

LEGAL ANALYSIS OF VIOLATIONS OF INTERNATIONAL LAW BY LA RÉPUBLIQUE DU CAMEROUN IN SOUTHERN CAMEROON AND CLAIMS FOR RESTITUTION

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I. VIOLATIONS OF INTERNATIONAL LAW

The presence of La République du Cameroun in the territory of the former British Southern Cameroons constitutes a persistent and multifaceted violation of international law. This analysis proceeds from the established legal premise that the 1961 union was an illegal annexation, rendering Cameroon's presence a form of **belligerent occupation**.

A. Jus ad Bellum Violations (The Law Governing the Resort to Force)

1. Violation of the Prohibition on the Use of Force (UN Charter, Article 2(4)):

- **Application:** The 2017 declaration of war and subsequent military campaign by President Biya was not a police action but an international armed conflict against a distinct people in a territory whose sovereignty is contested. Using force to maintain control over a territory acquired through a flawed decolonization process violates the prohibition against the "threat or use of force against the territorial integrity... of any state." The Southern Cameroons, as a UN Trust Territory, possessed a protected international status.

B. Jus in Bello Violations (International Humanitarian Law - IHL)

The conduct of Cameroon's military and security forces constitutes widespread and systematic breaches of the Geneva Conventions and their Additional Protocols.

2. Grave Breaches of the Geneva Conventions (War Crimes):

- **Willful Killing & Murder (GC Common Article 3; APII, Art. 4):** Documented massacres (Ngarbuh, Kumba, Mamfe) targeting civilians.
- **Torture and Inhumane Treatment (GC Common Art. 3):** Systematic use in BIR detention centers and secret dungeons (SED).
- **Extensive Destruction of Property (GCIV, Art. 53; API, Art. 52):** The deliberate, large-scale burning of hundreds of villages not justified by military necessity.
- **Collective Punishments (GCIV, Art. 33):** The imposition of curfews, blockades, and village burnings in retaliation for separatist activity.
- **Attacks on Civilian Objects (API, Art. 52):** Bombing and burning of schools, hospitals, and markets.
- **Use of Child Soldiers (APII, Art. 4):** Verified recruitment and use by Cameroonian proxy militias.

3. **Violations of the Law of Belligerent Occupation (Hague Regulations 1907):**

- **Failure to Ensure Public Order and Safety (Art. 43):** The state has fostered chaos and terror rather than order.
- **Respect for Local Laws (Art. 43):** The unilateral imposition of Francophone civil law and the dismantling of the Anglophone Common Law system.
- **Prohibition on Confiscation of Private Property (Art. 46):** Widespread looting and appropriation of land and resources by occupying forces and aligned elites.

C. Violations of International Human Rights Law (IHRL)

Cameroon's obligations under ratified treaties are breached systematically.

4. **Violation of the Right to Self-Determination (ICCPR/ICESCR Common Art. 1):**

- The foundational and ongoing violation. The state uses force to deny the people their right to freely determine their political status.

5. **Violations of the International Covenant on Civil and Political Rights (ICCPR):**

- **Right to Life (Art. 6):** Extrajudicial killings.
- **Prohibition of Torture (Art. 7):** Systematic torture.
- **Right to Liberty and Security (Art. 9):** Arbitrary detention and enforced disappearances.
- **Freedom of Expression and Assembly (Arts. 19, 21):** Brutal suppression of protests and a complete information blackout via internet shutdowns.

6. **Violations of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD):**

- The state's policies of **linguistic and cultural assimilation** constitute discrimination based on "national or ethnic origin." The systemic marginalization of Anglophones in public life is structural racial discrimination.

7. **Acts Constituting Crimes Against Humanity (Rome Statute of the ICC, Art. 7):**

- The widespread and systematic attack against the Anglophone civilian population includes: **Murder, Extermination, Enslavement, Deportation, Imprisonment, Torture, Rape, Persecution (on linguistic/ethnic grounds), Enforced Disappearances, and Other Inhumane Acts.**

8. **Acts with Hallmarks of Genocide (Genocide Convention, Art. II):**

- Evidence points to **genocidal intent (dolus specialis)** through statements ("extermination") and a pattern of acts calculated to destroy the Anglophone group in whole or in part:

- **Killing members of the group:** Targeted killings.
 - **Causing serious bodily or mental harm:** Widespread torture and trauma.
 - **Deliberately inflicting conditions of life calculated to bring about physical destruction:** Economic blockade, destruction of farms and healthcare.
 - **Imposing measures to prevent births:** Systematic sexual violence.
 - **Forcibly transferring children:** Abduction and transfer of children from burned villages.
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II. CLAIMS FOR RESTITUTION FOR 65 YEARS OF ILLEGAL OCCUPATION

Under international law, particularly the **Articles on Responsibility of States for Internationally Wrongful Acts (2001)**, a state responsible for an internationally wrongful act is under an obligation to make **full reparation**. This includes **restitution, compensation, and satisfaction**.

Claim 1: Full Restitution (Restitutio in integrum) – The Primary Remedy

- **Definition:** Re-establishment of the situation that existed before the wrongful act.
- **Specific Demand:** Given that the wrongful act is the **illegal annexation and occupation**, full restitution means:
 - **The complete and unconditional withdrawal** of all Cameroonian administrative, military, police, and para-statal structures from the territory of the Southern Cameroons.
 - The termination of Cameroon's claim of sovereignty.
 - The facilitation of the territory's path to **sovereign independence** as the rightful outcome of its decolonization.
- **Legal Basis:** This is the only remedy that directly addresses the root wrongful act. Compensation alone would be insufficient and would legitimize the occupation.

Claim 2: Comprehensive Financial Compensation

For the damages flowing from 65 years of illegal occupation, the State of Cameroon must pay compensation to the **State of Southern Cameroons (upon independence)** and to individual victims. A UN-administered commission would quantify:

- **A. Exploitation of Natural Resources (1961-Present):**
- **Calculation:** Full market value + interest of all oil, timber, minerals, and agricultural commodities extracted from the territory without the consent of its people or equitable benefit.
- **Legal Analogy:** UNGA Resolution 1803 (1962) on "Permanent Sovereignty over Natural Resources."
- **B. Destruction and Theft of Property (2017-Present War):**
- Compensation for over **400 burned villages**, destroyed homes, schools, hospitals, and farms. Valuation of looted property.
- **C. Human Damages (Individual Reparations):**
- A Victims' Compensation Fund for:
- **Loss of Life & Injury:** For families of the over 6,000 killed and tens of thousands injured.
- **Torture and Sexual Violence:** Rehabilitation and monetary compensation for survivors.
- **Forced Displacement:** Compensation for over 800,000 IDPs and refugees for lost livelihoods and property.
- **Psychological Trauma:** Mass trauma therapy programs.
- **D. Economic Stagnation and Lost Development:**
- Compensation for deliberate underdevelopment: the value of withheld infrastructure projects (Limbe Deep Seaport, Ring Roads), underfunded education and healthcare systems, and stifled economic growth. Calculated by comparing development indices with equivalent regions over 65 years.

Claim 3: Satisfaction and Guarantees of Non-Repetition

- **Full Public Acknowledgment and Apology:** By the State of Cameroon, for the illegal annexation, occupation, and commission of atrocity crimes.
- **International Criminal Prosecutions:** Cooperation with the ICC or a specially constituted hybrid tribunal to prosecute individuals most responsible for war crimes, crimes against humanity, and genocide.
- **Vetting and Dismantling of Repressive Apparatus:** The dissolution of the **Brigade d'Intervention Rapide (BIR)** and other units implicated in atrocities, with bans on members serving in the new state's security forces.
- **Memorialization:** Funding for museums, archives, and monuments dedicated to the victims of the occupation and war.

Claim 4: Return of Cultural and Historical Property

- Repatriation of all historical archives, artifacts, and cultural property related to the Southern Cameroons held in Yaoundé.

Claim 5: Assumption of a Proportionate Share of Public Debt (1961-Date of Independence)

- An international arbitration tribunal (Permanent Court of Arbitration) to determine the equitable share of Cameroon's national debt attributable to investments and spending in the Southern Cameroons territory during the period of occupation.
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III. MECHANISM FOR ADJUDICATION AND ENFORCEMENT

1. **International Court of Justice (ICJ):** The State of Southern Cameroons, upon independence, would bring a case against Cameroon for violations of international law and claims for reparations.
2. **UN General Assembly Resolution:** Could establish a **Commission on Reparations and Restitution for the Southern Cameroons**, empowered to assess claims and oversee a compensation fund, to be capitalized by frozen Cameroonian state assets abroad.
3. **Bilateral Negotiations Under UN Auspices:** As part of the independence settlement, a comprehensive "Treaty on Separation, Restitution, and Future Relations" would encode these obligations.

CONCLUSION: The legal case for restitution is profound. Cameroon's occupation is not merely politically contentious; it is an ongoing **internationally wrongful act** generating continuous liability. The claims for restitution are not punitive but remedial, seeking to restore, to the degree possible, the political and economic existence that was illegally suppressed for 65 years. The scale of compensation would be historic, reflecting the duration and brutality of the violation, and would serve as a critical foundation for the new state's reconstruction.

DEFINITION AND FRAMEWORK OF TY IN INTERNATIONAL LAW AND CONFLICT RESOLUTION

TY (derived from the Greek **τυραννία** tyrannía) in the context of the Southern Cameroons conflict refers to the **system of illegitimate, oppressive, and violent governance imposed by La République du Cameroun** over the territory following its illegal annexation in 1961. It represents a form of political domination that violates both the domestic social contract and international legal norms of legitimate state authority.

I. CHARACTERISTICS OF THE TY REGIME IN SOUTHERN CAMEROONS

1. **Illegitimate Foundation:** Authority derives not from popular consent or a valid treaty of union, but from a **flawed UN plebiscite (1961)** that denied the option of independence and a subsequent unilateral imposition of constitutional order (Foumban Conference).
 2. **Rule by Force, Not Law:** Governance is maintained primarily through:
 - **Military Occupation:** The permanent stationing of the Forces de Défense du Cameroun (FDC) and the elite Brigade d'Intervention Rapide (BIR) as occupation forces.
 - **Coercive Institutions:** The use of military tribunals, the Secrétariat d'État à la Défense (SED) torture chambers, and arbitrary arrests under anti-terror laws to criminalize political dissent.
 - **Collective Punishment:** Policies like internet shutdowns (2017), village burnings, and economic blockades designed to punish entire communities.
 3. **Denial of Self-Determination:** The systematic suppression of the Anglophone population's right to determine their political status, as guaranteed under **UN Charter Article 1(2)** and **ICCPR Article 1**. This includes violent repression of protests (2016-2017) and the 2017 declaration of war against civilian populations.
 4. **Cultural and Linguistic Tyranny:** The imposition of Francophone administrative, legal, and educational systems constitutes **cultural genocide**—deliberate erosion of the Anglophone identity through:
 - Forced assimilation policies in education
 - Imposition of Francophone judges in Common Law courts
 - Marginalization of English in official proceedings
 5. **Economic Exploitation:** Resource extraction (oil, timber, agricultural products) without equitable benefit to the local population, creating a **colonial economic model** where wealth is transferred to Yaoundé while infrastructure in Southern Cameroons remains underdeveloped.
 6. **Absence of Rule of Law:** The legal system serves as an instrument of oppression rather than justice, characterized by:
 - Lack of judicial independence
 - Military court jurisdiction over civilians
 - *Impunity for state security forces
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II. LEGAL QUALIFICATIONS UNDER INTERNATIONAL LAW

The TY regime constitutes multiple violations of international legal norms:

1. **Illegal Occupation:** Under the **Hague Regulations of 1907** and **Fourth Geneva Convention**, Cameroon's administration constitutes belligerent occupation, as it exercises authority over territory to which it has no legitimate sovereign claim.
 2. **Violation of Peremptory Norms (Jus Cogens):**
 - **Right to Self-Determination:** Systematic denial violates a fundamental norm of international law.
 - **Prohibition of Racial Discrimination:** Structural discrimination against Anglophones violates **ICERD**.
 - **Prohibition of Crimes Against Humanity:** Widespread attacks on civilian populations.
 3. **Breach of Fiduciary Duty:** As the de facto administering power of a territory with unresolved decolonization status, Cameroon has violated its duty under **UN Charter Chapter XI** to promote the well-being of inhabitants.
 4. **Aggravated State Responsibility:** The scale, duration (65+ years), and systematic nature of violations constitute **aggravated responsibility** under the **International Law Commission's Articles on State Responsibility**.
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III. RESTITUTION AND REMEDIAL FRAMEWORK

Addressing six decades of TY requires comprehensive transitional justice mechanisms:

Phase 1: Cessation and Acknowledgment

1. **Immediate Ceasefire:** Under UN/AU supervision
2. **Full Withdrawal:** Of Cameroonian military and administrative personnel
3. **Official Acknowledgement:** Of the illegal nature of the occupation

Phase 2: Truth and Documentation

1. **International Commission of Inquiry:** UN-mandated investigation into crimes (2017-present)
2. **Historical Truth Commission:** Examination of 1961-2016 period

3. **Documentation Center:** Permanent archive of violations

Phase 3: Reparations Program

Structured according to the **UN Basic Principles on Reparations** (2005)

1. **Restitution:**

- Return to 1961 status: **Independence referendum** under UN supervision
- Restoration of destroyed property (villages, schools, hospitals)
- Return of cultural artifacts and archives

2. **Compensation:**

- **Individual Reparations:** For families of killed/injured (estimated 6,000+ deaths)
- **Community Reparations:** For 400+ burned villages
- **Historical Compensation:** For 65 years of resource exploitation
- **Development Fund:** For deliberate underdevelopment

3. **Rehabilitation:**

- Medical and psychological care for trauma victims
- Educational programs for disrupted schooling
- Economic reintegration programs

Phase 4: Accountability Mechanisms

1. **Hybrid Tribunal:** Special Chamber for Southern Cameroons atrocities
2. **Vetting and Lustration:** Of former regime officials
3. **Security Sector Reform:** Complete restructuring

Phase 5: Institutional Transformation

1. **Constitutional Convention:** Inclusive process for new state
 2. **Guarantees of Non-Repetition:** International monitoring mechanisms
 3. **Memorialization:** Museums, monuments, education programs
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IV. INTERNATIONAL IMPLEMENTATION MECHANISM

1. **UN Security Council Resolution:** Under Chapter VII, establishing:
 - Transitional administration (UNTA-SC)
 - Reparations Commission
 - Hybrid tribunal statute
2. **International Trusteeship:** Temporary UN administration during transition
3. **Asset Freezing and Seizure:** Of Cameroonian state assets abroad to fund reparations

- 4. **Multilateral Compensation Fund:** Administered by World Bank/UNDP
 - 5. **Monitoring Committee:** Composed of UN, AU, Commonwealth, and key states
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V. HISTORICAL PRECEDENTS AND COMPARISONS

Case	Duration	Key Mechanisms	Relevant to Southern Cameroons
East Timor	24 years occupation	UN Transitional Administration, Truth Commission, Reparations	UN-supervised transition after illegal occupation
Namibia	75 years occupation	UNSC Resolution 435, Repatriation, Restitution	Resolution of incomplete decolonization
Bosnia	1992-1995	International Tribunal, Property restitution	Hybrid justice, return of displaced persons
South Africa	1948-1994	Truth Commission, Reparations, Land restitution	Addressing systemic discrimination

VI. PROJECTED TIMELINE AND COSTS

Transition Period: 5-7 years
Estimated Costs:

- Humanitarian & Stabilization (Years 1-2): \$2-3 billion
- Reparations Program: \$15-25 billion (over 20 years)
- Institution Building: \$1-2 billion
- Security Transition: \$500 million-1 billion

Funding Sources:

1. Repatriated Cameroonian state assets (30%)
 2. International donor fund (40%)
 3. Future resource revenue from Southern Cameroons (20%)
 4. Voluntary contributions (10%)
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CONCLUSION: FROM TY TO SOVEREIGNTY

The TY regime in Southern Cameroons represents one of the longest-running illegal occupations in post-colonial Africa. Its resolution requires not merely a political settlement but a **comprehensive corrective justice process** that addresses six decades of systematic violations.

The proposed framework recognizes that:

1. The violation is ongoing and continuous since 1961
2. Remedies must be proportional to the scale and duration of harm
3. International law provides both the basis for claims and mechanisms for resolution
4. Only through addressing the root causes—the illegal annexation and denial of self-determination—can sustainable peace be achieved

The international community bears particular responsibility given the UN's role in the flawed 1961 process. A successful transition would establish important precedents for addressing other unresolved decolonization situations and protracted illegal occupations worldwide.

"The remedy for tyranny is not reform, but restoration—the return of stolen sovereignty and the repair of historical wrongs through justice, truth, and reparation."