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The Fouban¹ “Constitutional” Talks and Prior Intentions of Negotiating: A Historico-Theoretical Analysis of a False Negotiation and the Ramifications for Political Developments in Cameroon²

Fonkem Achankeng

This paper links the nationalist conflict in postcolonial Cameroon to the prior intentions of the parties at the 1961 Fouban “Constitutional” Talks characterized by a false negotiation experience. I argue that the political developments in the Cameroon post-Fouban and the tensions that have led to outcomes such as the desire of British Southern Cameroons to “restore independence and sovereignty” resulted from the fact that the parties at the Fouban Constitutional conference had divergent prior intentions of the meeting, including false negotiating. In exploring the 1961 Fouban Talks, the framework through which the two former and separate UN Trust Territories under separate trustees were expected to negotiate the joining treaty, I analyze the Talks from historical accounts and from theoretical perspectives of negotiation. Drawing from the scholarship on negotiation failures in the public policy arena with Saunders (1991), Mitchell (1998), Mnookin (2003), Kriesberg (2002, 2007), and Glözman (2014) and also from human needs and structural theories as they relate to conflict causes, I make the claim that the outcome of the 1961 Fouban Talks has mainly been a consequence of false negotiating, the different visions of the parties, and the divergent influences of the conduct and implementation of the Talks between Independent French-speaking République du Cameroun and British Southern Cameroons.

Introduction

Harold Saunders (1991) made the pertinent observation that many of the world’s most intractable conflicts at home and abroad force us to spend much of our effort in the pre-negotiation period before a decision to negotiate has been made. We need, he pointed out, to know a lot more about how to produce that decision. Focusing on strategic barriers to

¹ Fouban, a town in former French Cameroun (Cameroun Republic) is associated in Cameroon with the constitutional talks expected to provide the framework for joining the two postcolonial Cameroons.

² An earlier version of this paper was presented at the 2014 International Conference on “Negotiation: Dispute Resolution and Conflict Management in a Changing World,” Center for Conflict Management, Kennesaw State University, Kennesaw, GA, April 10-12. In finalizing this version I benefited from editorial comments from J.P. Linstroth (D.Phil, Oxford), my PhD dissertation committee chair and a great friend and mentor.

dispute settlement, Robert Mnookin (2003) has also been concerned with the “failure of negotiation when there are possible resolutions that would serve disputants better than protracted struggle” (p. 1). Post-Foumban political developments in the Cameroons³ culminated in the proclamation, by British Southern Cameroons’ nationalists, of “the restoration of the independence and sovereignty” of British Southern Cameroons on December 31, 1999 (Ebong, 1999). This nationalist conflict in Cameroon can be examined from the lens of scholarship on negotiation failures in the public policy arena with Saunders (1991), Mitchell (1998), Mnookin (2003), Kriesberg (2002, 2007), and Glozman (2014). Within this scholarship, Mnookin’s (2003) concept of “strategic barriers to dispute resolution” and Glozman’s (2014) conceptualization of “false negotiations” are particularly important in this analysis. Whereas, the purpose of negotiating is to explore options and reach an agreement, false negotiation occurs when a party gains more by stalling the negotiations or aims to avoid agreement within the current frame of negotiations (Glozman, 2014). From the standpoint of “false negotiations,” the 1961 Foumban “Constitutional” Talks between former British Cameroons and République du Cameroun have been emblematic in the Cameroons as a major source of conflict.

This essay will present a number of interrelated arguments. First, the 1961 Foumban Talks qualify as “false negotiations” considering that one or both of the parties probably did not invest enough in the preparatory process prior to making the decision to meet in Foumban, but also one of the parties gained more by stalling the process. Second, one party also engaged in the process without any intention of reaching an agreement. Third, the deception and betrayal of the people of former British Cameroons in present-day République du Cameroun (Anyangwe, 2008; 2009) is both an important reflection and a major consequence of the nature of the 1961 Foumban “Constitutional” Talks because British Southern Cameroons’ nationalism poses a threat to the unity of present-day République du Cameroun as a nation-state. Fourth, British Southern Cameroons are discontent in the current République du Cameroun. Moreover, the British Southern Cameroons’ territory and its peoples since Foumban are largely silenced by the power of the present nation-state of Cameroon (Fonkem, 2012). Fifth, as post-colonial nationalist conflicts increase, we must understand the behaviors of negotiating parties from investigations which reflect the interests and values surrounding international negotiations and their outcomes.

From negotiation scholarship, and particularly, the work of Harold Saunders (1991), I. William Zartman and Maureen Berman (1982), Robert Mnookin (2003), George Mitchell (1998), Louis Kriesberg (2002, 2007), Edward Glozman (2014), and others, on the prior intentions of negotiating parties and strategic barriers to negotiation, this article examines the 1961 Foumban Constitutional Talks and the post-Foumban ramifications for political developments in the Cameroons. Examining the Foumban Constitutional Talks was inspired by my interest in understanding international negotiations in conflict studies in general and the Foumban negotiation experience within the context of the intractable conflict between the two Cameroons post-Foumban (Anyangwe, 1998; Elad, 1995; Konings & Nyamnjoh, 1997; Jua & Konings, 2004; Litumbe, 2014; Nfor, 2013). Although

³ The mention of the Cameroons comes from the fact that present day Republic of Cameroon is a merger by the UN in 1961 of independent République du Cameroun and former British Southern Cameroons

the British Southern Cameroons' question of the Restoration of its Statehood has all the ingredients of a destructive regional conflict with drastic consequences (Elad, 1995), almost no literature on the conflict can be found in conflict studies (O'Connor, 2014; Ricigliano, 2003). Additionally, the Fouban Constitutional negotiations have not been the subject of studies about negotiation theory and practice. In view of the protracted nature of the British Southern Cameroons' Restoration of Statehood conflict in Republique du Cameroun, it becomes relevant to understand the prior intentions of the parties at Fouban and the negotiation process and its outcome(s). Finally, analyzing the Fouban negotiation talks is useful for negotiation scholars and the conflict practitioner community. There is a present need to address the British Cameroons' conflict over the "restoration of independence and sovereignty" or to determine what actions might overcome the legacy of pervasive mutual mistrust and anger (Atang, 1996) because negotiations might, as Kriesberg (2002, p. 550) put it, be renewed more fruitfully.

Understanding the Auto-Ethnographic Approach

In writing as a British Southern Cameroons American, this position allows me to have an intimate understanding of the tensions involved in conducting research on a sensitive issue such as British Southern Cameroons' nationalism in Cameroon Republic. The methodology I chose is the auto-ethnographic approach as a means of reflecting on the experiences of the minority positions of the people of British Southern Cameroons in a systematic way. As an approach, this perspective lessens the distance between author and reader but is not to be mistaken for an autobiographical treatment (Ellis & Bochner, 2000). An auto-ethnographic approach helps to unveil more readily the mindset of a subject of inquiry, particularly as it relates to the understanding of self, other, and culture. This is a self-reflective process, which may be ongoing beyond the research itself.

As a qualitative approach, the auto-ethnographic method promotes self-reflective understandings of multicultural others (Chang, 2009) in order to emphasize ways of producing meaningful, accessible, and evocative research grounded in personal experience. This type of research helps to sensitize readers to those issues of identity politics, those experiences shrouded in silence, and those forms of representation which will deepen our capacity to empathize with people who are different from us (Ellis & Bochner, 2000). Auto-ethnography is therefore appropriate in this analysis as an approach to research and writing which will analyze and describe personal and cultural experiences (Ellis, 2004; Ellis, Adams, & Bochner, 2011; Holman Jones, 2005). This approach challenges canonical ways of doing research and representing others (Spry, 2001) and treats research as a political, socially-just and socially-conscious act (Adams & Stacy 2008). As a very controversial subject matter in national and international politics, whatever the descriptive which is used, such as: secession, separation, liberation, restoration of statehood, independence, and sovereignty questions, there remains the struggle of a colonized and stateless people. Such an issue regarding independence movements throughout the globe, are quite controversial and often taboo subjects because the present world order is dominated by sovereign nation-states, which have been recognized by the United Nations. This is a form of neo-colonialism in my view. As a result, research among a people involved in a struggle for their freedoms can be very risky both for the researcher and for the participants.

This qualitative study mainly focuses on the experiences of one international negotiation, the Fouban Constitutional Talks, and those experiences involving parties with asymmetrical power relations. As post-colonial nationalism conflicts increase, we must understand participants' behaviors which will reflect the cross-cultural values surrounding international negotiations and their conflict outcomes in general. The negotiation context analyzed for this paper highlights the two worlds of the negotiating parties with their divergent and a priori intentions. By interpreting the Fouban negotiation in its historical context, every effort will be made to retain the whole significance of that event. Such a historical event may call forth renewed emphasis on understanding international negotiation experiences following Mnookin's (2003) conception of "strategic barriers to dispute resolution" and other theoretical approaches about false negotiations (Glozman, 2014).

Through a qualitative analysis of the 1961 Fouban Talks, the goal will be to demonstrate how a party to an international negotiation will deal with a priori intentions of the other party to the negotiation. In such situations, one party may want to maximize its gains, which may contribute to the demise of the other party involved in the negotiation. In deciding which areas of difficulty to select, I focused on two negotiating practices or philosophies which will reveal the lack of power of one party, the representatives from the British Cameroons while the French Cameroonians have always maintained the upper hand. Because of the politically-sensitive nature of post-colonial nationalist conflicts, the research for this paper enabled me to be a more committed advocate for oppressed and subjugated people whose lives became tied to the Fouban Talks. From my investigations, I became aware of the differing perspectives of the negotiating parties, especially those from the British Cameroons who felt betrayed by these Talks.

Although the perspective of the party with less power may be often important in negotiation practice, it may often be unrecognized by national and international actors, who, in a state-system world, assume they know what stateless populations want and need. Yet most important of all in my study has been giving voice to the voiceless and disenfranchised, the people of former British Cameroons, who still live under annexation and colonial subjugation of their territory. From Sandra Harding's (2004) perspective requiring scholars to "be integrated into democracy-advancing projects for scientific and epistemological reasons as well as moral and political ones" (p. 136). I hope this paper will generate further scholarly interest on the Fouban "Constitutional" Talks from the standpoint of negotiation theory and practice as a basis for understanding the imperatives of the British Southern Cameroons' restoration of independence and sovereignty conflict in post-colonial Cameroon.

Fouban "Constitutional" Talks and the Context of Conflict

According to Southern Cameroons' nationalists, "[O]ur aspiration in Fouban 1961 was to establish a unique Federation on the continent of Africa, and to evolve a bicultural society in which the distinct heritage of each of the parties to the Cameroon Union would flourish. We believed that such a lofty goal could be achieved. In the *Buea Declaration* issued by the All Anglophone Conference (AAC I) in 1993, the nationalists stated how their common experience in the Union in 32 years left them in no doubt that far from attaining the ends of establishing a unique Federation in Africa they had become a people

with a problem (*Buea Declaration*, 1993, p. 9). The British Southern Cameroons' side maintains that "the so-called Federal Constitution of September 1, 1961 was null and void *ab initio*" as "No valid constitutional or other legal basis has ever existed between the two Cameroons and for the common governance of the two territories" (*Buea Declaration*, 1993, p. 12). As the British Southern Cameroons' nationalist conflict continues to wax and wane in the tradition of many protracted conflicts, the people of former British Cameroons live with a sense of deception in present-day République du Cameroun, the direct result of the Fouban "Constitutional" Talks.

Nantang Jua and Piet Konings (2004) have argued that the entry of Anglophone⁴ nationalism into public space during political liberalization in the 1990s has posed a severe threat to the post-colonial nation-building project. It should be recalled that present-day *Republique du Cameroun* (Cameroon Republic) in post-colonial West-Central Africa is a merger of former British Southern Cameroons and *Republique du Cameroun*, former French Cameroon, which gained her independence from France on January 1, 1960 (see UN Resolution 1608). In spite of the provisions of United Nations Resolution 1514, 224 (III) on the independence of colonial countries and peoples, the United Kingdom and the United Nations compelled the people of the British Southern Cameroons, a UN Trust Territory under United Kingdom rule, to accede to "independence by joining" one of its neighbors—the Federal Republic of Nigeria or République du Cameroun in 1961 (Fanso, 2014). Awasom (1998, 2000) and others, including Fossung (2004) have argued that the decision by the UN and the UK to dispense of British Southern Cameroons was against the wishes of the people of that territory. The results of this imposition culminated in what is known in Cameroon Constitutional history as the Fouban Constitutional Fiesta (Aka, 2000) at which the delegations of the two Cameroons were expected to negotiate a union under United Nations supervision and in the presence of the United Kingdom because the British Cameroons' party was still a United Nations Trust Territory under United Kingdom rule (Tatah-Mentan, 2014).

The parties at Fouban 1961 perceived the nature of the negotiations differently and scholars, including Nantang Jua and Piet Konings (2004) and Anyangwe (2014a, 2014b) consider it a myth that the constitution of a reunified Cameroon was negotiated and agreed upon then. For one of the parties, République du Cameroun, the 1961 Fouban Conference was a historic event where estranged brothers mutually agreed upon a federal constitution for a reunified Cameroon (Jua & Konings, 2004). However, for the other party, British Southern Cameroons, the conference was an occasion where independent République du Cameroun's majority used its superior strength to impose her constitution on British Southern Cameroons (*Buea Declaration*, 1993). These divergent views of Fouban 1961 present a conflictive idea of prior intentions of negotiating, as well as the nature of the process and its outcomes. With the ongoing British Southern Cameroons' nationalist conflict, it becomes imperative for the academic community to understand the 1961 Fouban negotiations as the basis of the conflict in which former British Southern Cameroons finds herself within the boundaries of present-day République du Cameroun and the former's goal of independence and sovereignty.

It is a historical fact that the Fouban Conference opened on July 17, 1961 with the delegates of République du Cameroun under President Ahmadou Ahidjo along with those

⁴ Anglophone in Nantang Jua & Piet Konings' work referred to British Southern Cameroons.

of the British Southern Cameroons led by John Ngu Foncha, Premier. As of that date, the British Southern Cameroons was still a United Nations Trust Territory evolving towards the termination of the Trusteeship Agreement and independence while République du Cameroun had already gained independence from France on January 1, 1960. Because British Cameroons and République du Cameroun were separate UN Trust Territories under different colonial masters, Britain and France, the Fouban Talks were for all intents and purposes an international meeting. Even so, the French Cameroonians controlled the talks and masterminded as well as micromanaged the negotiations.

Reports on the 1961 Fouban Conference reveal that President Ahmadou Ahidjo of République du Cameroun chose the town of Fouban to host the conference as a “place where one would like to go for rest and relaxation” (Doungue & Ntemfac, 2014). He then invited the British Southern Cameroons’ side to make comments on his Draft Constitution. The request by President Ahidjo shattered the trust and confidence of the British Southern Cameroons’ delegation who were surprised by his request. “*Which Constitution?*” British Southern Cameroons delegates shouted! They had thought they had come to Fouban together with Ahidjo’s delegation in order to jointly negotiate the terms of a constitution for the future Federal United Cameroon (Anyangwe, 2014b). Namoso Mbile, one of the delegates on the British Southern Cameroons’ side said, “We have the feeling that we have wasted our time coming to Fouban for the draft to be tabled in this fashion for our observations in this way. This is in total contradiction to our expectations; instead of a draft of a federal constitution, we are being requested to make observations on a draft highly centralized constitution with unlimited powers” (Mbile, 2011, p. 89).

According to Doungue and Ntemfac (2014), bitter protest erupted from all sides. The protesting British Southern Cameroons’ delegation demanded three more weeks to study the draft without success. They recalled the constitutional conferences of London in 1953, 1957, and 1958, each of them having lasted for at least three weeks. Endeley, another delegate from British Southern Cameroons warned: “Too much haste would have far-reaching consequences on the people of the Cameroons.”⁵ Ngom Jua screamed, “I have never seen people expected to write a constitution in two days!” (Doungue and Ntemfac, 2014, p. 109). The tense atmosphere of unhappiness and protests caused one journalist to write, “Political observers are wondering if it is really here in Fouban in this rowdy atmosphere that the guidelines of a federal constitution are going to be effectively drawn” (Doungue and Ntemfac, 2014, p. 109). The shouting and screaming were the most inappropriate way to begin an international negotiation conference. The atmosphere was Kafka-esque. Finally, just after the mid-day meal, it is alleged that the British Southern Cameroons’ delegation sat down to work in studying the draft constitution presented by President Ahidjo. Using their experience gained during the constitutional conferences in London and Lagos (Richards, 1946; McPherson, 1951; Littleton, 1954 Constitutions)⁶ the

⁵ The Cameroons again is being referred to as the British Southern Cameroons. This appellation of the territory followed from the balkanization of British Cameroons after 1916 into British Southern Cameroons and British Northern Cameroons both of which were appended to Nigeria and administered separately and respectively as parts of Eastern Nigeria and Northern Nigeria.

⁶ British Cameroons was part of Nigeria from 1922-1960. For details on these constitutions see for example Elias, T. O. “Nigeria: the Development of its Laws and Constitutions,” *British*

British Southern Cameroons' delegates worked really hard on the Draft brought to them from Yaoundé. As Doungue and Ntemfac (2014) report, while the British Cameroons' delegates were working in anger, distrust, and suspicion, the delegates of République du Cameroun were relaxing calmly as they had spent months to draft the constitution with the assistance of French constitutional law experts. They also reported that the atmosphere of the work was often rowdy and from time to time delegates were shouting in protest and anger.

A rumor throughout the region had it that Charles de Gaulle looked upon the British Southern Cameroons as “a small gift of the Queen of England to France” (Milne 1999, pp. 432-448; Gaillard, 1994). As a consequence, the République du Cameroun's side was only focused on their highly centralized federation, which was regarded merely as a transitional phase to a unitary state (Anyangwe, 2014a). Such a federation demanded relatively few amendments to the 1960 constitution of République du Cameroun. Interestingly, Pierre Messmer (1998, pp. 134-135), one of the last French high commissioners in French Cameroon and a close advisor of President Ahmadou Ahidjo, pointed out that he and others knew at the time that the so-called federal constitution provided merely a “sham federation.” For all intents and purposes, this was “safe in appearance, an annexation of West Cameroon (the new name of the former British Southern Cameroons)” (Anyangwe, 2014b, p. 210).

It is also a historical fact that the British Southern Cameroons' side continues to question the annexation and colonial occupation of British Southern Cameroons by the République du Cameroun (Anyangwe, 2014a; Anyangwe, 2014b; Elad, 1995; Litumbe, 2014; Nfor, 2013). Litumbe (2014) considered that there is and has never been any union between Southern Cameroons and La République du Cameroun and that no peace can prevail in as much as the two parties do not come together to review their terms of reunion. In his view, British Southern Cameroons would have squandered its energy for nothing if the two parties do not sit at the same table and sort out their differences by constituting a legal and consensual frame for unification. For the British Southern Cameroons' side, the post-Foumban political developments in Cameroon are a nullity beginning with the September 1, 1960 Constitution through the 1972 referendum, the 1984 return of the name of Cameroun as République du Cameroun with a single-star flag to the 1996 Constitution. Ngala Nfor (2013) has also argued that if la République du Cameroun voted against UN Resolution 1608, (the UN basis for the two Cameroons joining) then he does not understand which “unification” or “reunification” anyone talks about today. Further debunking the reunification of the two Cameroons myth, Nantang Jua and Piet Koning (2004), Nfor (2013), Anyangwe (2014b), and others have provided strong reasons in international law to demonstrate that there was never any “reunification of the two Cameroons.” Anyangwe (2014b), for instance, made the strong assertion that,

- “No talk of ‘reunification’ of territories is meaningful unless there is clearly identified the territories that were once unified, separated and then re-unified” (p. 202).
- “The existence of République du Cameroun as a political expression goes back to French Cameroon which emerged in 1922 as a result of the political force represented by the mandates system” (p. 202).

- “The country has suffered no dismemberment. There are therefore no separate parts which are then being reconstituted. One cannot therefore speak of unification or reunification of Cameroon. On the basis of this argument he concluded that the “British Southern Cameroons was not part of French Cameroun, has never been and will never be part of Cameroun Republic” (p. 202).

For Ngala Nfor (2013), “[T]he current struggle is to restore the one and indivisible British Southern Cameroons that has been annexed and colonially occupied by the one and indivisible la République du Cameroun, that is, le Cameroun français which attained independence from France on January 1st 1960” (p.2).

The British Southern Cameroons’ side has also brought République du Cameroun to the African Commission on Human and People’s Rights (ACHPR) twice in Communications 266/2003 and 377/2007. In Communication 266/2003, the two parties appeared before the African Commission in Banjul, The Gambia at the 37th Session from April 27 to May 11, 2005. British Southern Cameroons, the complainant reiterated that their submissions at the Admissibility and Merit stages of the case established conclusively the elements of “‘people,’ ‘domination,’ ‘colonialism’ and ‘oppression’: the people of the Southern Cameroons are without any shadow of doubt a people under the colonial rule of the Respondent State, République du Cameroun, a people oppressed by Respondent State” (Anyangwe, 2005). The African Commission recognized the people of British Southern Cameroons as “a people” in international law and recommended “constructive dialogue” between the two sides to “address all the constitutional problems” (African Commission on Human and People’s Rights’ verdict on, Communication 266/2003),

According to the Commission, . . . the people of Southern Cameroon can legitimately claim to be a “people.” Besides the individual rights due to Southern Cameroon, they have a distinct identity which attracts certain collective rights . . . the Commission finds that “the people of Southern Cameroon” qualify to be referred to as a “people” because they manifest numerous characteristics and affinities, which include a common history, linguistic tradition, territorial connection, and political outlook. More importantly they identify themselves as a people with a separate and distinct identity. Identity is an innate characteristic within a people (Ayim, 2010, p. 767)

The Commission also offered to help implement the recommendation at the national level (ACHPR, 2009).

In Communication 377/2007 on the Border Demarcation between the British Southern Cameroons and République du Cameroun, the British Southern Cameroons’ side urged the Commission to cause République du Cameroun to withdraw to her boundary inherited at her independence from France on January 1, 1960 in accordance with Article 4 of the African Union Constitutive Act. While the ruling of the Commission was still pending, Simon Munzu, a nationalist leader expressed the need to remedy the situation whereby British Southern Cameroons’ politicians at the so-called Fouban Constitutional Conference got a raw deal, the debilitating effects of which succeeding generations of Anglophones⁷ are suffering to this day (Achingale, 2013).

⁷ Anglophones as used here again to refer to the people of former British Southern Cameroons in République du Cameroun.

Theoretical Discussion

Negotiation is the decision-making process by which two or more people seek to reach an agreement on the exchange or distribution of benefits, burdens, roles, or responsibilities (Cramton & Dees, 1993; Thompson, 1998). As such, bargaining and negotiation are central to the functioning of all human interaction, personal as well as professional (Lax & Sebenius, 1986; Volkema, 1999b). In his discussion of strategic barriers in two-party negotiations, Mnookin's (2003) emphasis on "beyond winning" suggests that negotiation requires the management of three tensions inherent in negotiation: the tension between creating and distributing value, the tension between empathy and assertiveness, and the tension between principals and agents. In two-party negotiations, he asserted, the primary strategic barrier relates to the first tension between the desire for distributive gain, or, getting a bigger slice of the pie—and the opportunity for joint gains—or, finding ways to make the pie bigger. The struggle to restore the one and indivisible British Southern Cameroons that has been annexed and colonially occupied by the one and indivisible République du Cameroun, which attained independence from France on January 1, 1960, resulting from the desire of the République du Cameroun's side from Foumban 1961 to use her strategic advantage not only to get the bigger slice of the pie, but to get the entire pie. This is evident in the nature of the negotiations from the unilateral choice of its venue to the material preparations and the management of the process, which virtually trapped the British Southern Cameroons' side.

It turned out there was not only power asymmetry, but also information asymmetry, which influenced behavior on both sides. The British Southern Cameroons' side went to Foumban hoping to negotiate a Constitution they had not prepared for. The evidence available today reveals that John Ngu Foncha, Premier of British Southern Cameroons kept away from members of his delegation the reformed constitution of République du Cameroun which had been given to him prior to the Foumban meeting (Ngoh, 1999). When they were asked to comment on the draft constitution, they did not know what the request referred to. They had arrived in Foumban with no knowledge of what awaited them and so they were easily hoodwinked (Anyangwe, 2014).

With regard to the prior intentions of the negotiating parties affecting the outcome of negotiations, George Mitchell (1998) working from his experience at the international commission to oversee the Palestinian-Israeli negotiations at Camp David II, shared the view that each side sought to retain political authority with their constituents and to gain a deal with the other side that might sustain them. He added that the deal proposed to each side was deemed inadequate. The conduct of each side is therefore also an important factor in a negotiation process and outcome. This situation can serve as an illustration of the 1961 Foumban Talks. Louis Kriesberg (2002), for instance, blamed the failure of the final status negotiations between Palestinians and Israelis on the "limited credibility of the context provided by each side's conduct" (p. 565). He stated that,

from the perspective of many Palestinians, although Prime Minister Ehud Barak brought issues and possible solutions to the table that had not been done in prior official negotiations, previous Israeli conduct and Barak's own behavior seemed to belie the offers. Palestinians experienced delays and incomplete fulfillment of

past agreements given that during Barak's time, no additional Israeli withdrawals from the West Bank occurred even though they had been agreed to in the Wye agreement signed by Prime Minister Netanyahu in October 1998. On their own part, the Israeli side found Palestinians as not yielding to their demands, threatening unilateral action such as a declaration of independence and most significantly failing to work consistently to prevent violent attacks on Jews. (Kriesberg, 2002, p. 565)

For the parties at Fouban, one side, the République du Cameroun, had all the weapons in their arsenal to keep the British Southern Cameroons' side entertained and distracted from the business of negotiating a Constitution (Aka, 2002; Doungue & Ntemfac, 2014). Working from a position of strength as a sovereign state and benefitting from French legal and expert advice, République du Cameroun focused on achieving her prior intention to welcome home British Southern Cameroons (Tatah-Mentan, 2014).

On the other hand, the British Southern Cameroons' side appeared to be too trusting in Fouban. Anyangwe's (2009) book, *Betrayal of Too Trusting a People*, discussed in great detail the story of the trusting nature of the people of British Cameroons in annexation and colonization of the territory following La République du Cameroun's achievement of its independence. Aka (2002) also noted how, at the Fouban Conference, "Foncha never asked Ahidjo anything about his own draft Constitution and no delegate from the British Southern Cameroons said anything about the draft that had been discussed in Bamenda" (p. 263). In his analysis of the situation, Aka considered citizens of République du Cameroun as having genuine reasons for referring to the leaders and people of British Southern Cameroons as "Anglo-fools" for so easily putting Ahidjo's noose over their own necks (Aka, 2002, p. 264). Another writer, Frank Stark (1976) has considered that the people of British Southern Cameroons were led at Fouban as sheep to the slaughter. As for Aka (2002), he concluded that "it was not long after the 1961 Fouban Talks that most people of British Southern Cameroons realized that changes in the Constitution were not only necessary but also imperative" (p. 264). Such a betrayal, from Fouban (1961), of the prior intention of British Southern Cameroons' people is the reason that continues to fuel their struggle in postcolonial République du Cameroun to "restore independence and sovereignty" as a human need.

And if the people of British Southern Cameroons think changes to Fouban were/are necessary and imperative, and have sought to "restore independence and sovereignty," we can also relate such demands to Kriesberg's (2007) conception of justice, shared truth, mutual regard, and mutual security theorized in his *Constructive Conflicts* as a framework for negotiation success. In this framework, Kriesberg articulates the need for substantial changes relating to issues of justice, shared truth, mutual regard, and mutual security in order that a negotiation can succeed. He believes these issues need to occur in each party's society resulting from changes within each side, between them, and also in their sociopolitical space. A close study of the 1961 Fouban Talks and the post-Fouban political developments in Cameroon Republic vindicate Kriesberg's idea of issues of justice, shared truth, mutual regard, and mutual security as a useful condition for negotiation success. Equally, post-Fouban political developments in Cameroon Republic also vindicate Aka's (2002) views on "the Fouban Fiesta" and Stark's (1976) characterization of British Southern Cameroons at Fouban as "sheep to the slaughter."

Since Fouban 1961, the British Southern Cameroons territory has been annexed and colonially occupied, plundered and pillaged by République du Cameroun in a manner akin to Former European colonial tradition (Aka, 2002; Anyangwe, 2014a, 2014b; Fossung, 2004; Litumbe, 2014; Nfor, 2013). British Southern Cameroons completely disappeared in République du Cameroun to the extent that the entity was never as much as mentioned in the 1996 Constitution of the postcolonial binational and bicultural state. In his book, *British Southern Cameroons, 1922-1961: A Study in Colonialism and Underdevelopment*, Aka (2002), painted a gloomy picture of the colonial exploitation of British Southern Cameroons by République du Cameroun in strict colonial tradition.

A perception of the British Southern Cameroons' struggle from the lens of human needs theory of conflict causes can be understood from the work of John Burton in international relations, and Johan Galtung in peace research. These scholars of peace and conflict studies have shed light on the conflict inherent in the concerns of groups in society to seek the satisfaction of their needs. John Burton (1984), for example, distinguished three types of human motivations: needs, values, and interests (p. 145). He considered needs as being universal and primordial, and perhaps genetic, and stated that unlike values and interests, needs neither change nor are they scarce. Burton (1990, pp. 36-37) viewed the human species as pursuing his needs by all means available. Values on their part are those motivations that are culturally specific. These include customs and beliefs that are peculiar to a given community. Interests for him are those motivations that change according to circumstances -- the social, political, and economic aspirations of individuals and identity groups within a society.⁸ Unable to dissipate completely into the French-speaking culture of the dominant Central African sub-region made up of Cameroun, Congo, Chad, Central African Republic with no semblance of a different cultural identity, British Southern Cameroons people refuse to go from a Class B United Nations Trust Territory, a Self-Governing territory with known and recognized international boundaries, a long record in international relations dating back to the Anglo-French Partition of 1913, a governance record in democratic experience between 1954 and 1961 to a tribe in République du Cameroun. Restoring independence and sovereignty for the territory and its people is a matter of their security and a people's identity and national pride.

Prior Intentions of Negotiating Parties

William Zartman and Maureen Berman (1982) emphasized in *The Practical Negotiator* that long before the first formal session opens, the negotiation process begins with the decision made by each party to explore the possibility of negotiating. The typical purpose of negotiations is to explore options and, if possible, reach an agreement beneficial to all parties (Lax & Sebenius, 2006; Mnookin, 1993; Raiffa, 1982; Raiffa, Richardson, & Metcalfe, 2002; Susskind, McKearman, & Thomas-Larmer, 1999). Unfortunately, Glozman's (2014) seminal work investigating a notable exception to this generalization, has revealed situations where a party engages in the negotiation process without any

⁸ For a better understanding of human sociality and biology, see Maurice Bloch on cognition, especially his latest books. *Anthropology and the cognitive challenge*, Cambridge: CUP (2012) and *In and out of each other's bodies: theories of mind, evolution, truth, and the nature of the social*, Boulder: Paradigm.

intention of reaching an agreement. Glzman (2014) has referred to this phenomenon as false negotiation. In studying the 1961 Fouban Talks, I found many elements of this conceptualization, which I discuss in this paper under the broad umbrella of prior intentions of negotiating parties. To complement Glzman's work in this regard, Saunders' (1991) framework provides a useful context. In seeking to address the situation of parties involved in international negotiation situations, Saunders (1991) identified five major obstacles in the success of negotiations. These are included as the definition of the problem, commitment to a settlement, arranging the negotiation, the negotiation itself, and the implementation of negotiation (Saunders, 1991, pp. 59-70). In his claim for pre-negotiation recognition and definition of the problem, he asserted that defining the common problem, interests, and objectives differently, for example, may be the first step in the success or failure of negotiation.

Definition of the Problem

In policymaking, Saunders (1991) observed, how one *defines* a problem begins to determine what he or she will do about it. The definition of the problem begins to determine policy. In negotiation theory, Saunders places emphasis on the recognition of a common problem where two sides share an interest in solving as almost a prerequisite to negotiation. It is probably for this reason, that negotiation is sometimes defined as a shared effort to solve a problem. Determining how each side defines the problem and whether or not their definitions overlap may be a first step in isolating some of the reasons why parties negotiate or fail to negotiate. The definition of interests and objectives is a profoundly political act and not just an abstract academic exercise (Saunders, 1991).

From a study of the 1961 Fouban Talks, the definition of the problem and the goal of the Fouban Talks were divergent for the different parties. For the République du Cameroun's side, the Fouban Talks were intended to welcome home British Southern Cameroons as stated earlier. For the British Southern Cameroons' side, the goal of the Fouban Talks was to craft a constitution for a Federal United Republic of Cameroon (Tatah-Mentan, 2014). This difference in defining the problem accounted for the disagreements at the Talks and sowed the seeds for the mistrust that has clouded the joining of the two Cameroons and caused the political problems culminating in the Proclamation of the Restoration of the Independence and Sovereignty of British Southern Cameroons in December 1999 (Ebong, 1999).

Mnookin (2003) has also cited differences between the parties as one of four sources of value through negotiation. As he stated, "[T]hrough the negotiation process, parties can structure transactions that create value by trading on what amounts to differences in relative valuation" (Mnookin, 2003, p. 6). From the standpoint of Mnookin's concept of different risk preferences, since one party made sure there would be no real negotiations as Aka (2002) pointed out, the two parties did not have the opportunity to work through their differences in order to create value in the negotiation.

The two sides were clearly apart in terms of a vision for and participation at the conference. That difference was not only real in the planning for the 1961 Talks, but also in the implementation of the conference. In République du Cameroun, and in typical French tradition, constitution making is the monopoly of the government as in the monopoly of the state president in the manner of Napoleon Bonaparte and Charles de Gaulle

(Anyangwe, 2014b). This constitutional law scholar indicated how that situation may explain why République du Cameroun's side at Foumban did not include the opposition in République du Cameroun. To illustrate this point, Anyangwe (2014b) pointed out the following facts about the Foumban Talks: those government members who accompanied President Ahidjo were invisible; none of

them uttered a word. There was no involvement of République du Cameroun's delegation as such; it was purely an Ahidjo affair from beginning to end. He and he alone spoke. On the British Southern Cameroon's side, Foncha, Premier, spoke and Endeley, Leader of Opposition, also spoke. One thing must have been a surprise to Ahidjo about the British Southern Cameroons' delegation: it included all stakeholders - government, opposition and traditional leadership. (p. 213)

Commitment to a Settlement

The false negotiator, according to Glözman (2014) elects to engage in false negotiations in the belief that this will best preserve his/her interests. False negotiators assume their prospects are superior to those they might obtain from sincere negotiations; they also assume their chances of being exposed are small and the potential damage to their reputation (if they are exposed) would be limited and well worth the risk. The commitment to settlement was definitely not in the prior intentions of République du Cameroun as its side wanted to preserve their interests with no consideration for the interests of the other side, or the British Cameroons' delegation. As a result, what represented "settlement" is not clear in this analysis as the parties came to the conference with different prior intentions. It is difficult to understand whether both sides at the Foumban Conference realized there could be gain for both sides in the sense they could improve their relationship post-Foumban 1961 by creating value from non-competitive similarities in which one side's gain would not mean the other side's loss (Mnookin, 2003, p. 6). In its determination to work against a negotiated settlement on a constitution at Foumban, the République du Cameroun delegation single-handedly chose the conference venue and time as well as the minute details to distract the Southern Cameroons' party with a deliberate intention (Anyangwe, 2014b). As he pointed out,

Foumban, an isolated place in an active insurgency region that was in the throes of a *maquisard* rebellion, was a very high security risk area. That meant that the Southern Cameroons' delegation was in effect held captive and could not discontinue its participation at the meeting and safely find its way back home in the event it staged a walk out ... given the weather conditions in July, the planning was orchestrated to induce in the Southern Cameroons' delegation a siege mentality and reinforce their isolation. (pp. 211-212)

Negotiation literature also indicates that while a settlement may be reached, the outcomes are far from optimal for one or both parties (Bazerman, 1983; Raiffa, 1982). The Foumban Conference to negotiate "independence by joining" (UN Res. 1608) between the British Southern Cameroons and République du Cameroun is an example of such negotiation situations where outcomes can be far from optimal. In an interview within the

context of the Southern Cameroons' restoration of statehood conflict, Simon Munzu, a leader in Southern Cameroons, described the Fouban Talks and its outcome as "a raw deal" for British Southern Cameroons (Achingale, 2013). In Glozman's (2014) view, therefore, engaging in false negotiating was not a wise decision for a party that expected to have a long-term relationship with a negotiating partner.

Other studies on negotiation failures, include those by Kelman (1995), Cohen (1997), Mnookin (1993), Saunders (1991), Zartman (2008), Mitchell (1998), Kriesberg (2002). Kriesberg (2002) in his account of the failure of the final-status negotiations at Camp David II convened by President Bill Clinton in July 2000 between Prime Minister Ehud Barak and PLO Head Yasser Arafat on a number of issues, blamed the failure of the negotiations on the actions by major leaders on either side. According to Kriesberg (2002), some important personages in each camp often have denounced reconciliation. Cohen (1997) also shared a similar view when he conjectured, within the Israeli-Palestinian negotiations, perhaps a mutually negotiated exchange of statements expressing regrets about past events and conduct on the part of the leaders would have avoided the breakdown and contributed to progress toward a new and more equitable and more stable accommodation. As Aka (2002) has pointed out Fouban ended inconclusively as the two sides planned to return to continue the work left unfinished. The work of this scholar and others may, someday, be useful to British Southern Cameroons' in case Simon Munzu, an opinion leader in British Southern Cameroons and one of the conveners of the 1993 All Anglophone Conference, has his way in advocating for a return to Fouban (Achingale, 2013).

Arranging the Negotiation

The pre-negotiation phases may take much more time and effort than the negotiation itself, and pre-negotiation must be conducted with a view to the situation that will be created at the negotiation itself (Saunders, 1991). The genesis of the problem with the Fouban Talks started in 1961 when the United Nations narrowed the scope of its Charter [see Article 76(b)] and the UNGA Resolution 1514 (XV) of December 1960 to grant independence to the British Cameroons only through a union with either the Federation of Nigeria or the Republique du Cameroun. The requirement was for the Administering Authority (UK), the governments of the Southern Cameroons and the Republique du Cameroun, to initiate urgent discussions with a view to finalizing it before October 1, 1961, "the arrangements by which the agreed and decided policies for a Union of the Southern Cameroons with the Republique du Cameroun, in a federal united Cameroon Republic, will be implemented" (UN Resolution A/C.4/L685 of 18 April 1961). Such pre-negotiation discussions would most probably have explored the possibility of negotiating as well as the negotiation content. The UN Resolution appointed a commission of three constitutional and administrative experts to assist in the discussions and do the constitution drafting. The Resolution also appointed the UK to represent the UN interests at all discussions (Tatah-Mentan, 2014). Tatah-Mentan (2014) has indicated that "of the four parties mentioned in the resolution, three did not participate in the arrangements for the Fouban Conference because they boycotted it" (p. 151). The boycotts by the United Nations, the United Kingdom, the constitutional law experts, and the Head of Government of the British Cameroons, J.O. Field, who was British Commissioner at the time, left the Southern Cameroons' delegation in a very vulnerable position at Fouban. In exploring the process

and outcome of Foumban 1961 Talks, I continue to ask whether the boycott was a calculated political move in international politics, an accident, or a mere coincidence.

Considering this constraint, the arrangements for the Foumban Constitutional Talks were problematic on both sides. The British Southern Cameroons' party has described the République du Cameroun delegation as not sincere. This characterization stemmed from President Ahidjo of République du Cameroun's declaration at the 849th Meeting of the Fourth Committee of the United Nations in 1959. As he stated, "[I]f our brothers of the British zone wish to unite with an independent Cameroun, we are ready to discuss the matter with them, but we will discuss it on a footing of equality [...] we do not wish to bring the weight of our population to bear on our British brothers. We are not annexationists." The arrangements made by the République du Cameroun's side for Foumban from the choice of the venue, the planning, the timing, and the process show that this party brought the weight of its political and economic power, its status as an independent entity, and its population to bear on the British Cameroons at Foumban in 1961. The République du Cameroun government has also used the same advantages to dictate the pace and direction of political developments in Cameroon post-Foumban. From post-Foumban political developments, it is evident that République du Cameroun has acted as annexationists and this perception is very recurrent in the narratives of British Southern Cameroons' nationalists (Fonkem, 2010) and in the petitions and memoranda submitted to the United Nations and other international organizations (Elad, 1995; Nfor, 2000; Yongbang, 1997).

The actions of République du Cameroun notwithstanding, the British Southern Cameroons' delegation also made some monumental errors. Here are a few. British Southern Cameroons' leaders could have probably obtained the inclusion of a third choice of destiny from the United Nations in 1961 if they were determined to have a third option.⁹ They could have resisted the choice of Foumban in République du Cameroun's territory as venue of an international negotiation whose purpose was to negotiate a constitution for both Cameroons. They could have equally resisted the unilateral imposition of the 1961 Constitution by the République du Cameroun (Buea Declaration, 1993). Finally, it may be inconceivable how a party to a negotiation could accept to go for a negotiation without adequate preparation. Preparing for negotiation remains the single most important requirement for negotiation effectiveness and success. Although there was no effective negotiation at Foumban in 1961 (Aka, 2002; Anyangwe, 2014), whatever happened at the 1961 Foumban Conference was imposed on British Southern Cameroons and controlled by Southern Cameroons' counterpart at the conference. It would appear safe to state the British Southern Cameroons' delegation went to Foumban so unprepared that it had no alternative whatsoever to agreement.

The Negotiation Itself

⁹ For a detailed discussion of the UN Two Alternatives for British Southern Cameroons in 1961 see Verkijika Fanso's "British Southern Cameroons' Independence by Joining," in Fonkem Achankeng (Ed.), *British Southern Cameroons: Nationalism & Conflict in Post Colonial Africa*, Victoria, BC, Canada: FriesenPress 2014.

For Saunders (1991), the most visible stage of the negotiation process is the negotiation itself. In his analysis of “the Fouban Constitutional Fiesta,” political historian, Aka (2002, pp. 261-262) characterized the 1961 Fouban Conference as “a fan-fare, indeed, a fiesta because no serious issues were discussed.” Aka (2002) added: “Meticulous arrangements had been made to ensure the comfort of the delegates at Fouban, including night clubs, cocktails and traditional dancing and feasting One of the delegates from Southern Cameroons on his return from the conference wrote about ‘long necks,’ a reference to the many charming girls who swarmed the city of Fouban, possibly by design, to distract the attention of delegates from the Southern Cameroons” (p. 262). Aka (2002) also pointed out “the real constitutional conference lasted not more than two hours with most of the time spent on speeches” . . . and “the Constitution was federal only in theory,” the Constitution lacked credibility with Southern Cameroons’ people “placed in a position of serious disadvantage” from the beginning of independence by joining (p. 263). Similarly, Anyangwe (2014b) has also indicated that “Fouban was never intended to be and was never a constitutional conference” (p. 213).

From the standpoint of Mnookin’s (2003) “strategic barriers” to negotiation success, especially “those that arise from the efforts of ‘rational’ actors to maximize individual returns” (p. 1), one would wonder whether the possible break up of Cameroun Republic today does not offset the aim of the sovereign République du Cameroun’s side at the Fouban Conference to achieve the greatest possible gains at the lowest cost. Stated differently, “strategic barriers can cause rational, self-interested parties to act in a manner that proves to be both individually and collectively disadvantageous” (Mnookin, 2003, p.1). In the context of Southern Cameroons’ grievances in République du Cameroun and the former’s “restoration of independence and sovereignty” conflict, this situation appears evident for the République du Cameroun government, which currently avoids calls to meet or dialogue with the British Southern Cameroons (AAC I, 1993; ACHPR, 2009; Annan, 2000; the Buea Peace Initiative, 1994; Dinka, 1990).

Additionally, if we consider that “most negotiations involve more than dividing a fixed pie; that negotiations also offer opportunities for creating value by possibly expanding the pie” (Mnookin, 2003, p. 5), we can likewise consider the behavior of République du Cameroun as a demonstrated case of “Pareto-efficient” outcomes for the parties. By creating a situation which kept the Southern Cameroons’ delegation distracted and made sure no substantial business of actual negotiating was done, République du Cameroun thought it was,

better off only by making the other party worse off. The fact that the British Southern Cameroons continues to contest the Fouban conference to this day and to consider the event as the basis of its restoration of statehood struggle is an indication that République du Cameroun failed to create value that might have made the République du Cameroun better off without harming the other side. (Mnookin, 2003, p. 5)

This situation may be interpreted differently if one consider that Pope John Paul described République du Cameroun as “an island of peace” even when former British Southern Cameroons has been completely obliterated in postcolonial République du Cameroun.

Members of the Southern Cameroons’ delegation at Fouban had thought they would spend about three weeks or so collectively writing a constitution with République du

Cameroun's delegation. However, the reality of the situation made clear that members of the British Southern Cameroons' delegation were told to express their views on a document given to them, and to do so within two days. Their views, it will be recalled, Ahidjo could unilaterally accept the document, reject or modify it (Anyangwe, 2014b). This was the reason for the delegation being very shocked (as indicated earlier). Eyewitness accounts indicate that Ahidjo accepted one or two points made, including the removal of the word "indivisible" from the document. The word indivisible in fact has long been subsequently reworded as the "one and indivisible" Cameroon (Forje, 1981). It is evident from some historical accounts that no constitutional document was drafted at Foumban in 1961 (Anyangwe, 2014b). Anyangwe has also asserted that Foumban was a mere sideshow.

Tatah-Mentan (2014) has also faulted the United Nations (as Trustor) and the United Kingdom (as Trustee) for their absence at Foumban, a situation which put British Southern Cameroons (then a UN Trust Territory) in a helpless situation before a sovereign state with help and resources including experts from France. At the same time, Tatah-Mentan (2014) characterizing Foumban as "a Constitutional farce," considered the conference as an unlawful assembly from "the provision of the Infant Relief Act of 1874, which states that a contract between an adult such as the République du Cameroun, and an infant such as the Southern Cameroons was in 1961 and still is" (pp. 150-151). While Anyangwe (2014b) considered the Foumban Talks as "a hoax" and "a political feint and a jamboree planned and carried out by République du Cameroun and its French puppeteers" (p. 211), Tatah-Mentan has also argued further that "any conference the holding of which was directed by the UN, but which was later boycotted by the very UN, should never have taken place" (p. 151).

Implementation of the Negotiation

Negotiating parties might be less likely to engage in false negotiations with partners with whom they expect to have a long-term relationship and repeated encounters (Glozman, 2014). République du Cameroun, an example of a false negotiator, made this error given that Foumban 1961 was the framework upon which a new federal united Cameroun was expected to be built. Implementation of any negotiation would be difficult if the parties to the negotiation had divergent views relating to the definition and goal of negotiation, and also if the negotiation is described as a hoax (Anyangwe, 2014b, p. 211) rather than a credible "Constitutional Conference." For the République du Cameroun's side, as indicated in another argument, the Foumban Talks represented an opportunity "to facilitate the return of part of the territory of Cameroon Republic" (p. 211). For the British Southern Cameroons' side, documents remains defining there were and are two separate Cameroons, each a distinct former Class B Trust Territory of the United Nations. As a separate UN Trust Territory under a distinct and separate administering authority, the nationalists and people of British Southern Cameroons maintain each country followed its own distinct pathway toward independence in accordance with the UN Trusteeship Agreement.

The Foumban Talks are said to have ended inconclusively. The Southern Cameroons' delegation did express its views on certain matters they considered of immediate importance and expressed the wish in which details and other matters be dealt with at a subsequent meeting. In the debates of the British Southern Cameroons House of Assembly, Motomby Woleta lamented that the British Southern Cameroons delegation in Foumban

expected a reconvened meeting to deal with the constitution because they had merely been ambushed by seeing for the first time a constitution they knew nothing about. Ahidjo is said to have indicated other matters would be looked into and simply declared the meeting closed, stating what mattered about a constitution was not what was written but those who administered it (Tatah-Mentan, 2014). The British Southern Cameroons' side had been used to constitutional talks because its members had participated in constitutional negotiations in Lagos, and in London. The delegation always thought they had gone to Foumban to participate in talks that would result in a federal constitution for the two Cameroons in a political association. But Ahidjo had other ideas. For him, Foumban was a mere meeting at which he would give the Southern Cameroons' delegation an opportunity to comment on the constitutional document his French advisers had prepared for him. It would be him, Ahidjo, to decide which of the inputs by the Southern Cameroons' delegation were worthy of his consideration. This was not what the latter had come to Foumban for. Anyangwe (2014b) has observed whatever document eventually passed as the federal constitution was not the product of Foumban 1961. From this perspective, any scholarly discussion on the implementation of the negotiation appears inaccurate as the document tabled for comments at the 1961 Foumban Talks was not the product of any negotiation to be implemented.

The British Southern Cameroons' side also maintains there was no negotiation in Foumban to be implemented and if there was any negotiation there would have been a Treaty signed by the two sides and such a treaty registered with the Secretariat of the United Nations (Litumbe, 2014; Nfor, 2015). British Southern Cameroons' nationalists claim no treaty was signed and none exists binding the two Cameroons (Litumbe, 2014). For them, political developments in Cameroon from the Foumban Talks were always a "veiled way to facilitate the annexation of the Southern Cameroons as the 1961 Constitution presented at Foumban was merely a piece of municipal law of a foreign country" (Anyangwe, 2014b, pp. 207-208).

Nfor (2013) also pointed out the United Nations General Assembly Resolution 1608 of April 21, 1961 was not implemented, and it is conclusive that there was no federal Constitution debated by the two distinct parliaments and signed into law by their respective elected leaders. No act was signed to form the Federal United Cameroon Republic by John Ngu Foncha for the British Southern Cameroons, and by Ahmadou Ahidjo for la République du Cameroun. Some of our fathers, for example, John N. Foncha, S. T. Muna, E. T. Egbe, among others, Nfor pointed out, have stated clearly that no legal instrument exists binding Southern Cameroons and la République du Cameroun together. As Nfor (2013) put it, the plebiscite vote was only a promise to be translated into a concrete act through mutual agreements based on fair negotiations. In this regard, it can be argued that the implementation of the Foumban Talks remains controversial. The divergent definitions and characterizations of Foumban 1961 continue to fuel conflict between the two Cameroons' 53 years after Foumban as one party (British Southern Cameroons) considers itself annexed and colonially occupied by the other party (the French Cameroon Republic). This consideration appears to be founded because Pierre Messmer, the last colonial governor of French Cameroun (République du Cameroun) has stated that on October 1, 1961 Ahidjo effected the annexation of the Southern Cameroons to République du Cameroun. He pointed out the so-called federal constitution provided merely for "a sham

federation, which was, except in appearance, an annexation of the British Southern Cameroons” (Anyangwe, 2014b, p. 210).

Foumban 1961, the United Nations, and Political Developments in Cameroon

At the London Conference summoned by the Secretary of State for Colonies on October 10-13, 1960 at the request of Premier John Ngu Foncha, one of the conclusions was if British Southern Cameroons voted in favor of joining République du Cameroun, the territory “would unite in a Federal United Cameroon Republic.” It was also concluded arrangements would be worked out after the plebiscite by a conference consisting of representative delegations of equal status from République du Cameroun and the Southern Cameroons. The United Nations and the United Kingdom would also be associated with this conference (UN Doc. T/1556, p. 40). In addition, the United Nations Resolution A/C.4/L685 of 18 April 1961 geared towards terminating British Trusteeship over the British Southern Cameroons invited the Administering Authority (UK), the governments of the Southern Cameroons and the Republic of Cameroun, to initiate urgent discussions with a view to finalizing, before 1st October 1961 the arrangements by which the agreed and decided policies of the parties for a union of the Southern Cameroons with the République du Cameroun, in a federal united Cameroun Republic will be implemented. The resolution appointed a commission of three constitutional and administrative experts to assist in the discussions and do the constitutional drafting. Instead of the three parties initiating the discussions, Ahmadou Ahidjo alone summoned the Foumban Conference for July 17-21, 1961 (Tatah-Mentan, 2014). Tatah-Mentan considered this development as Ahmadou Ahidjo’s, own distorted interpretation of the UN Resolution to which Britain, the government of the Southern Cameroons and the three-man commission of experts replied by boycotting the conference. Since the Southern Cameroons had not yet attained independence, its head of government was the British Commissioner of the Cameroons - J. O. Field - and not the so-called Prime Minister - J. N. Foncha. (p. 151)

The Resolution also appointed the United Kingdom to represent UN interests at all discussions. Therefore, the United Kingdom’s boycott also meant the United Nations boycott (Tatah-Mentan, 2014). This meant that of the four parties mentioned in the resolution, three did not participate in the arrangement for the Foumban Conference, and subsequently they boycotted it. The Republic of Cameroun was alone and was joined by an inconsequential and irrelevant Foncha delegation from the British Southern Cameroons. Tatah-Mentan (2014) asserted, since the British Southern Cameroons was at all material times a UN territory under UK Trusteeship, a conference having to do with the future of the British Southern Cameroons, but which was boycotted by the United Nations, the United Kingdom, and even the government of the Southern Cameroons itself in every respect lacked the legal capacity to deal with the subject of the resolution. Further, any conference, the holding of which was directed by the United Nations, but which was later boycotted by the very United Nations, should never have taken place. Was this a case of the complicity of the United Nations and the British Trusteeship Authority?

Some scholars, including Tatah-Mentan (2014) have observed the Foumban Conference can be considered an unlawful assembly used by the President of République du Cameroun, Ahmadou Ahidjo, with the complicity of the Prime Minister of British

Southern Cameroons, John N. Foncha, to hijack the British Southern Cameroons. From a legal standpoint, the provisions of the Infant Relief Act of 1874 apply to the Fouban Talks. The provisions of the Act state when there is a contract between an adult such as the République du Cameroun, and an infant such as the British Southern Cameroons was in 1961 and still is, except for necessities such as food, clothing, shelter and education is “ABSOLUTELY VOID” (p. 151). Tatah-Mentan has also stated that “upon attaining majority, minors are not allowed by law to ratify that which was absolutely void *ab initio*” (p. 151). In this connection, the Fouban Conference was therefore between a sovereign competent adult – “La République du Cameroun” and a yet to be sovereign and an incompetent minor -- the British Southern Cameroons. In other words, only a sovereign AMBASEBE or AMBAZONIA (names of British Southern Cameroons), can discuss unification¹⁰ with La République du Cameroun, if there is a need for unification. This approach will encourage the principle wherein every people should be the masters of their own destiny rather than being misled by a blind majority in the name of “majority carries the vote” (Tatah-Mentan, 2014, p. 84).

Writing about the 1961 plebiscite vote, Nfor Ngala Nfor (2015) has observed the UN Resolution 1608 XV of April 21, 1961 was adopted by the UN General Assembly as a follow up of the successful conduct of the UN-sponsored plebiscite in British Southern Cameroons. It was in recognition and defense of the distinctive identity of this UN Trust territory under international law. As a follow up of the UN-organized plebiscite it was part and parcel of the UN-conducted plebiscite. It was a legal instrument by the World Body meant to complete the exercise of bringing two distinct UN trust territories into a federation of equal status. Above everything else, this UNGA Resolution testifies to the irrefutable fact about the plebiscite and its shortcoming of limiting the people only to two choices notwithstanding, was inconclusive. It offered the British Southern Cameroons people only an opportunity to indicate their choice between Nigeria, and la République du Cameroun. Nfor (2015) added, “The plebiscite vote was only a promise to be translated into a concrete act through mutual agreements based on fair negotiations” (page). Today the people of Southern Cameroons desire to “restore independence and sovereignty” (Ebong, 1999) because they consider they were betrayed into what they describe as annexation, colonial occupation, and exploitation by the other party to the Fouban Talks, *République du Cameroun* (Aka, 2000; Anyangwe, 2000; Atang, 1996; Awasom, 2000; Fanso, 2014; Mukong, 1990).

According to some authoritative sources, including Adrian Hewitt’s (1982) account, royalties and taxes derived from the oil produced in British Southern Cameroons amounted annually to not less than 100,000 million francs by 1982, representing 50% of the national budget. By the end of 1982, Aka (2002) stated, not more than a total of 80 kilometers of roads were tarred, less than 30 kilometers from Tiko to the Mungo bridge and about 50 kilometers from Mankon in Bamenda to Mbouda. A railway linking Kumba to Mbanga along the Nkongsamba-Douala line was constructed principally to link the coastal district and the hinterland of British Southern Cameroons to the Douala Seaport and onto France. The Tiko and Victoria Seaports were abandoned to prevent the economy of British Cameroons from developing in a way that the territory would not be completely tied to that of République du Cameroun and to France in the final analysis. For Aka (2002), the

¹⁰ *The Herald*, 17 February 2003

ultimate purpose was to reduce British Southern Cameroons to a dependency of République du Cameroun, which remained a French overseas province in all but name (p. 270).

Worse still, the British Southern Cameroons, with a vibrant economy and promising democratic tradition from 1954 completely disappeared from the political map of Africa and the territory was reduced to one of the ethnic groups of République du Cameroun equal in status and visibility to and mainly counted among other République du Cameroun's ethnic groups such as *Bamileke*, *Bassa*, *Beti*, and *Nordist*. In addition, the people have been reduced to tenants in their homeland and cowed through repression. One can only imagine the agonizing experiences of a people who were used to the Anglo-Saxon system of freedoms and liberty as they became culturally tortured into the French system in a process Ahidjo hackeneyed as national integration (Aka, 2002, p. 268). The agitation today to form "Anglophone associations" of journalists, teachers, and lawyers reflects the nostalgia among this population. The people had voted in the 1961 plebiscite because Premier Foncha assured them independence by joining French-speaking République du Cameroun would be to form a federation. Konings and Nyamnjoh (1997, 2003) have indicated that by joining the former French Cameroon, the British Cameroons' political elite had hoped to enter into a loose federal union as a way of protecting their territory's minority status and cultural heritage. Instead, it soon became evident the political elite of République du Cameroun preferred a highly centralized, unitary state as a means of promoting concepts such as "national unity" and "nation building." While République du Cameroun's elite received strong support from the French during the constitutional negotiations, the British Cameroon's elite was virtually abandoned by the British, who deeply resented the British Southern Cameroons' option to join French-speaking République du Cameroun (Awasom, 2000).

Under the 1961 Fouban Talks, British Southern Cameroons lost most of the limited autonomy it had enjoyed as part of the Nigerian federation (Ardener, 1967; Stark 1976). Even worse, a few months after the so-called reunification, Ahidjo created a system of regional administration in which former British Southern Cameroons was designated as one of six regions, basically ignoring the political character of the country. These regions were headed by powerful federal inspectors. In British Southern Cameroons, the federal inspector in effect overshadowed the prime minister with whom he was in frequent conflict concerning jurisdiction (Stark, 1976). Besides, the government of former British Cameroons could barely function since it had to depend entirely on subventions from the federal government that controlled the major sources of revenue. When, in 1972, Ahidjo created a unitary state in blatant disregard of the Fouban document, there was in reality little left of the federation, except perhaps in name (Benjamin, 1972). Scholars, including Takougang (1998) and Nantang Jua and Piet Konings (2004), have also observed: "[W]hat many regarded as one of the last visible symbols of the 1961 union was removed in 1984 when Ahidjo's successor, Paul Biya, abolished the appellation "United Republic of Cameroon" and replaced it with "République du Cameroun," which significantly was the name of the Francophone part of the country when it became independent in 1960 (p. 195). Finally, the most recent Constitution of the country adopted in 1996 did not as much as refer to anything which would ever remind anyone there existed a nation/territory as British Southern Cameroons, one with a "functioning self-government and recognized international boundaries" (Munzu, Anyangwe, & Elad, 1992).

Conclusion

This paper sought to link the nationalist conflict in post-colonial Cameroons to the prior intentions of the parties at the 1961 Foumban “Constitutional” Talks characterized by the false negotiation experience between the former British Southern Cameroons and République du Cameroun. This article has argued the political developments in the Cameroons post-Foumban and the tensions there have led to outcomes such as the desire of British Southern Cameroons to “restore independence and sovereignty.” It argued that the talks were badly managed to the extent in which they failed to fully exploit the value-creating possibilities of negotiating, a situation which likewise has contributed immensely to post-Foumban political developments in the country and the British Southern Cameroons’ nationalist conflict. The failure of the British Cameroons’ delegation to recognize the false negotiation strategy of the other side for what it was, reveal the British Southern Cameroons’ party’s lack of preparation for the negotiation. This situation accounts, in part, for the situation in which British Southern Cameroons finds itself today. One main lesson suggested by Glozman’s (2014) work is the important recognition in which negotiations can be used for other purposes than the presumed ones. The way to protect from falling prey to false negotiators is by recognizing them for what they are. The British Southern Cameroons consequently sank into a situation wherein the alternative to an agreement is no longer available without maximum costs.

In exploring the 1961 Foumban Talks, the framework of negotiation between the two former and separate UN Trust Territories with expectations of a treaty effort, I analyzed the Talks from historical accounts and from theoretical perspectives of negotiation. Drawing from the scholarship on negotiation failures in the public policy arena with Saunders (1991), Mitchell (1998), Mnookin (2003), Kriesberg (2002, 2007), and Glozman (2014), and also from human needs and structural theories in relation to conflict causes, the paper made the claim about the outcome of the 1961 Foumban Talks which has mainly been a consequence of false negotiating, the different visions of the parties, and the divergent influences of the conduct and implementation of the Talks between Independent French-speaking République du Cameroun and British Southern Cameroons. From these viewpoints, Foumban 1961 may not, therefore, qualify as a negotiation considering negotiation as “a discussion set up or intended to produce a settlement or agreement or a mutual discussion and arrangements of the terms of a transaction or agreement” (Cramton & Dees, 1993).

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