Self-Governing Territories in the exercise of their right-to-self-determination.<sup>14</sup>

On the other hand, the Department of Political Affairs, Decolonization Unit, provides substantive support to the Special Committee on Decolonization and prepares annual working papers on the situation under UN-recognized Non-Self-Governing Territories. The Department's Electoral Assistance Division can provide technical advice on a referendum to decide on the future status of a territory or to observe the referendum process, should such a request come from the administering power and the people of the territory.<sup>15</sup> But to be considered as a Non-Self-Governing Territory under UN Charter, such non-state nations must pass through the Chairman of the Fourth Committee using rules and procedures stipulated above, thus making it a "vicious cycle" task.

However, since the Special Committee on Decolonization does not consider petitions to parties which were no longer legally in existence, or are considered as haven gained their independence in one way or the other, such non-state nations could request for a UN hearing possibly to the Chair of the Fourth Committee.<sup>16</sup>

So far, the liberation movements have systematically used five main approaches to attain their mission. Apart of organizing peaceful parades on each October 11, they petitioned French Cameroon to withdraw from Southern Cameroons, declare Southern Cameroons independence unilaterally, petition the UN for membership and UNPO for recognition. The Petition demanding the return of Southern Cameroons to a trusteeship status by John Ngu Foncha and Solomon Tandeng Muna on grounds of French Cameroon's abrogation of the Fumban Constition was considered as a scam to the struggle by ARC and the SCNC. However, all Petitions were foiled, why? Could it be because they weren't channeled through the right offices of the UN, or because they undermined decisions of the February 11, 1961 Plebiscite which is the last constitutional and statutory treaty entered to? Quoting Dag Hammarskjold, he said:

*Everything will be all right; you know when? When people;  
just people, stop thinking of the United Nations as a weird  
Picasso abstraction and see it as a drawing they made  
themselves.*

Until UN rules and procedures are respected and applied, the institution would remain eerie to its potential beneficiaries.

### **Counter-arguments to Separation and Centralised or Decentralised Unification**

There are two main divergent schools of thought who, because of their political leanings and aspiration to justify their claims, have qualified the union between Southern Cameroons and the French Cameroon as either an "Annexation," or "Unification," which causes the political crisis for which this paper seeks to find out and propose an objective solution, based on the historical facts of the whole scenario. To test the validity of our hypothesis, the views of the pro-unionists and pro-separatists are analyzed.

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<sup>14</sup>For example, the Chairman and other members of the Committee visited Bermuda in 2005 and the Turks and Caicos Islands in 2006 to explain the options to the people of these Territories.

<sup>15</sup>For example, an electoral expert of the Electoral Assistance Division was invited in February 2006, along with members of the Special Committee on Decolonization, to monitor the Referendum in Tokelau on self-government in free association with New Zealand.

<sup>16</sup>According to UN information, Southern Cameroons was on the List of Non-Self-Governing Territories in 1954 but was cancelled in 1961.

Pro-separatists argue that:

1. *The UN supervised February 11, 1961 Plebiscite was in violation of the League's Covenant, which had warned that no clauses of the Mandate System should be violated by any nation or group of nations.*

To disproof this assertion, it should be made known that as the League of Nations replaced the Treaty of Westphalia, so did the UN replace the League of Nations; the League had died, and died along with its laws and could no longer be binding on the Trusteeship system of the UN, which has its own rules and regulations.

2. *The United Nations failed to give the people of British Cameroon a third option, that of Self Independence far from Integration and Re-Unification. This was a mistake since a trust territory could not have attained either "self-government" or "independence" by joining another trust territory or another independent nation. Independence ought to be independence, no less and no more. Therefore Southern Cameroons should separate (secede) from the Republic of Cameroon.*

This claim is illogical because "Integration or Association" and "Outright Independence," in international law are the only two ways by which all non-represented and non-self-governing peoples can gain the right to self determination if this is fulfilled according to the aspirations and wishes of the peoples. UN Resolution 1541(XV) of 15 December, 1960 states that, short of gaining outright independence, a non-self-governing territory could be deemed to have attained independence by either freely associating with an independent State or integrating with an independent State. British Cameroons since 1954 had to, like other non-self-governing peoples, be led to the attainment of self government or independence, and the option that was better for Southern Cameroonians at the time was 'Self Government by Integration or Association. Either of these two options could only be in union with either Nigeria or Republic of Cameroon that was envisaged in a federation. The reasons why the third option was denied are glaring; Southern Cameroon politicians were not ripe for modern world politics due to influence of the British system of Indirect Rule (Cletus Agha Njumbe, 2003). Second, by all indications, Southern Cameroons would have been vulnerable potential bait to occupation aggressions from Nigeria.<sup>17</sup>

If the Right-to-Self-Determination was statutorily and constitutionally granted the peoples of Southern Cameroons in union with French Cameroon as was envisaged, their sovereignty would have been guaranteed. However, an outright independence for the Southern Cameroons would be against the free wish that was expressed by Southern Cameroonians at the February 11, 1961 Plebiscite, which was organized with respect to UN statutes, and registered. The question that should be posed should rather be why Article 5 of UN Resolution 1608 was not implemented.

On the other hand, proponents of the status quo argue that:

- 1) *The current union between Southern Cameroons and French Cameroon is justified in that Southern Cameroonians voted at the February 11, 1961 Plebiscite to have independence in union with the Republic of Cameroon and that they went further to implement this at the Foumban Constitutional Conference of July 27, 1961, which led to the restructuring of the Constitution of the Republic of Cameroon to give birth to the Federal Republic of Cameroon.*

This claim on the part of the Government of the Republic of Cameroon is unconstitutional; the fact that the plebiscite by which Southern Cameroonians expressed their wish to gain their right-to-self-determination by joining Independent Republic of Cameroon was a legal act did not give any right for both territories to engage into any treaties themselves without the administering authority of the

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<sup>17</sup>The "weak economy" reason that was advanced to justify denial of the third option was unfounded.

Non-Represented Peoples of Southern Cameroons as was stipulated in Article 5 of Chapter 15 of UN Resolution 1608 of April 21, 1961. Since Britain did not negotiate at the Fouban Talks to guide its Trustee to make careful decisions sanctioning its sovereignty, all decisions arrived at, at the Talks are not statutory to UN Rules and Procedures and are therefore null and void in international law.

Again, the unification of Southern Cameroons and the Republic of Cameroon was not declared and registered in the Secretariat of the UN with respect to Section 1 of Article 102, Chapter XVI of the United Nations Charter of 1946. Therefore, according to Section 2 of the above Article, the Republic of Cameroon can not invoke the Agreement at the Fouban Conference before any organ of the United Nations because it is not recognized.

*2) Proponents of outright independence for the South West and North West regions are Secessionists and are considered as unlawful citizens who disturb the peace, unity and development of the country.*

There is no UN ruling for a union between Southern Cameroons and French Cameroon. The Government of the Republic of Cameroon cannot accuse any organization requesting a separation of ex-Southern Cameroons (South West and North West regions) from the rest of the country. Such request may be interpreted as a wish for Non-Self-Governing Peoples status enjoyed before the unconstitutional Fouban Conference, which is a legitimate demand. Any resistance to the peoples' quest for self-determination by Cameroon would simply confirm her subjugation over Southern Cameroons.

### **Democratic Approach to Southern Cameroons Right to Self Determination**

It is a fact that the process of Southern Cameroons independence was incomplete because Britain relinquished her trusteeship powers off the territory without respecting Article 5 of Chapter XV of UN Resolution 1608, of April 21, 1961. It is equally a fact that the UN lacerated Southern Cameroons' membership of Non-Self-Governing Territories, abusing Article 102, Chapter XVI of the Charter of 1946. This renders her void of cover from the Declaration on the Granting of Independence to Colonial Countries and Peoples, penalizing her with the inability to petition under Article 73e of the UN Charter; neither is she eligible for technical advice from the Special Committee on Decolonization and the Department of Political Affairs Decolonization Unit, on available options. The only democratic option left is to seek and reclaim the Non-Self-Governing Territory status from the Chair of the Fourth Committee. Liberationists must admit that the struggle lays in the completion of the process of the territory's independence from its point of abandonment, from Britain's September 27 Edict.

As a political party, liberationists should initially draft and send a request for hearing to the Chair of the Special Political and Decolonization Committee (Fourth Committee). The request for hearing should seek to prove that the independence process of the Southern Cameroons was incomplete, and the Territory should be reconsidered as a Non-Self-Governing Territory under Subjugation by the Republic of Cameroon (here considered as the occupier or administering power).<sup>18</sup> A request for hearing for a recognition as a Non-Self-Governing Territory with evidence would surely receive some attention by the Chair of the Fourth Committee who may then send the results in a draft resolution or a decision to the Assembly for consideration. The Fourth Committee will then be the mediator between Southern Cameroons and the UN General Assembly. From all indications, this is the initial most democratic and statutory approach to address the Southern Cameroons problem to the UN.

On granting this request, the UN would pass a resolution declaring the South West and North West regions (ex-Southern Cameroons) as a Non-Self-Governing Territory under the administration of Cameroon. When this status is granted, then the Southern Cameroons struggle would have had lee

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<sup>18</sup>This request could be boosted in the same light by UNPO to the same body.

to possible solution and the territory, benefitting from the Declaration on the Granting of Independence to Colonial Countries and Peoples, with the ability to petition under Article 73e of the UN Charter and be eligible for technical advice from the Special Committee on Decolonization and the Department of Political Affairs Decolonization Unit.

## **Conclusion**

It is respectfully submitted that where actions of states and institutions don't comply with Articles and/or Resolutions of the UN Charter, by inference, it is the Charter or Resolution's provisions that prevail. The hypothesis that Britain and the UN betrayed the course to Southern Cameroon's independence has been established. Therefore, the present union between British Southern Cameroons and the Republic of Cameroon is un-statutory by UN rules and procedures. In the same line, it has been documented that although Southern Cameroons' identity was trounced to Cameroon and it is an act of "Subjugation" not "Annexation" or "Unification," the separatist claims of the SCNC are equally un-statutory and cannot be acquiesced. Nevertheless, it is absolutely irreconcilable for the Southern Cameroons Peoples to conform to the Cameroon Republic's subjugation.

Considering Resolution 1514 (XV) of December 14, 1960 on the Granting of Independence to Colonial Peoples; Considering the UN Decade for Human Rights Education (1995-2005); Considering the Second UN International Decade for the Eradication of Colonialism (2001-2010), it is now late to witness crises escalating due to violation of right to self-governance. There is need for the constitutional completion of the independence of ex-Southern Cameroons by a league comprising representatives of the UN (supervisory body), ex-Southern Cameroons (declared Non-Self-Governing Territory) and Cameroon republic (administering power/occupier), to fulfill Article 5 of Chapter XV of UN Resolution 1608 of April 21, 1961 and arrive at a consensus under which shall statutorily terminate the subjugation.

The solution to the political crisis is the implementation of a federal government with consent of the people through a referendum. The federation shall comprise of an autonomous region of ex-Southern Cameroons (South West and North West regions), which gives the people possibility to manage their affairs through autonomous regional assemblies and treasuries and guarantee respect of the minority while promoting national integration and durable peace. The autonomous bicultural Cameroon should be registered in the Secretariat with respect to UN Resolution 1349 (xiii) 1, 2, 3 of March 13, 1959, and to Article 4 of the UN Charter. Only by this means can there be lasting peace and integration between the two Cameroons, and protection from future domination of the minority.

This paper craves the indulgences of all peace-loving bodies the world over to timely prop into the Southern Cameroons quagmire. Meanwhile, the Cameroon Consortium for Conflict Mitigation is underway, envisaging working in collaboration with the Cross Cultural Foundation as an early warning system to conflict situations and to educate liberationists on democratic approaches to the liberation of Southern Cameroons. The scheme will strive to contain conflicts from inception stages, but would obviously not have the dispensation and jurisdiction when grievances shall proliferate, given magnitude of the current wind of change blowing across Africa and the Middle East.



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