

WHO ARE WE? THE PEOPLE OF SOUTHERN CAMEROONS ASK

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ABSTRACT

Because there can be no Cameroonian nationality outside la Republic, international law recognises only the inhabitants of la Republic of Cameroon as Cameroonians. Acquisition of Cameroonian nationality is only by treaty and once the treaty is abrogated, you are no longer a Cameroonian. If the 1972 constitution which gave the people of southern Cameroons nationality was abrogated, then who are we? The people asked. This paper begs an answer to this question. In answering this question, it is useful to have a look at the history of Cameroon. True African history is important because it plots a course for the understanding of the people's past and present. It help the people locate themselves on the map, tell them of their historical time of the day, who they are, what they have been, where they are now, but most importantly, where they still must go. We cannot therefore gainsay the fact that in the absence of true African history, many will be left in the dark as it is the case today in Cameroon. A description of the history of Cameroon will provide an important background to asserting the identity or nationality of the people of southern Cameroons.

Key Words: People, Southern, Cameroons

INTRODUCTION

Issues have arisen regarding the future of the people of southern Cameroons. According to Cameroonian politicians and historians, southern Cameroons form an integral part of the Republic of Cameroon, and as such are Cameroonian citizens.¹ Secessionist such as Julius

Ayuk Tabe, chairman of the governing council of Ambazonia and others, have denied the Cameroonian nationality on the grounds that they are not Cameroonians and thus should be sieved from “la Republic du Cameroun”.ⁱⁱ If the secessionists are not Cameroonians, then who are they? The people of Cameroons asked. This paper begs an answer to this question. In answering this question, it is useful to have a look at the history of Cameroon. True African history is important because it plots a course for the understanding of the people’s past and present. For this very reason, African people are called upon to “reflect deeply on their history as it relates to their present life conditions and to their future.”ⁱⁱⁱ

As a matter of fact, true African history would help the African people “... locate themselves on the map of the world, tell them of their historical time of the day, who they are, what they have been, where they are now, but most importantly, where they still must go”.^{iv} We cannot therefore gainsay the fact that in the absence of true African history, many will be left in the dark as it is the case today in Cameroon. A description of the history of Cameroon will provide an important background to asserting the identity or nationality of the people of southern Cameroons.

THE COLONIAL HISTORY OF CAMEROON

Cameroon’s history begins with the arrival of the Portuguese at the coast of Douala in the 15th century (1472) led by explorer Fernando Po. Due to the abundance of shrimps in the Wouri River, Po decided to christened the river Rio Dos Camaroes (River of Prowns). Unfortunately, malaria and other tropical diseases restricted their presence to the coastal regions.^v Later in July 1884, Germany assumed sovereignty of the country as a German protectorate. Germany named the country ‘Kamerun’ and it became the name of the whole country when the Germans signed a protectorate agreement with the local chiefs. Germany equally fixed Cameroon’s international boundaries and the foundation for a modern economic structure was laid down with the establishment of a network of roads and railways.^{vi} Germany did a lot for the country, the works of which are still visible today.^{vii} Unfortunately, Germany lost control over Cameroon during the First World War,^{viii} when the German forces were mauled by a combined British and French expeditionary force.^{ix}

Britain and France apportioned the country into two unequal parts, with France taking the larger eastern sector (four-fifths of the territory) and Britain the smaller western sector (one-fifths of the territory).^x Many reasons are advanced as to why Britain settled for an exiguous portion of the country. In a memorandum of 29 May 1919, Viscount Milner explained thus:

We shall not, indeed have added much to our possessions in West Africa ... But the additional territory we have gained, though not large in extent, has a certain value in giving us better boundaries and bringing completely within our borders native Tribes which have hitherto been partly within British territory and partly outside it. This is cited in Fombad (n5) 2.

For Fombad, it is because the “The British ... were afraid of incurring the financial responsibilities involved in taking on another colonial territory and were only interested in such part of Cameroonian territory as would enable them to consolidate and better protect their vast Nigerian colony”.^{xi} The fact that the British had already enough territories is another reason why they were not interested in acquiring other territories. Whatever the reason, Britain and France were exhorted to “promote to the utmost the material and moral well-being and social progress of the inhabitants of the territories”.^{xii} Article 9 of the Mandate Agreement explicitly made it clear that the mandatory powers would have:

Full powers of administration and legislation in the area subject to the mandate. This area shall be administered in accordance with the laws of the mandatory as an integral part of his territory... The mandatory shall therefore be at liberty to apply his laws to the territory under the mandate subject to the modifications required by local conditions, and to constitute the territory into a customs, fiscal, or administrative unions or federation with the adjacent territories under his sovereignty or control, provided always that the measures adopted to that end do not infringe the provisions of this mandate. This is cited in Fombad (n5) 3.

Britain and France both administered their sectors separately as mandated territories under the League of Nations. Britain transplanted her English common law system in West Cameroon while France transplanted the civil law system in East Cameroon. (The application of the

English Common law in West Cameroon is sanctioned by s11 of the Southern Cameroon's High Court Law of 1955 while the civil law system in East Cameroon is sanctioned by the *French Decree* of 16 April 1924).^{xiii} In 1960, East Cameroon gained independence as *La République du Cameroon* (Republic of Cameroon).^{xiv} When France became independent, it became necessary to determine the future of southern Cameroons. In doing so, the United Nations General Assembly in Resolution 1350 (XIII), adopted on 13 March 1959, recommended the British government to organise two plebiscites in northern and southern Cameroons.^{xv} In the northern Cameroons plebiscite of 7th November 1959, the people of Northern Cameroons decided to join the Federation of Nigeria whilst Southern Cameroons voted for independence in reunification with the Republic of Cameroon.^{xvi} At this point in history, it should be made clear that southern Cameroons was only an independent state, but not yet a federated state. With this, one can say without fear or favour that southern Cameroons are not Cameroonian citizens and thus do not possess the Cameroonian nationality.

Shortly after the plebiscite, the Foumban Conference^{xvii} was summoned to draw up a constitution for the newly reunified Cameroonian nation. At the conference, a Federal constitution of 1961 consisting of two federated states (West Cameroon and East Cameroon), with each maintaining its own legal system and languages^{xviii} and system of government was adopted for the new Cameroonian nation that was resultantly styled, the Federal Republic of Cameroon. This reunification of southern Cameroons and the Republic of Cameroon equally lumped together people with marked cultural, education, language, traditions and who have had separate colonial experiences. When the people of southern Cameroons accepted to become a federated state in the federal republic of Cameroon, they acquire the right to become a Cameroonian citizen and have Cameroonian nationality. This statement is buttressed by article 1 of the Foumban treaty^{xix} which provides “Nationals of the federated states shall become Cameroonian citizens and possess Cameroonian nationality”.

The federation was replaced in 1972 by what was officially known as the ‘United Republic of Cameroon’.^{xx} During the referendum of 20th May 1972, the people of southern Cameroons were defrauded by the then President Ahidjo. The referendum was conducted at the College of Arts in Bamili and there were only two ballots: one white which meant yes and the other black which meant no. At the end of the exercise, white ballots were all on the ground while the

blacks were in the Ballot which explains the 100% vote in favour of “la Republic du Cameroun”. The vote meant the people voted to be ruled from Yaoundé, that is, to be ruled as a colony. Acquisition of Cameroonian nationality is only by treaty and once the treaty is abrogated, you are no longer a Cameroonian. If the 1961 Federal constitution which gave the people of southern Cameroons nationality was abrogated, then who are we? For the author, they are southern Cameroonians. Since the people of southern Cameroons were defrauded during the referendum of 20th May 1972, one may say without fear that the people of southern Cameroons not bound by the marriage, and thus have every right to revolt against an arbitrary government.

The 1972 constitution which carries the unitary and highly centralised futures of the 1960 eliminated the two positions of Prime Ministers in the two federated states and brought in a unified court structure which we enjoy today. Eventually, in 1984, President Paul Biya decided to proclaim the succession Law^{xxi} in which he changed the name of the nation from the United Republic of Cameroon to the “la Republic du Cameroun”. This name change according to Mualimu and Amin was considered as “a sign of bad faith to rob Cameroon from all the domestic reforms of the former President, Ahidjo”.^{xxii} Consequently, federated states were extinct while a new state is resuscitated, that is, “Republic of Cameroon” independent of southern Cameroons. This equally goes to support the fact that the people of southern Cameroons are not Cameroonians.

The revision of the 1972 constitution in 1996^{xxiii} raises doubts as to whether it was a new constitution inspired by the old one or just a revision of the old one. For Fombad:^{xxiv}

The practical reality is that the philosophical orientation of the two texts is very similar. The surreptitious change in the terms of reference from a committee drafting a new constitution to one merely revising or amending the old constitution was not accidental, and accurately reflects the real intentions of the regime. Behind the mask of revision or amendment, the regime wanted to and succeeded in reinforcing the status quo ante in many respects. Although, technically, this may be a ‘revision’ or ‘amendment’, it is in reality a new constitution.

Although the 1996 constitution is inspired by the old one, it is in reality a new constitution but still reflective of the unitary and highly centralised features of the old 1960 constitution. With this, one can comfortably conclude that what is currently in force today in Cameroon is supposedly only an amendment to the Constitutions of 1 January 1960 and 2 June 1972.

After looking at the history of Cameroon, one can say thanks to dual colonisation because of the many changes it brought in the constitution and name of the country. Despite the above developments, we can say without little fear of error that the people of southern Cameroons are not Cameroonian citizens and thus do not possess Cameroonian nationality because they have been made to believe so through manipulations and fraud by the people of “la Republic du Cameroun”. The search for the identity of the people of southern Cameroons and independence from “la Republic du Cameroun” and continued marginalisation have created a number of challenges, one of which is the on-going case between the *Government of Cameroon v Sisiku Ayuk Tabe and 10 Others*^{xxv} and Anglophone crisis in the two English-speaking regions of the country (north and south west regions). The Anglophone crisis has had devastating effects on the people and the economy that seem almost impossible to resolve. For example, there is increased wave crime; high level of unemployment due to the destruction of many businesses and in the telephone sector 206 MTN sites is out of order due to insecurity.^{xxvi} Many Cameroonians have become frustrated.

APPRAISAL OF THE CONSEQUENCES OF THE COLONISATION OF CAMEROON

Cameroon is what she is today because of its colonial past. The colonisers came and went but their impact and footprints have not departed from the country and, so cannot be downplay because of the indelibility as seen below. One of the logical consequences of the colonisation of Cameroon is the reception and implantation of European imposed legal systems. Another important effect of the colonisation of Cameroon is the introduction of English and French as official languages in Cameroon. Added to this is the dual educational system. It is unique because it reflects the dual track based on French and British models.^{xxvii}

Legal systems: Common and Civil Law Systems

A legal system is “... a system for interpreting and enforcement of laws.”^{xxxviii} In Cameroon, interpretation is the sole responsibility of the judges, but due to the differences in legal education and training; English and French judges have approached the question of statutory interpretation differently. In spite of the diversity, Cameroon operates a unified system of law enforcement. Though the legal department is empowered to ensure the enforcement of laws, regulations and judgements,^{xxxix} the responsibility for enforcing court judgments and orders lies on bailiffs and process-servers^{xxx} and not on the attorneys general, state counsels or the police who are merely required “to lend them support”.^{xxxi}

Legal systems vary from one country to another,^{xxxii} but the main groups one may find are: common law, civil law, religious and customary law.^{xxxiii} Although each system has its own individuality, various attempts at categorisation into legal 'families' have been made, but without any correct, dogmatic or generally recognised classification.^{xxxiv} For Hertel, the director of German Notarial Institute, the clustering of legal systems into families is important because it saves time and energy in description or prediction. It permits legal order, comparison and description into a summarized form of legal systems with common features, a compact survey of particular issues without getting lost in tedious country listings, and also, it is possible to remember the characteristics of one legal family than that of over 200 legal orders worldwide which is scarcely possible.^{xxxv}

Cameroon employs more than one of these legal systems at the same time to create a mixed/hybrid system which according to F.P. Walton “... are legal systems in which the Romano-Germanic tradition has become suffused to some degree by Anglo-American law.”^{xxxvi} Like Scotland, Cameroon’s legal system exhibits characteristics of both the civilian and the English common law traditions, the differences of which are demonstrated herein.^{xxxvii} The common law system inherited from English colonial masters is practiced in Cameroon's English-speaking northwest and southwest regions while civil law system inherited from French colonial masters is practiced in the other eight French-speaking regions of the country.^{xxxviii} In both systems, judges play an important role in adjudication.^{xxxix} Under civil law, the inquisitorial or investigatory system obtains where the judge is the chief investigator.

As a chief investigator, he comes to court already acquainted with the facts of the case. He is assisted by a lawyer whose role is to advise a client on legal proceedings, write pleadings and help provide favorable evidence to the judge.^{xi} Under common law, the adversarial or accusatorial system prevails. Here, the judge acts as a referee that is neutral person or obiter – ignorant of the facts of the case and evidence adduced during preliminary inquiry while the two lawyers argue their sides of the case. The judge listens to both sides to come to a conclusion about the case.^{xii}

Trial is done by a jury be it in a criminal or civil suit while in civil law, there is no trial by jury except in criminal cases because the fact finding function is entrusted to a specially appointed judge called “*le juge d’instruction*”. He is an investigatory magistrate who never sits in the panel of trial judges. More so, police have arbitrary powers where it is believed that the fear of gendarmes is the beginning of wisdom. A contrary view obtains under common law where the fear of the law is the beginning of wisdom (rule of law shall prevails).

The differences in legal education and training in francophone and Anglophone Cameroon, accounts for the differences in statutory interpretation, which, according to Tabe-Tabe Simon^{xlii} hinders the uniform interpretation and application of the Organisation for the Harmonisation of Business Law in Africa (OHADA) Uniform Acts (UAs). Practically, every statute that comes before the court must be interpreted and interpretation is generally when a word in a statute is obscure which may have resulted from drafting error made by parliament without noticing. It may also result from the use of broad terms designed to cover several possibilities like motorcycle taken to include motorbike.^{xliii} Interpretation is both a power and obligation for judges. Judges are obliged to interpret the law failing which they shall be prosecution for denial of justice. This is on the basis of Article 4 Civil Code (CC). Article 4 of the CC punishes any magistrate who refuses to render justice either because of silence of the law, ambiguity or lacunae in the law. In such cases, magistrates can be given a disciplinary sanction or ask to pay damages.

French codes do not contain provisions regarding methods of interpretation. It is thus left for the judges to decide on the methods to be used or to find ways of interpreting statutes. In francophone Cameroon, judges rely on grammatical, logical and historical, and teleological

approaches to the interpretation of statutes. The exegetive and teleological are the major methods of interpretation. The exegetive method looks at the intention of the legislator by examining the legislation as a whole, including the "*travaux préparatoires*", as well as the provisions more immediately surrounding the obscure text while the teleological method looks at the social objective of the statute.^{xliv} In common law jurisdictions, by comparison, statutes are to be objectively constructed according to certain rules: literal rule, golden rule and the mischief rule.^{xlv} Notwithstanding the differences in statutory interpretation, there is still some interplay of the approaches. The literal rule correlates to the grammatical method, the golden rule to the logical method and the mischief rule to the both the historical and teleological methods.^{xlvi}

Examination of witnesses is a key feature in both systems, the importance of which rest with the concept of presumption of innocence. Meaning an accused is presumed innocent until proven guilty (*actori incumbit probatio onus probandi incumbit et qui dicit* meaning imputes no guilt until guilt is proven). This concept is well outlined in the Universal Declaration of Human Rights^{xlvii} and the preamble of Cameroon's constitution affirms Cameroon's firm attachment to the UN.^{xlviii} Cameroon has a single bar, court system, Supreme Court and a number of bilingual or bi-jural codes such as the labour code, penal code, Highway Code in force in both parts of the country, The criminal procedure code,^{xlix} the land ordinance¹ and commercial law provisions (OHADA law) applicable in francophone Cameroon are in *pari-materia* to those applicable in Anglophone Cameroon.

Two official languages: English and French

Cameroon is home to 250 national languages alongside English and French as official languages. As per Art 1(3) of the Republic of Cameroon's constitution, "The official languages of the Republic of Cameroon shall be French and English, both having the same status. The state shall guarantee the promotion of bilingualism throughout the country. It shall endeavour to protect and promote national languages".^{li} Art 1(3) lays down the principle of equality of both languages, which involves equal protection and promotion. Accordingly, Art 31(3) Cameroon Constitution provides that "laws shall be published in the official gazette of the Republic in English and French". This means that any act of parliament, ordinance of the president, treaty or convention, decree, order, or regulation intended to apply throughout the

Republic of Cameroon must be made, enacted, printed, or published simultaneously in French and English.^{lii}

In practical terms, most of the laws of the country are enacted and published in French. An example of such is the presidential decree (Decree 2006/441 of 14 December 2006) appointing the vice chancellor of the English-speaking University of Buea; although it was a decree appointing an English-speaking Cameroonian, it was issued and published in French only. Coins and notes of the national currency which were bilingual in the past have become unilingual in French only. Even the road signs in the English-speaking parts of Cameroon are sometimes printed with the French version more conspicuous and prominent than the English version. The France C.F.A is in French only while the OHADA Business laws are in French despite efforts to translate the laws.^{liii} The principle of equality of languages is only enshrined in the constitution without actual implementation. The principle of equality does not avail English-speaking Cameroonians the right to receive information from state institutions in the official language of their choice. Moreover, it does not give equal opportunity to obtain employment in state institutions or regional bodies such as OHADA. On the strength of article 1 (3) of the Cameroon constitution, such discriminatory practices should be condemned as outright violation of a core constitutional provision.^{liv}

Towards the enhancement of language diversity in the country, the government has taken several measures including but not limited to the creation of linguistic centres to enable citizens learn English and French, offer of translation services to all state institutions, a school of translators opened in yaounde (ASTI-Advanced School of Translators and Interpreters), and bilingualism degree programs set up in all state universities and higher teachers training colleges.^{lv} Quite recently, the President of the Republic signed a decree setting up a Commission specifically responsible, among others, for accelerating the promotion of bilingualism. The members of this Commission have already been appointed.^{lvi} Furthermore, the Head of State has instructed that Circular No. 1/CAB/PM of 16 August 1991 relating to the practice of bilingualism in the Public Administration be effectively implemented as much as possible.^{lvii} Even with these measures, many Cameroonians are still not bilingual, an indication that the bilingualism policy is a failure. The French language continues to eclipse the English language, a fact attributed to poor implementation of the bilingualism policy, thus its failure.

This failure and many other things have caused great resentment by Anglophone Cameroonians who feel they are marginalised.

French-speaking teachers and attorneys are transferred to the English parts of the country with the proliferation of French-speaking magistrates who made oral and written submissions in French, and wrote their judgments in French in a region where the language of the courts and litigants was English.^{lviii} Many have acknowledged the difficulty working in an unfamiliar legal and linguistic terrain. For common law lawyers, it hampers justice and for Willibroad Dze-Ngwa, lecturer at the University of Yaounde, “the discrepancies in executing justice is just one of several issues bringing problems to the English and French speaking sections of Cameroon”.^{lix} Educator George Tambe of Cameroon's Ministry of Higher Education says having two different legal systems in the country creates problems, particularly as lawyers who may only speak one of the official languages, or are trained in only one of the legal systems, are called upon to litigate in unfamiliar legal and linguistic terrain.^{lx}

Common law lawyers lamented about the steady erosion of Common law in Cameroon and called for a scrupulous respect of Cameroon's bi-jural system and demanded that Common Law be fully represented in all instances of the judicial system (from the School of Magistracy to the Supreme Court). Most significantly, they called for a return to a federal system of government without which it would not be possible to protect the history, heritage, education and cultural values of Cameroon's English speaking minority.^{lxi} The dismissal of the demands as being of no consequence by the government of Cameroon has transformed into a major whirlwind sweeping across the former trust territory of the British Cameroons claiming lives and properties. About 400, 000 civilians have fled to neighboring Nigeria, leaving behind empty villages,^{lxii} a situation the government is unable to hack.

In fact, when injustice becomes a rule, resistance becomes a duty. Not only have Anglophone Cameroonians resisted, they have denied the Cameroonian nationality on the grounds that they are not Cameroonians and thus should be sieved from “la Republic du Cameroun”. This is met with stiff resistance from the government.^{lxiii} After examination of documents presented by the prosecution and defense counsel, the Yaounde military ruled that the 10 separatist leaders are Cameroonians though with refugee and asylum seeking statues.^{lxiv} In response, the defense

counsel staged a walkout insisting they will appeal the ruling before the Mfoundi High Court.^{lxv} It is now left for us to see if the defense counsel would return to court since they insisted on filling an appeal at the Mfoundi High Court. Pending judgment on this matter, southern Cameroonians continue to question their citizenship and fight for the liberation of its people.

Cameroon is at war with its own people. At war, international humanitarian law (IHL) requires the protection of certain categories of individuals such as civilians, those who do not take part in the conflict and medical and religious personnel. Sadly, there are countless violations of IHL by some separatists and Cameroonian defense force despite the country's commitment to implementing the four Geneva Conventions and Additional Protocols.^{lxvi} Going by the words of Thomas Mann,^{lxvii} "war is a cowardly escape from the problems of peace". For Mann, war is not an option to resolving disputes, but peace which is the wish of many Cameroonians.

WAY FORWARD FOR CAMEROON

Going by the referendum of 20th May 1972, the wordings of the Founban conference and the Succession Law of 1984, one can say without fear or favour that the people of southern Cameroons are not Cameroonian citizens and thus should be separated from "la Republic du Cameroun". In as much as southern Cameroonians want separation from "la Republic du Cameroun", there should be peace. For peace to reign, the two camps (the defense force and separatist fighters) should lay down their arms and sort for peaceful dialogue and negotiation leaving aside their differences. This should be accompanied by a Truth and Reconciliation Commission (TRC). Like the TRC in South Africa, high profile members such as archbishops, advocates and investigative officers should be appointed to look at the human rights violations abuses, restoration of victims' dignity, bear witness to records and grant amnesty to the perpetrators of crimes relating to human rights violations, reparation and rehabilitation, discovering and revealing past wrong-doings by the government in the hope of resolving the conflict.^{lxviii}

In the same light, the general public and members of the armed forces should be educated on the rules of IHL with focus on the importance of implementation and consequences for non implementation and the processes of managing and resolving conflicts. It is useful to note that

even in our divergence; there can be peaceful co-existence of both systems. For a peaceful co-existence, the official languages should each mirror and support its legal system. Added to this, official languages and systems should be duly respected and kept in equilibrium, so that one does not overshadow and obliterate the other.^{lxi}

If we are moving towards national integration, George Tambe, educator of Cameroon's Ministry of Higher Education, said “Cameroonians should ... get back to the law and see where the problems lie. And that we should not be having a law which is different from another law in the same country.”^{lxx} For him, uniform laws should be enacted in the country. Sociologist Victor Obi says “when Cameroon harmonises the two legal systems the citizens will be assured of fair trials and the English minority which constitutes 20 percent of the population will not feel marginalised”. In harmonising the legal systems, he requested for a look at the French law and English law in a bid to eliminate the elements that are not good and bring out the elements that will make us unique as a nation and that will even become a kind of law in the world, the combination of the French and the English law.^{lxxi} Having said these, only with the above recommendations can the Cameroonian mixed legal system truly flourish in the face of contemporary pressures. Thus, the government should take a bold step in ensuring implementation of the above recommendations.

CONCLUSION

In effect, Cameroon operates a mixed jurisdiction, with a growing convergence of both systems. In spite of the convergence, southern Cameroonians still feel they are marginalised and as such should be separated from “la Republic” because they are not Cameroonians and thus do not possess Cameroonian nationality. Recently, the Yaounde military tribunal ruled that the 10 separatist leaders are Cameroonians which meant that southern Cameroonians are Cameroonians.

Despite this development, we can say without little fear of error that the people of southern Cameroons are not Cameroonian citizens and thus do not possess Cameroonian nationality because they have been made to believe so through manipulations and fraud by the people of “la Republic du Cameroun”. Though not Cameroonians, there is a marriage or bound the people

must respect for the peace of the country. For a peaceful co-existence, the government should implement the above recommendations and, only then can the country truly flourish in the face of contemporary pressures.

REFERENCES

- ⁱAjumane F “Cameroon: Court Rules Ambazonia leaders are Cameroonians, Orders hearing to Start” Journal du cameroun.com, 20 February 2019.
- ⁱⁱ*Ibid.*
- ⁱⁱⁱMotsoko P, “[Effects of Colonialism on Africa's Past and Present](https://www.pambazuka.org/global-south/effects-colonialism-africas-past-and-present)” Pambazuka News: Voices for Freedom and Justice, 31st May 2012 <<https://www.pambazuka.org/global-south/effects-colonialism-africas-past-and-present>> accessed 1 June 2019.
- ^{iv}*Ibid.*
- ^vThe Common Wealth, “Cameroon History” <thecommonwealth.org/our-member-countries/Cameroon/history> accessed 1 June 2019.
- ^{vi}Fombad CM “Introductory Notes” 2 www.ica.up.ac.za> accessed 20 June 2019.
- ^{vii} Most government houses including the Kumba General Hospital, Senior Divisional Officer’s residence, and Government Technical Training College (GTTC) are German structures.
- ^{viii} The defeat took place at Mora on 20 February 1916.
- ^{ix}See Rudin HR, *Germans in the Cameroons 1884–1914: A Case Study in Modern Imperialism* (New Haven, Yale University Press, 1938) and Ardener SG, *Eye-Witnesses to the Annexation of Cameroon, 1883–1887* (Buea, Government Press, 1968).
- ^x The partition is based on an agreement signed on 4 March 1916. This partition was confirmed in an Anglo-French Declaration, signed in Paris on 10 July 1919 by Viscount Milner (for the British) and M. Simon (for the French).
- ^{xi}Art 119 of the Treaty of Versailles and Arts 22 and 23 of the League of Nations Covenant of 1922.
- ^{xii} Fombad (fn 6) 2-3.
- ^{xiii} Leno N.D, *The Development of a Commercial Law Structure in the SADC with Specific References to OHADA* (LLD Thesis, University of Pretoria, 2014, 20).
- ^{xiv} 1st January 1960.
- ^{xv} The two plebiscites were held in February 1961 and the results were as follows. The population of Southern Cameroons voted thus: For joining the Republic of Cameroon: 233,571 and for joining the Federation of Nigeria: 97,741 while the population of Northern Cameroons voted thus: For joining the Republic of Cameroon: 97,659 and for joining the Federation of Nigeria: 146,296.
- ^{xvi} The Plebiscite was conducted on the 11 of February 1961, but unfortunately, southern Cameroons were manipulated with options. They were either to vote in favour of yes or qui, two words with the same meaning.
- ^{xvii} The Fomban conference lasted from July 17-21, 1961. Mualimu SJ and Amin DA, *Explaining History for Cameroon Schools and Colleges* (Graphics Printers, Bamenda, 9th ed, 2015, 168).
- ^{xviii} Article 1 of the Federal constitution of 1961 provides that the official languages shall be French and English. This was retaken in article 1 of the unitary constitution of 2 June 1972 and article 1 (3) of the constitution, Law No. 96/06 of 18 January 1998 as amended.
- ^{xix} 1st July 1961.
- ^{xx} This was during a referendum organised on 6 may 1972.
- ^{xxi} Succession Law 84/001 of 4th February 1984.
- ^{xxii} Mualimu and Amin (fn17) 227.
- ^{xxiii} Law No. 06 of 18 January 1996 to amend the Constitution of 2 June 1972.
- ^{xxiv} Cited in fn 6.
- ^{xxv} Ajumane F (fn 1).
- ^{xxvi} “On-going Crisis has Negatively Impacted the 60% Market Shares MTN Cameroon owns in these Regions” Business in Cameroon, 12 February 2019 at 13.45

^{xxvii} Ajab A and Awung W, “Economic Analysis of Private Returns to Investment in Education in Cameroon” A paper presented at the Regional conference on ‘Education in West Africa: Constraints and Opportunities’, 25-26 November 2005, Dakar, Senegal.

^{xxviii} “What is the legal system” <akdlawyer.com/what-is-Legal-system> accessed 1st January 2019. See Tetley W, “Mixed Jurisdiction: Common Law vs Civil Law (codified and uncoded)” <<https://www.cisg.law.pace.edu/cisg/biblio/tetley.html>> accessed 1st January 2019.

^{xxix} S29 (1) of the Judicial Organisation Ordinance of 2006/015 of 29th December 2006 as amended by Law No. 2011/027 of 14th December 2011.

^{xxx} S1 (1) (b) of Decree n°79/448 of 5/11/79 modified by Decree n°85/238 of 22/2/85 organising and regulating the activities of Bailiffs in Cameroon.

^{xxxi} Art 29 of the Uniform Act on Simplified Recovery Procedures and enforcement Measures 1999 provides “The State shall be required to lend assistance in the execution of decisions and in other writs of execution”. Baaboh F, “The Force of Cameroon Legal system” <<https://www.hg.org/legal-articles/the-force-of-the-cameroon-legal-system-7156>> accessed 20 June 2019.

^{xxxii} They include but not limited to the following: Civil Law, Common Law, Religious Law (Islamic, Hindu, Jewish etc), Customary Law, and Mixed Law. See Law C, “Legal Systems of the World” <www.saint.org.nz> accessed 20 June 2019.

^{xxxiii} U.S Department of Justice, National Security, “International Legal systems: An Introduction” <<http://www.jsutice.gov/nsd/ovt,3>> accessed 12 December 2018.

^{xxxiv} HerteI C, Legal Systems of the world (Notarius International, 1-2, 2009, 128).

^{xxxv} *Ibid.*

^{xxxvi} Walton FP, The Scope and Interpretation of the Civil Code, (Montreal 1907, reprinted by Butterworth, Toronto (1980, 1).

^{xxxvii} Danpullo IB, Introduction to English Law and Legal System (Messie and Publishers, Yaoundé, 2017, 45) for some discussion on the differences between the legal systems of Cameroon.

^{xxxviii} Kindzeka ME, “Dual Languages, Legal Systems Make Seeking Justice Difficult in Cameroon” Vox of Africa, 21st May 2015.

^{xxxix} English and French-speaking judges are appointed upon graduation from ENAM.

^{xl} U.S Department of Justice, National (fn33) 6.

^{xli} *Ibid.*

^{xlii} Tabe-Tabe S, Company Formation under the OHADA Uniform Act on Commercial Companies and Economic Interest Groups: Changes in the Law Hitherto Applicable in Former West Cameroon (LLD Thesis, University of Yaoundé 11, Cameroon 2009, 9-10).

^{xliii} Leno D, ‘Lesson Notes on Introduction to Law and Legal System (Unpublished and on file with Author).

^{xliv} Mazeaud H, *Leçons de Droit Civil* (François Chabas, ed, 11 Ed, Paris, Montchrestien 1996, vol. 1, para. 110 at 172).

^{xlv} The literal rule also known as the **ordinary meaning rule** or the **plain meaning rule** is the task of the court to give a statute’s words their literal meaning regardless of whether the result is sensible or not. This idea was expressed by lord Esher in *R v Judge of the City of London Court* when he said, “If the words of an act are clear then you must follow them even though they lead to a manifest absurdity. The golden rule redacts absurdities in the law and the Mischief rule or the rule in *Heydon’s* case of 1584 seeks to correct a mistake by looking at the Act before it was passed in order to discover the gap that is the defect and the ejusdem generis rule narrows down words to suit a particular words.

^{xlvi} Leno ND, “The Constitutional Validity of the OHADA Treaty in Cameroon” *Global Journal of Management and Business Research* Vol. 16 no.1, 2016, p3.

^{xlvii} s11 (2) of the Universal Declaration of Human Rights 1948.

^{xlviii} Law No. 2008/001 of 14 April 2008 to amend and supplement some provisions of Law No. 96/06 of 18th January 1996 to amend the constitution of 2 June 1972.

^{xlix} Law No. 2005/007 of 27 July 2005 as amended in 2011.

^l Ordinance No.74-1 of 6 July 1974 to establish Rules governing Land Tenure in Cameroon.

^{li} Art 1(3) of the Cameroon’s constitution.

^{lii} Enonchong N, “The Harmonisation of business law in Africa: Is article 42 of the OHADA Treaty a problem?” *Journal of African Law*, 2007, p101.

^{liii} The OHADA treaty was ratified (decree 96/177 of 5 September 1996) without consideration of the legal peculiarities of the country.

^{liv} Leno ND (fn 46) 4.

^{lv} Kouega JP, The Benefits of French-English Bilingual Competence in Cameroon (Oalib vol. 5, No. 3, 2018).

^{lvi} Decree No. 2017/013 of 32 January 2017. Under the authority of the president of the republic, the commission is created to maintain peace and ensure national unity.

^{lvii} Ezzo I, “Introductory Statement on Claims by Anglophone lawyers” Press Conference, 30 March 2017.

^{lviii} Dibussi T, “Memory Lane (May 9, 2015): Common Law Lawyers in Cameroon Call for a Return to Federalism” *Journal Du Cameroun*, 10th of May 2017.

^{lix} Kindzeka (fn38).

^{lx} *Ibid.*

^{lxi} *Ibid.*

^{lxii} Cameroon Report, “Is Cameroon becoming Rwanda II” (458 edition, 4 February 2019, 5).

^{lxiii} Government troops are deployed to the troubled English-speaking regions of the country, where they have caused lots of atrocities such as rape, killings and destruction of properties.

^{lxiv} Ajumane F (fn 1).

^{lxv} *Ibid.*

^{lxvi} The 1949 Geneva Convention and 1977 Additional Protocols to the Geneva Convention.

^{lxvii} Kannan A, “Examine the meaning of Mann’s quote that ‘War is a cowardly escape from the problems of peace’” <<http://www.enotes.com/topics/thomas-mann>> accessed 15 December 2018.

^{lxviii} “Truth and Reconciliation Commission” <<http://www.sahistory.org.za>> accessed 15 February 2019.

^{lxix} Tetley (fn 28).

^{lxx} Kindzeka ME (fn 38).

^{lxxi} *Ibid.*

