

# **A Blueprint for the Legal and Effective Attainment of Independence for British Southern Cameroon**

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**Executive Summary:** This study provides a detailed, phased roadmap to achieve the complete independence of British Southern Cameroon by rectifying the flawed 1961 decolonization process. It is grounded in international law, leverages UN mechanisms, and proposes a pragmatic political strategy to secure international support. The core argument is that the territory remains a **Non-Self-Governing Territory (NSGT)** under a state of belligerent occupation, and its path to sovereignty requires a UN-supervised process to complete its interrupted self-determination.

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## Part I: The Legal & Historical Foundation for Action

### A. The Unfinished Decolonization Thesis:

1. **Violation of UN Charter Chapter XI & XII:** The 1961 plebiscite violated the "sacred trust" by denying the option of sovereign independence, contravening UNGA Resolution 1514 (XV).
2. **Absence of a Valid Act of Union:** No treaty signed by the UK (Administering Power), La République du Cameroun, and representatives of the Southern Cameroons was ever deposited with the UN Secretariat, as required for a valid transfer of sovereignty under international law. The Foumban accords were domestic constitutional proposals, not an international treaty.
3. **Status Quo as Illegal Annexation:** The subsequent abolition of the federation (1972) and renaming (1984) consolidated an act of annexation. The territory's current status is one of **belligerent occupation** by La République du Cameroun, not lawful integration.

### B. Legal Precedents Supporting Remedial Self-Determination:

- **ICJ Advisory Opinion on Western Sahara (1975):** Affirmed the fundamental right of a territory's population to self-determination prior to any change in status.
- **ICJ Advisory Opinion on Kosovo (2010):** Established that declarations of independence are not violations of international law, especially in contexts of unresolved historical claims and severe repression.
- **UN Practice:** The cases of **East Timor** (recognized as a NSGT under Indonesian occupation, leading to a UN-supervised referendum) and **South Sudan** (secession following a comprehensive peace agreement to end a long war) provide procedural models.

**Conclusion:** The Southern Cameroons has a **continuing right to complete its decolonization**. The international community has a responsibility to correct a historical injustice that is the root cause of a devastating war.

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## Part II: The Strategic Roadmap to Independence

This roadmap is a multi-track process requiring parallel action in legal, diplomatic, and domestic arenas.

### Phase 1: Foundation Building & International Legitimation (Months 0-24)

**Objective:** To establish an undeniable legal and political case at the highest international levels, shifting the narrative from "internal conflict" to "unfinished decolonization."

#### 1. Legal Track:

- **Seek an ICJ Advisory Opinion:** The UN General Assembly should be lobbied to pass a resolution requesting an ICJ Advisory Opinion on the following questions:
  - \*"Was the process leading to the union of the former UN Trust Territory of British Southern Cameroon with La République du Cameroun in 1961 conducted in full compliance with the right to self-determination under the UN Charter and relevant UN resolutions?"\*
  - "What is the current international legal status of the territory known as the Northwest and Southwest Regions of Cameroon?"
- **Purpose:** A negative ruling on the 1961 process would shatter Cameroon's legal claim and oblige the UN to act.

#### 2. Political & Diplomatic Track:

- **Re-list as a Non-Self-Governing Territory (NSGT):** Lobby the UN General Assembly's **Special Committee on Decolonization (C-24)** to re-inscribe the Southern Cameroons on its list. This requires demonstrating that the territory never achieved a full measure of self-government. This would trigger annual UN scrutiny and a mandate for the Administering Power (the UK, as the former trustee) to report on the territory.

- **Build a "Group of Friends of Southern Cameroons":** A coalition of supportive states (e.g., Nigeria, South Africa, Canada, Switzerland, Norway, UK, US) in key international fora (UN, AU, Commonwealth).
- **AU Engagement:** Petition the **African Commission on Human and Peoples' Rights** for a ruling on the violation of Article 20 (Right to Self-Determination) and refer it to the **African Court**. Exploit the AU's foundational anti-colonial principles.

## **Phase 2: Creating the Framework for a Referendum (Months 12-36)**

**Objective:** To establish the mechanism and secure the mandate for a definitive act of self-determination.

### **1. UN Security Council Action:**

- Following the ICJ opinion or C-24 re-inscription, lobby for a **UN Security Council Resolution** under Chapter VI. The resolution would:
  - Affirm the right of the people of the Southern Cameroons to self-determination.
  - Establish a **UN Transitional Administration for the Southern Cameroons (UNTASC)**, modeled on **UNTAET (East Timor)**. Its mandate: to oversee a ceasefire, administer the territory, and prepare for and conduct a referendum.
  - Authorize a **UN peacekeeping force** to separate warring parties and secure the referendum process.

### **2. Negotiating the Referendum Terms:**

- A **UN-mediated dialogue** (led by a Special Envoy) between representatives of the Southern Cameroons (including the Interim Government and major civil society actors) and La République du Cameroun.
- **Sole Agenda:** The terms of the **referendum**, not the union. Topics would include:
  - The referendum question (e.g., "Do you agree that the Southern Cameroons should become an independent sovereign state?").
  - Eligibility of voters (based on 1961/1972 residency or ancestral links).
  - Security arrangements and disarmament.
  - The timeline and role of UNTASC.

## **Phase 3: The Act of Self-Determination & Transition (Months 24-48)**

**Objective:** To execute a free, fair, and internationally recognized referendum and manage the transition to independence.

### **1. The Referendum Period:**

- **UNTASC** assumes administrative control, ensuring public order, freedom of movement, and assembly.
  - A massive **civic education** campaign, funded and managed by the UN/UNDP.
  - A **UN-supervised referendum** with robust international observation.
2. **Post-Referendum Transition (In the event of a vote for independence):**
    - **UNTASC** remains in place for a **24-month transition period**.
    - **Constitutional Convention:** An inclusive, elected body drafts a constitution.
    - **Institution Building:** UN agencies provide technical assistance to establish core state institutions (Central Bank, Judiciary, Civil Service, Electoral Commission).
    - **Security Transition:** The UN peacekeeping force oversees the phased withdrawal of Cameroonian military and police, while a new **Southern Cameroons Defence Force** is vetted and trained.
    - **Asset and Liability Division:** An international arbitration panel oversees the equitable division of national assets, debts, and pension liabilities.
  3. **Recognition and Integration into the International Community:**
    - **UN Membership:** Immediate application upon the formal declaration of independence.
    - **AU & Commonwealth Membership:** Strategic priorities given historical and cultural ties.
    - **Bilateral Recognition:** Secured in advance from the "Group of Friends."
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## **Part III: Critical Success Factors & Mitigation of Risks**

### **1. Managing Cameroon's Response:**

- **Incentives:** A massive **international reconstruction fund for Cameroon**, conditional on peaceful acceptance. Debt relief. Guarantees of access to the port of Limbe and resource agreements.
- **Disincentives:** Targeted **sanctions** on regime leaders and the threat of ICC prosecution for atrocity crimes should force be used to disrupt the process.

### **2. Ensuring Internal Cohesion in Southern Cameroons:**

- The **UN-mediated dialogue** must include all major separatist factions and civil society to produce a unified delegation.
- A **Pre-Transitional Council** of Southern Cameroonian stakeholders must be established early to advise UNTASC and build local ownership.

### **3. Financing the Process:**

- A **UN Multi-Donor Trust Fund**, capitalized by the "Group of Friends," to fund UNTASC, the referendum, and the transition.

- The UK, as the former Administering Power, bears a historical and financial responsibility to be a leading donor.

#### 4. **Addressing Humanitarian Needs Concurrently:**

- A **massive, UN-coordinated humanitarian and reconstruction program** must run parallel to the political process to build immediate peace dividends and win popular support.

### **Conclusion: A Pathway from Injustice to Sovereignty**

The independence of the Southern Cameroons is not merely a secession but the **lawful completion of a decolonization process illegally truncated in 1961**. Achieving it requires reframing the issue in the language of international law and UN procedure, not just armed conflict.

The proposed pathway is arduous but structured. It leverages the UN's own founding principles to correct its historical failure. It offers Cameroon a face-saving exit from a costly, unwinnable war through international guarantees. It provides the people of the Southern Cameroons with the **legal, supervised, and definitive act of self-determination** they were denied six decades ago. The alternative is the indefinite continuation of a genocidal war. The international community's choice is between upholding the order it created or presiding over its erosion through inaction.