

# AFRICA-U.N. BULLETIN

Issued by: American Committee on Africa, Inc.  
801 Second Avenue  
New York 17, New York

George M. Houser  
Executive Director

No. 17

November 16, 1959

British Cameroons: Plebiscite Postponed in South: At the 1958 session of the General Assembly no question aroused more bitterness than that of the future of the British and French Cameroons Trust Territories. These territories, halves of the pre-World War I German Kamerun colony, which first became League of Nations mandates and subsequently UN trust territories, in a cultural sense comprise three, rather than two, territories: the French territory, the Northern British Cameroons, and the Southern British Cameroons (the latter two separated by a thin slice of Nigerian territory). Determining their future last year, the Assembly acted as if three separate territories were involved and proposed different solutions for each.

The 1958 Assembly voted to hold a plebiscite in the Northern Cameroons this November in order to determine whether its inhabitants prefer to join an independent Nigeria (on October 1, 1960) or to defer a final decision on the territory's future until a later date. Surprisingly, the results of the plebiscite announced November 9 indicated that the people of the Northern Cameroons wished to have the trusteeship continue until a later time. Another plebiscite will be held after the French Cameroons and Nigeria have achieved independence, in 1960, to allow the people to choose whether they wish to join Nigeria, to join the French Cameroons, or to form an independent territory with the Southern British Cameroons.

Following a bitter struggle which split the Afro-Asian bloc, the 1958 Assembly voted termination of trusteeship for the French Cameroons on January 1, 1960, when it is scheduled to receive full independence, without requiring prior elections, as demanded by the African countries. At that time Premier Ahijdo promised to hold elections immediately after independence; but at present he apparently needs French support to maintain order in the face of a minor rebellion presumably led by the banned UPC (Union des Populations Camerounaises). Therefore the likelihood of immediate elections when the new state takes over its own internal security does not seem great.

The uncertain state of affairs in the French Cameroons caused the difficulties the Fourth (Trusteeship) Committee faced this year in implementing its resolution of the last session relating to the Southern Cameroons. Largely as the result of elections held last fall in the Southern Cameroons, which brought into power the party opposing unification with Nigeria and favoring reunification of British and French Cameroons, the 1958 Assembly adopted a resolution requiring a plebiscite to be held this winter to determine the future of the area. The exact wording of the plebiscite question was left to be determined by this session of the Assembly, the hope being that the two major political parties would agree upon a satisfactory formula in the intervening year.

However, at the beginning of this Assembly session the government leader, John Foncha, had not been able to reach any agreement with the opposition leader, E. M. L. Endeley, who favors union with Nigeria. Since Foncha's party had become frightened by the prospect of union with the French Cameroons in its current troubled state,

Foncha felt obliged to ask the Fourth Committee to continue trusteeship over the Southern Cameroons until 1962, when he proposed that the plebiscite should be held. Endeley, sensing that current events were strengthening his party's position, supported an immediate vote. Eventually, under pressure from the Independent African States' Organization, the two leaders agreed on a plebiscite to be held between September 30, 1960, and March, 1961, in which the choice would be between achieving independence by joining an independent Nigeria or an independent Republic of the (French) Cameroons.

Surprisingly, many delegates objected strongly to the temporary continuation of trusteeship over the Southern Cameroons, even with the consent of the major parties there. The objections of the outspoken Indian delegation were based on the doubtful legality of the resulting alteration of the British Cameroons trusteeship agreement (although the UN legal counsel did not have such doubts) and on the "bad precedent as to partition" (of the entire British Cameroons territory) which might be established thereby. It seems possible that the Indians were still smarting from the rebuff handed the UN's 1958 Visiting Mission to the Cameroons, which included an Indian delegate; its recommendation to unite the Northern Cameroons to Nigeria without a plebiscite was overruled, and its acceptance of the Ahijdo government of the French Cameroons as fully representative was sharply challenged by all the African states, who demanded UN-supervised general elections prior to independence and the end of trusteeship. (It is clear that the Africans will again raise the question of elections in the French Cameroons if they have an opportunity.)

Ultimately the Fourth Committee adopted the compromise worked out by Foncha and Endeley, including a provision that eligible voters should be limited to persons born in the Southern Cameroons or one of whose parents was born there. (This will bar many Nigerians and French Cameroonians whose interests do not necessarily coincide with those of the South Cameroonians.) The General Assembly approved the draft resolution on October 16.

South West Africa: Progress at Last: After 13 years of ineffectual "deploring" and hand-wringing, the Fourth Committee at this session finally proposed a new approach to the problem of South West Africa.

The Territory of South West Africa, a former German colony, was placed under the League of Nations mandate system after World War I, and the Union of South Africa administered its affairs under a mandate agreement. After World War II, when the UN succeeded the demised League, the Union government -- in contrast to every other mandatory power -- refused to place its mandated territory under the UN's trusteeship system. It also refused to render any reports or to give any information about South West Africa to the UN or to allow any UN representative on South West African soil; it has also prohibited petitioners from leaving the Territory to appear before the UN. In 1950 the World Court rendered an advisory opinion that the Union was not compelled to place South West Africa under the trusteeship system, but that it was required to continue to abide by the provisions of the mandate agreement under which it had undertaken administration of the Territory and that it could not change the status of the area unilaterally. The United Nations created an ad hoc Committee on South West Africa to collect information on the Territory from all available sources, and its conclusions about the tragic consequences of South African policy on the indigenous inhabitants have repeatedly been accepted by the Assembly. But no effective action has resulted.

Two years ago the Assembly, after determining that the Union would be receptive, created an ad hoc Good Offices Committee, consisting of one representative each of Brazil, the United Kingdom, and the United States, to negotiate with the Union

government concerning the establishment of an acceptable international status for the Territory. The Committee came back from the Union with two suggestions: (1) That the United States, the United Kingdom, and France, as the Principal Allied and Associated Powers in whose name South West Africa was taken in World War I, might form a sort of continuing mandate commission similar to the one established under the League when the Union did make the required periodic reports; or (2) That the Territory should be partitioned, with the larger, more fertile area (drawn so as to include known mineral resources) being incorporated into the Union, while the remaining desert area would be put under trusteeship with the Union the administering power. Debate on the report in last year's Assembly turned on the second proposal, which was decisively defeated. Ultimately positive action was again limited to expression of concern and regrets and to continuation of the Good Offices Committee despite the lack of any prospect of success.

Almost as soon as debate opened this year it was apparent that the atmosphere had subtly changed. The Union representatives did not dare boycott the sessions on South West Africa, as they had for several years, although they did leave when certain of the petitioners spoke. And at the end of four hard weeks of debate two highly significant resolutions were adopted by the Fourth Committee:

The first was sponsored by 24 nations, headed by India. After noting the Union's failure to place the Territory under trusteeship, the ruling of the Court regarding the Territory, the conclusions of the South West Africa Committee, the statements of the petitioners, and the progress of other areas under trusteeship, the resolution requested the Union (a) to enter negotiations with the UN through the South West Africa Committee or another committee in order to place the Territory under trusteeship, and (b) immediately to formulate for Assembly consideration proposals which will make it possible for the Territory to be administered according to the mandate provisions under UN supervision. A competing "Scandinavian" resolution, which had the same operative clauses but omitted all preambular provisions which might offend the Union, was finally withdrawn after it failed to attract support.

The second resolution, sponsored by the African states, Haiti, Pakistan, and the Philippines, in form merely called the attention of the member states to the possibility of referring to the International Court questions about interpretation or application of the South West African mandate agreement. In spirit this resolution was a recommendation that such legal action be taken by one or more former members of the League (the right of other states to take such action is doubtful). The Court would have jurisdiction to hear such a question whether or not the Union wished it because the Union, in accepting the mandate, committed itself to accept the jurisdiction of the World Court (now succeeded by the International Court) on any question as to interpretation or application of the mandate agreement; and the question to which the African states seek an answer is whether the Union's administration of the Territory has violated its obligations under the mandate agreement. While no legal impediment has prevented former League members from raising the question before now, the effect of the resolution is to encourage such legal action. It appears that one or more states are preparing to proceed, certainly if the negotiations requested by the first resolution come to naught.

Why has this resolution passed this year? The Reverend Michael Scott, that "hardy annual" as South Africa's Foreign Minister Louw termed him, has been pleading in vain for years for just such action. The answer is complex, but the most important reasons can be determined:

(1) The effect of the petitioners. In addition to Scott and Mburumba Kerina, who joined him several years ago to represent the Hereros and other South West African peoples, the Fourth Committee this year heard effective pleas by two new

petitioners, Fanuel Jariretundu Kozonguizi, a Herero, and Johannes Beukes, a Colored. Both of these new petitioners had had considerable advance publicity and had dramatic personal stories to recount as well as some new information. In addition, three young Americans, Allard Lowenstein, Emory Bundy, and Sherman Bull, who had gone on their own to South West Africa to investigate conditions there, made excellent oral presentations and -- more important -- brought back moving tape recordings of messages from African leaders forbidden to leave the Union who pleaded for help from the UN. (In order not to "set a precedent," the Fourth Committee did not listen to the tapes during a regular sitting but adjourned so that interested delegates could listen to them being played "unofficially" in another room; the text of the messages was thereafter circulated as an official document.) An attempt by the South African delegate to smear the petitioners backfired badly as the Norwegian Ambassador, the petitioners themselves, and a host of world-renowned figures refuted his charges.

(2) The changed attitude of the United States. In prior years the United States has piously reiterated its position against sin in general and segregation in particular and then abstained on resolutions expressing more than the gentlest of disapproval. This year, after abstaining on the question of hearing the three American petitioners (another precedent-setting action), the United States, thanks in large part to the unremitting efforts of its very able representative, Mason Sears, announced that it would support both resolutions. This change of attitude reflects, no doubt, a reassessment of world politics, influenced by the growing strength of Africa and Asia in world affairs, as well as perhaps a rumored decreasing dependence of the United States on the Union of South Africa for uranium -- which has now become something of a drug on the market. The Soviet Union, which has traditionally opposed recourse to the International Court, also relaxed its position so as to support the second resolution.

(3) The apparent change in the attitude of the Union. Worried that a resolution advocating an appeal to the International Court might be adopted this time, the Union's representatives changed their tactics and took part in the debate on South West Africa for the first time in several years. Toward the end of the discussion, the Union delegate went so far as to inform the Fourth Committee that his government would: (a) participate again next year in discussions of the subject; (b) make information on South West Africa available to the UN; and (c) enter into discussions with "an appropriate United Nations *ad hoc* body that may be appointed after prior consultation with the Union Government." While specifics were carefully avoided and the propositions stated so as not to prejudice the Union's legal position, these proposals obviously encouraged the 23 nations which joined with India in sponsoring the resolution calling for negotiations and probably forestalled a more drastic resolution on legal action, which the Liberian delegate in a dramatic speech indicated that her government was prepared to back.

The greatest surprise in the four weeks of debate came from the Indian delegation, which, with Krishna Menon as its spokesman, attacked the so-called "legal resolution" of the African states and urged negotiations solely. Menon argued that an appeal to the International Court would not assure a favorable decision, that it would remove the question from Assembly competence while *sub judice*, and that even a favorable decision would resolve nothing. (In practical fact it seems that India's attitude may have been affected by concern over the fate of large numbers of Indians in South Africa threatened with increasing apartheid restrictions and also over the need for Commonwealth unity in view of China's increasing threat to the Indian border states.) However, the Indian delegate finally voted for the second resolution, which passed with only two dissenting votes.

In addition to the resolutions cited above, the Fourth Committee passed draft resolutions: restating its position that South West Africa should be placed under

international trusteeship; urging the Union government to reconsider its decision withdrawing his passport from Mr. Beukes; and expressing its appreciation to the Good Offices Committee.

Due to the long duration of the debates on South West Africa the Fourth Committee faces the possibility that it may not be able to give adequate consideration to all the other questions still to come before it. Saturday and night sessions have already begun for the hard-working delegates on this Committee.