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ANNEX XIV. Southern Cameroons Plebiscite Order in Council, 1960;
Southern Cameroons Notice No. 36, "The Two Alternatives"

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SOUTHERN CAMEROONS PLEBISCITE ORDER IN COUNCIL, 1960

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Southern Cameroons Plebiscite, 1961

THE TWO ALTERNATIVES

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SOUTHERN CAMEROONS PLEBISCITE

THE CONSTITUTIONAL ARRANGEMENTS FOR THE IMPLEMENTATION OF THE DECISION AT THE PLEBISCITE

INTRODUCTION

The United Nations General Assembly, after hearing the statement made by the representative of the Administering Authority, by the Premier of the Southern Cameroons and by the leader of the opposition in the Southern Cameroons House of Assembly, by Resolution 1352 (XIV) of 16th October, 1959, decided that arrangements should be made for a plebiscite to be held in the Southern Cameroons and that the two questions to be put at the plebiscite should be:—

- (a) Do you wish to achieve independence by joining the independent Federation of Nigeria?
- (b) Do you wish to achieve independence by joining the independent Republic of Cameroun?

On 31st May, 1960, the United Nations Trusteeship Council, by Resolution 2013 (XXVI), requested the Administering Authority to take steps, in consultation with the Authorities concerned, to ensure that the people of the Territory are fully informed, before the plebiscite, of the constitutional arrangements which would have to be made, at the appropriate time, for the implementation of the decision at the plebiscite.

This booklet is being produced in pursuance of the Trusteeship Council Resolution referred to above and will be used to explain to the public of the Southern Cameroons the constitutional implications of the two plebiscite choices.

The implications of joining the Federation of Nigeria have been made clear in undertakings given by Nigerian Ministers. Trusteeship would be terminated at an early date and the Southern Cameroons would join the Federation with the status of a fully self-governing Region equal in all respects with the other Regions in an independent Nigeria. The Federation of Nigeria already has a constitution which provides for regional Governments and it is, therefore, possible to set out in detail the constitutional arrangements that would be made if the plebiscite decision is in favour of the first alternative: these arrangements will be found on pages 7 to 12 below.

Insofar as the implications of joining the independent Republic of the Cameroun are concerned, Mr Foncha, in his capacity as leader of the political party advocating joining the independent Republic of Cameroun, has consulted directly with the President of the Republic of the Cameroun on the terms upon which the Southern Cameroons might be united with the Republic if the result of the plebiscite should be in favour of such a course. Her Majesty's Government, as Administering Authority, have on several occasions enjoined upon those concerned the need for clarification of these terms. A number of meetings have taken place in Yaounde, Douala and Buea at which Mr Foncha and his colleagues have discussed this question with President Ahidjo and members of his Government. These meetings have resulted in two joint communiques which are reproduced in full on pages 13 to 15, and which the Government of the Republic of Cameroun, in response to a formal request by Her Majesty's Government have authorized for publication.

In November, 1960, the Secretary of State for the Colonies (Mr. Iain Macleod) received, at the request of Mr. Foncha, a delegation representing the government and other parties in the Southern Cameroons. The main matter discussed at the talks was the implication of the second choice in the plebiscite. The Secretary of State said that in the view of Her Majesty's Government, the United Nations in adopting the two alternatives of joining Nigeria or the Cameroun Republic, clearly ruled out a period of continuing Trusteeship or separate independence for the Southern Cameroons.

In Her Majesty's Government's view, therefore, if the plebiscite goes in favour of the Cameroun Republic, arrangements would have to be made for the early termination of Trusteeship. The Secretary of State had noted that the Premier of the Southern Cameroons had ascertained from the President of the Cameroun Republic that a Federal form of constitution would be acceptable. The following interpretation was proposed as being consistent with the second question, it being understood that the association of the United Nations with the post-plebiscite conference mentioned in the text below would be subject to its agreement:—

"A vote for attaining independence by joining the Republic would mean that, by an early date to be decided by the United Nations after consultation with the Governments of the Southern Cameroons, the Cameroun Republic and the United Kingdom as Administering Authority, the Southern Cameroons and the Cameroun Republic would unite in a Federal United Cameroun Republic. The arrangements would be worked out after the plebiscite by a conference consisting of representative delegations of equal status from the Republic and the Southern Cameroons. The United Nations and the United Kingdom would also be associated with this conference. During the short period while the arrangements for transfer were being made the United Kingdom would of course be ready to continue to fulfil their responsibilities under the Trusteeship Agreement."

The President of the Republic of Cameroun and Mr. Foncha have endorsed the interpretation of the second plebiscite question set out above in the terms of the communique quoted on page 15. The Republic of Cameroun at the present time has a unitary form of constitution. A federal form of constitution for the Federal United Republic of Cameroun would be drawn up after the plebiscite and when it is known what states will form the Federation. The communiques quoted in pages 13 to 15 set out in outline the terms and conditions, as agreed by Mr Foncha and President Ahidjo and endorsed by the Government of the Republic of Cameroun, upon which the Southern Cameroons would join the Republic in the event of the vote in the plebiscite being in favour of such a course.

It will be observed from a study of the statements on pages 7 to 15 that there are a number of matters, arrangements for which would fall to be made after the plebiscite.

In the arrangements which have been made for the plebiscite, GREEN is the colour which has been allocated to the first alternative on which a vote can be cast, namely, for achieving independence by joining the independent Federation of Nigeria; and WHITE is the colour which has been allocated to the second alternative on which a vote can be cast, namely, for achieving independence by joining the independent Republic of Cameroun.

The ballot boxes to be used in the plebiscite will be painted GREEN and WHITE respectively.

The day fixed for the plebiscite is Saturday, 11th February, 1961.

CONSTITUTIONAL POSITION OF THE SOUTHERN CAMEROON'S IN THE EVENT OF IT ELECTING TO BECOME A PART OF THE REPUBLIC OF CAMEROUN

COMMUNIQUE

CONSIDERING that in the application of the Republic at the 14th Session of the United Nations a plebiscite is to be organized in February 1961 to allow the people of the Southern Cameroons under British Trusteeship and the people of the Northern Cameroons under British Trusteeship to declare whether they wish to join the Federation of Nigeria or to be united with the Cameroun Republic,

CONSIDERING that in the event of the result of this plebiscite being in favour of Reunification the application of this reunification on a federal basis allowing for the particular conditions of each group, could not be **automatic** but gradual,

CONSIDERING that the representatives of the Cameroun Republic and of the Government Party of the Southern Cameroons vigorously reaffirm the desire of their peoples to be reunited in one Nation,

CONSIDERING that the political heads have already met twice to examine the broad outlines of the Constitution of the two Federated States, they have, at the conclusion of their third meeting of the 10, 11, 12 and 13th October, 1960, decided to adopt the broad outlines of the **Constitution** which they will adopt in The event of the plebiscite vote being favourable to them.

JOINT DECLARATION

The representatives of the Cameroun Republic and the Government Party of the Southern Cameroons under British Trusteeship met for the third time to continue their discussions on the projected **Constitution** which would govern the reunified Cameroun.

At the conclusion of these talks, the Hon. J. N. Foncha, Prime Minister of the Southern Cameroons, His Excellency M. Ahmadou AHIDJO. President of the Cameroun Republic, and M. Charles ASSALE, Prime Minister and Head of the Cameroun Government.

STATE:

1. that they wish to use every available means to bring to a successful conclusion the task of national reunification which they have set themselves;
2. that in no case will the United Cameroun be a part either of the French Community or the British Commonwealth;
3. that they wish to create a Federal State whose institutions could be broadly outlined as follows:

The Federal United Cameroun Republic will be a democratic state. It will have its **motto**, **its anthem and its flag**. **The nationals of the federated states will enjoy Camerounian nationality**. The Federal State in the first stage will have power to deal with matters listed below as a minimum:

Public freedoms
Nationality
National Defence
Foreign Affairs
Higher Education
Immigration and emigration
Federal Budget
Posts and telecommunications

A list of powers which would fall within the competence of the Federal Government in the second stage will be set out in the Constitution.

The Federal Authorities will be composed of:

A Federal Executive headed by the President of the Republic, Chief of the Federal State, Federal legislature consisting of a Federal Legislative Assembly and a Federal Senate.

Certain federal laws will only be enacted in such a way that no measures contrary to the interest of one State will be imposed upon it by the majority (system of second reading with a qualified majority).

In the event of a conflict of laws between the Federal State and the Federated States, the federal law will prevail.

In non-federal matters, the Authorities of each of the Federated States will have exclusive competence.

Each of the Federated States will be ruled by a Government and will have a Legislative Assembly.

A federal Court of Justice will have as its purpose to unify judicial systems and to act as the Highest Court of Appeal of the Federal State.

Federal services will be established to carry out federal Administration.

Legislation (or systems of legislation in force) will remain valid until the enactment of federal legislation.

4. The Federation will be created by the Cameroun Republic and the Southern Cameroons under British Trusteeship. The two parties hope that the Northern Cameroons under British Trusteeship will also enter into this federation, either as a separate State, or as a part of the Cameroons at present under British Trusteeship.

5. In the event of the Southern and Northern Cameroons voting in favour of reunification, those entrusted with the responsibility of the affairs of the Unified Cameroons would, through mutual agreement, specify the manner in which the populations of the Cameroons would be asked to express their opinion on the Federal Constitution.

JOINT COMMUNIQUE

The representatives of the government party of the Southern Cameroons under British Trusteeship, led by the Hon. J. N. FONCHA, Prime Minister, on their return from London where they had talks with the United Kingdom Minister for the Colonies on the future of their territory, had on the 1st and 2nd December a fourth meeting with the delegation of the Cameroun Republic, led by the President of the Republic, Ahmadou AHIDJO.

The two parties were in full agreement:

1. that the United Nations General Assembly has stated with clarity the two questions which will be put at the time of the plebiscite on the 11th February, 1961, i.e.,

- (a) Do you wish to attain independence by Unification with the Independent Federation of Nigeria; or
- (b) Do you wish to attain independence by Unification with the Independent Cameroun Republic

2. that the two delegations whilst in **agreement with the interpretation of the second question which was accepted in London**, regret that the representatives of the Northern Cameroons were not present at this Conference and ask:

(a) *that* immediately after the plebiscite and in the event of the people voting in favour of unification with the Cameroun Republic, a Conference should be held attended by representatives of the Cameroun Republic and the Southern and Northern Cameroons.

(b) *that* this Conference, at which representatives of the Trusteeship Authority and possibly those of the United Nations would be present, would have as its aim the fixing of time limits and conditions for the transfer of sovereign powers to an organization representing the future Federation.

Signed: FONCHA

Signed: AHIDJO