

# JOHN RAWLS ON JUSTICE AS FAIRNESS AND THE BRITISH SOUTHERN CAMEROON'S PROBLEM

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**Abstract:** John Rawls' theory of Justice as Fairness provides a powerful framework for evaluating political legitimacy, equality, and the protection of fundamental rights within society. Rawls argues that a just society is one in which social and political institutions are organized according to principles that free and rational individuals would choose behind a "veil of ignorance," where no one knows their social status, ethnicity, wealth, or political position. His theory emphasizes equal basic liberties, fair equality of opportunity, and the arrangement of social and economic inequalities to benefit the least advantaged members of society.

The British Southern Cameroons problem presents a significant challenge to the realization of justice and fairness in Cameroon. Following the 1961 reunification between the former British Southern Cameroons and the Republic of Cameroon, many Anglophone Cameroonians have expressed concerns over political marginalization, cultural assimilation, unequal representation, and the erosion of the federal arrangements that initially guaranteed their autonomy. These grievances have fueled demands for greater political recognition, federalism, and, in some cases, outright independence.

From a Rawlsian perspective, the legitimacy of political institutions depends on their ability to ensure equal rights and opportunities for all citizens regardless of linguistic or cultural identity. The persistent complaints of exclusion and unequal treatment among Anglophone populations suggest a departure from Rawls' principles of fairness and justice. If the original constitutional and political arrangements no longer guarantee equitable participation and protection of minority rights, Rawls would likely advocate institutional reforms designed through inclusive dialogue and public reason. Such reforms should seek to restore trust, protect cultural diversity, and create conditions under which all citizens can enjoy equal liberties and opportunities.

Furthermore, Rawls' concept of the social contract implies that political arrangements must continuously reflect the consent and interests of those governed. Addressing the British Southern Cameroons issue therefore requires policies grounded in justice, mutual respect, and democratic participation. A Rawlsian solution would prioritize peaceful negotiations, constitutional guarantees, decentralization or federal restructuring where necessary, and the protection of fundamental human rights. Ultimately, Justice as Fairness offers a valuable normative framework for understanding and resolving the British Southern Cameroons problem by promoting equality, inclusion, and political legitimacy in a diverse society.

**Keywords:** Justice as Fairness; John Rawls; British Southern Cameroons; Anglophone Crisis; Political Equality; Federalism; Social Contract.

## INTRODUCTION

Justice is a theme in philosophical thought which has preoccupied many a political and ethical philosophers like Plato, Aristotle, Nozick and Rawls. In this paper, we will set ourselves the task of examining Rawls' own contributions especially in his theory of Justice as fairness. This is very contingent in the present historico-socio-political problem rocking the present British Southern Cameroons with the Republic of Cameroon. We will argue that justice as fairness and not Peace is the long-lasting solution to the "Anglophone problem". This is because the constant stress on peace building by the various stakeholders like the UN Secretary General Antonio Guterres, The Secretary General of the Common Wealth Patricia Scotland or the various civil and religious authorities is simplistic, does not and cannot handle the problem which is essentially a minority problem in Cameroon.

In this paper, we will maintain and constantly use the word British Southern Cameroons not the Anglophone Cameroon for four reasons. First, using term British Southern Cameroons gives visibility to the historical situation of evolution of what is now called the Cameroon/Cameroun. Second, it is meant to make the British know that they still have an unfinished business with the UN Trust Territory of Southern Cameroons like they did with Hong Kong. Thirdly, the name Anglophone was imposed on members of the British Southern Cameroons in the famous mascaared of an independence shameful concocted by the UN with the complicity of France and Great Britain. Fourthly, the use of the phrase Anglophone gives a false impression that the problem is linguistic as Nfon E. Victor Mukete (2013) makes us understand in his work. For example, in a speech delivered in Bamenda on December 13,1991, Biya stressed

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Let us not oppose Anglophones and Francophones. The language barrier is not and should not be a political problem in our country. Mind you, at the start of this Century Cameroonians were neither Anglophones nor Francophones. Why should the wars of others and the culture of others divide Cameroonians at the dawn of the third millennium?<sup>1</sup>

In addition, the term Anglophone could simply mean anyone who speaks English and would go a long way to dilute the concept of Anglophones in the Republic of Cameroon. Hence, the use of the term makes us know that the so called Anglophone Problem is a constitutional and political one. It is a historico-social, political and constitutional problem affecting the Southern Cameroons which in the words of Anthony Ndi (1950), were prevented from independence by the British under the pretext that this territory was not economically viable and could only survive by leaning on Nigeria or the Republic of Cameroun. We will challenge the stance why justice and not peace is the long lasting solution to the Anglophone Problem in Cameroon. We will start with a close and profound examination of the Rawlsian concept of justice as fairness and then we shall equally look in a much more profound way at the historical background from which the problem of the British Southern Cameroons originated from. We examine how Rawls position on justice as fairness with its wider implications and applications can helping establishing a long lasting solution to the perennial issue of the Anglophone problem/crisis in Cameroon.

## **I. RAWLS ON JUSTICE AS FAIRNESS**

In Rawls' *A Theory of Justice* (1971), he believes that the utilitarian tradition which has dominated modern political thought in English speaking world had to be replaced by a more pragmatic and operational paradigm. His aim was to develop an alternative to the utilitarian model which prides the benefits or advantage of the majority over and over that of the minority. His aim is to carry the social contract theory to a higher level of abstraction by considering the principles of justices as the object of the social contract whose traditions are traced back to John Locke, Jacques Rousseau and especially Immanuel Kant. In his mind, justice, which he would later call justice as fairness, is the solution to problems that arise in society. For Rawls, society is a cooperative venture between free and equal persons for their mutual advantage. People participate in order to implement their own conceptions of the good. Cooperation makes a better life possible for everyone by increasing the stock of what Rawls calls "primary goods" or "primary social goods".<sup>2</sup> These are the goods that principles of justice are designed to distribute and which serve as a basis for comparison and measure of an individual's level of well-being for purposes of justice. They include rights and liberties, powers and opportunities and positions of office, income and wealth and the basis of self-respect.

By power, Rawls means the institutional abilities and prerogatives attached to offices and positions in society. Rawls contends that these primary goods are all-purpose means that it is rational for persons to want, whatever their particular conception of the good may be. They are necessary for realizing citizens'

fundamental interests in exercising their moral powers and pursuing their rational life-plans.<sup>3</sup>

Since society is not only characterized by cooperation but also by conflict, disharmony and discord, since people disagree on the basic conception of the state(whether it should be unitary or federal) and how to distribute benefits and burdens, conflict between the Francophone and the Anglophone way of life illustrates such disagreements. Rawls holds that the principles of justice are used to resolve and evaluate the distribution of benefits and burdens and the institutions that affect them. His task is to search for principles that can meet diverse needs without marginalizing any group. He seeks principles that would be fair to all and not merely benefit the majority, as utilitarian principles tend to do. He calls his conception, "justice as fairness."

For Rawls, justice is be understood as fairness. By fairness, he indicates a certain equality in the treatment of persons. For this to be possible, the principles of justice must be chosen in one joint act by the members of the society in a hypothetical situation called the Original Position.

## **I.II. Original Position**

By the Original Position, Rawls means a hypothetical situation, not some pre-civilized period of human history such as the "state of nature" described by Locke, Hobbes and Rousseau. It is not an actual agreement made at some point in history but rather a thought experiment.<sup>4</sup> In it hypothetical persons, described as fairly situated and as free, equal and rational are given the task of coming to a unanimous agreement upon the principles of justice, and not principles of peace, that are to be applied within their ongoing society.

The hallmark of this agreement is that parties do not know anything about themselves and anyone else in the society. This is made possible by the "veil of ignorance" which requires that the parties make a strictly impartial choice, one that does not favour people in any particular social position. Given these background social conditions, Rawls calls his conception "justice as fairness," since it aims to discover the principles of justice that would be agreed to in a fair initial situation.<sup>5</sup>

Rawls reasons that the fairness of the Original Position transfers to the principles agreed upon within it, and thus those principles should themselves be fair.<sup>6</sup> In this sense, what is fair is the outcome of the fair procedure itself.<sup>7</sup> The parties cannot and should not enter the agreement with preconditions, preconceived notions, taboo topics or hidden agendas.

At this stage, a crucial question emerges: Will a more advantaged partner agree to an arrangement that makes him lose his privileged position, or will someone with greater property accept to enter the veil of ignorance alongside someone with nothing? This challenge is echoed by Robert Nozick, who objects that no rational person would choose principles that jeopardize

<sup>3</sup> SAMUEL FREEMAN (ed), *The Cambridge Companion to Rawls*, Cambridge University Press, 2003

<sup>4</sup> JOHN RAWLS, *Justice as Fairness*, 17

<sup>5</sup> SAMUEL FREEMAN, *Rawls* 142.

<sup>6</sup> JOHN RAWLS, *A Theory of Justice* 12/11 Revised edition

<sup>7</sup> SAMUEL FREEMAN, *Collected Papers*, Harvard University Press, Cambridge, MA, 1999 *Collected Papers*, 311

<sup>1</sup> Speech of President Paul Biya at Bamenda on September 13, 1991 in *Playdoyer Pour Une Vraie Democratie*

<sup>2</sup> JOHN RAWLS, *A Theory of Justice*, Cambridge, MA: Harvard University Press(1971);, also *Collected Papers* ch. 17

their existing property rights.<sup>8</sup> He further maintains that property rights are pre-social and that distributive justice should therefore be determined by non-cooperative principles.

Rawls, however, sees property rights as social institutions and regards principles of justice as determining how they are to be distributed. Rawls believes in a fair agreement amongst all parties in which each is given the opportunity to accept or reject the principles.<sup>9</sup>

According to Samuel Freeman, Rawls thinks that for this agreement to be fair, the parties must be represented in the same way, solely as free and equal moral persons, abstracting from the factual characteristics and circumstances that individuates them and sets them odds.<sup>10</sup> The Original Position, Rawls says, represents or models free and equal moral persons.<sup>11</sup> A moral person, in Rawls philosophy, is characterized by two powers: first, the capacity for a sense of justice, that is the ability to understand, apply, and affirm a conception of justice; and second, the capacity to form, revise and rationally pursue a conception of the good.

In *A Theory of Justice*, Rawls emphasizes that the parties are motivated to advance their particular conceptions of the good, although they do not know exactly what these are. Samuel Freeman gives an example to support this point by noting that, assuming we care about justice, we presumably believe that like cases should be treated alike and that people are equals in some basic sense. This implies that some information is not morally relevant in argument for principles of justice, for examples, people's, religion, race, gender, ethnic groups, social class, or linguistic divide.<sup>12</sup> The veil of ignorance excludes this information so that the agreement is biased only on what is morally relevant.

In this original position, therefore, the deliberators are to be thought as roughly equal. They are rational in the narrow sense of seeking the most effective means to their chosen ends. They are mutually disinterested in the sense that they do not take an interest in another's particular interest, but they are not necessarily egoistic.

Behind the veil of ignorance, the deliberators are shielded from information about their place in society, their place and social status, their fortune and natural abilities such as strength and intelligence, their assets such as money, land, or mineral resources, their conception of the good and the way society is organized. Rawls' believes that from these deliberations and the subsequent agreement, the principle of justice will be developed.

### **I.III. PRINCIPLE OF JUSTICE**

In his *A Theory of Justice*, Rawls states that "justice is the first virtue of social institutions, as truth is of systems of thought."<sup>13</sup> In this light, he goes on to hold that each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override. This means that there is no situation, in which injustice toward an individual is acceptable, whatever benefits it might provide to a majority of persons.

Rawls formulates two main principles of justice. The first principle reads as follows: "Each person is to have an equal right to the most extensive schemes of equal basic liberties compatible with a similar scheme of liberties for others." The second principle holds that "Social and economic inequalities are to be arranged so that they are both: (a) reasonably and expected to everyone's advantage and (b) attached to positions and offices open to all."<sup>14</sup>

For Rawls, the principles of justice are those that determine a fair resolution of conflicts of interests amongst persons in a society. A set of principles is required for choosing amongst the various social arrangements that determine this division of advantages and for underwriting an agreement on proper distributive shares.<sup>15</sup> The principles of justice regulate what Rawls calls the "basic structure of society," that is, the way major social institutions distribute fundamental rights and duties and determine the division of advantages arising from social cooperation.<sup>16</sup> Justice as fairness focuses on the basic structure because it contains the main social positions and institutional frameworks within which justice is expected to be realized.

The consideration of justice as fairness with its various implications enables us to see how Rawls' teaching can offer a framework for addressing problem of British Southern Cameroons, often called the "Anglophone Problem". This leads us to examine the historical and geographical context of Cameroon.

### **I.IV. LOCATION HISTORICAL BACKGROUND OF CAMEROON**

Cameroon is located in the east wind of West African Coast-the hinge of Africa," where the coastline turns south. From 1827, it came to be known as part of the informal British Empire, although it was annexed by the Germans in 1884 under the name "Kamerun." The German protectorate over this territory lasted thirty years until the outbreak and subsequent defeat of Germany in World War I in 1914.

The allied victory in Cameroon and the expulsion of the Germans in 1916 was followed a partition of the territory between Britain and France on a one-to-four basis in favour of France. The British took what is now known referred to as Anglophone Cameroon and administered it through Nigeria using the indirect rule, while France took the larger part.

The British had hoped to administer this part as though it were part of Nigeria, but the provisions of the Treaty of Versailles placed former enemy territories under the League of Nations mandates. Thus, Britain ruled British Southern Cameroons under the authority of the League of Nations. When the UN replaced the League of Nations in 1945, these territories became UN Trust Territories.

Under this mandate, the two colonial powers had the rights to integrate their parts of Cameroon into customs, fiscal, currency and administrative unions or federations with adjacent territories, short of annexation. For this reason, French-speaking Cameroon belonged to the Federation of French Equatorial Africa but remained a separate unit.

<sup>8</sup> ROBERT NOZICK, *Anarchy, State and Utopia*, New York, Basic Books 1974, 199.

<sup>9</sup> JOHN RAWLS, Justice as fairness, 14-15, 17.

<sup>10</sup> SAMUEL FREEMAN, *Rawls* 143.

<sup>11</sup> JOHN RAWLS, Justice as fairness, 17 and A theory of Justice 18/16 Rev.

<sup>12</sup> SAMUEL FREEMAN, *Rawls* 144.

<sup>13</sup> JOHN RAWLS, (Revised Edition) *A Theory of Justice*, 3.

<sup>14</sup> *Ibid.*, 53

<sup>15</sup> *Ibid.*, 4.

<sup>16</sup> JOHN RAWLS, *A Theory of Justice*, (rev. ed) 6.

British southern Cameroons was treated as an integral part of British Nigeria. The Northern strip of the Anglophone territory was subdivided and fused with the administration of the three northern Nigerian provinces, while the southern part became one of the administrative provinces of southern Nigeria and later on part of the Eastern region of Nigeria.<sup>17</sup>

French Cameroon (Francophone Cameroon) became independent on 1 January 1960. The people of Southern Cameroons, who had been administered as part of Nigeria, had to decide their own political future through a UN-organized plebiscite held separately for the Northern and Southern Cameroons. The people of Northern Cameroons voted to achieve independence by joining Nigeria, while those of the Southern Cameroons<sup>18</sup> voted to achieve independence by joining the Republic of Cameroon.

After a constitutional conference in July 1961, British Southern Cameroons and French Cameroon reunited on 1 October 1961 to form the Federal Republic of Cameroon, with Southern Cameroons becoming West Cameroon and Francophone Cameroon becoming East Cameroon.

Having briefly contextualized Cameroon, we can now address basic question: Who is an Anglophone in Cameroon?

#### **I.V. THE ANGLOPHONES IN THE REPUBLIC OF CAMEROON**

This section is crucial because of the calculated media attempts to dilute and distort the concept of “Anglophoneness” in Cameroon. A typical example is that of a Francophone minister who publicly boasted that his children were Anglophones, which caused serious controversy. This raises the question: Who is an Anglophone, and what constitutes Anglophoneness in Cameroon? In this light we will look at the factors that make for Anglophoneness in Cameroon.

The first factor that defines Anglophones in Cameroon is their Anglo-Saxon culture: language, educational system, legal system, political philosophy, freedom of speech, an unarmed police, to which everyone brought up or who has lived for a long time in the former British-ruled territory has been naturally exposed. Quoting the emeritus Archbishop of the Bamenda, the Bishops of the Bamenda Ecclesiastical Province wrote about the Anglophones of British Southern Cameroons: “Torture, cruelty and inhuman treatment, was totally unheard of in the Cameroons under the United Kingdom Trusteeship. It was unconceivable in the British Cameroons, to torture or harass people.”<sup>19</sup>

The official language of Anglophones culture was English, Pidgin English developed as the lingua franca of the population.

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<sup>17</sup> VERKIJKA G. FANSO, “Anglophone and Francophone Nationalisms In Cameroon” in *The Round Table* (1999), 350 (281-296), 283.

<sup>18</sup> It is important to note that the term Southern Cameroons was in relations to British Southern Cameroon because there was a British Northern Cameroons which voted to join Nigeria. So in relations to *La Republique du Cameroun*, Southern Cameroons was called that way. This is to make a difference between the region called South Cameroon which only existed later on as part of the ten states of Cameroon.

<sup>19</sup> *Declaration of the Bishops of the Bamenda Provincial Episcopal Conference BAPEC following the Massive Demonstrations and the Curfew imposed on the North West and South West Regions from Friday 29<sup>th</sup> September to Monday 2<sup>nd</sup> October 2017*, 11, 12.

The culture provided a value system often referred to as “the British way,” to which Anglophones became strongly attached. Freedom of speech, expression, and movement were hallmarks of this culture.

When the wind of nationalism blew, it had two goals: to establish a separate identity from Nigeria and to reunite with the Republic of Cameroon, believed to share a common pre-German<sup>20</sup> history with the British Southern Cameroons. For the Anglophone nationalists reunification was a tactical argument to win autonomy from the Eastern House Assembly in Nigeria and from the British Government.<sup>21</sup> They thus faced three major political options: first, full autonomy as a region of Nigeria, second, full separation and independence for British Cameroons and third, secession from Nigeria and reunification with the Republic of Cameroon.<sup>22</sup>

In 1959, the UN endorsed the plebiscite as the best way for British Cameroons to determine their political future. It imposed only two options: independence through integration with Nigeria or independence through integration with the Republic of Cameroon, under the pretext that the territory was not economically viable. The plebiscite results shown a landslide victory in favour of gaining independence by joining the Republic of Cameroon.

It must be emphasized that Southern Cameroons only became independent by joining; that is, the act of joining was considered to confer independence. This raises a question: If they later separate, do they remain independent as a separate state? One could argue that if they separated, they would revert to being a UN Trust Territory since the act which conferred independence (joining) would have been undone.

Another pertinent question is whether the British reason for refusing outright independence to British Southern Cameroons was tenable. One may easily conclude that it was not, since Britain had not been given the territory in order to later advocate its integration into larger territories. This suggests that either Britain did not care about the fate of these people or simply donated them to the French. If so, then it is clear that Britain still has unfinished business in British Southern Cameroons.

The terms of the reunification had to be discussed in a constitutional conference. According to Professor Verkijika Fanso, when contacts were reestablished in 1959, after Foncha became the

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<sup>20</sup> The question of the unity of Cameroon before the German colonization and even during the German colonial period is a controversial issue amongst scholars of history today. Before the German colonization, there were “independent” powerful tribes which ruled and owed no allegiance to anyone apart from the Fons and the Chiefs who ruled them as the “representatives” of God. Here we could talk about the Sawa Chiefs, the Bansa, The Mankon, Bafut, Nkwen and Kom Fons. None of these was dependent on the other. They were independent and autonomous. This is first evidence that the concept of a united Cameroon before the Germans is a farce. Secondly, when the Germans came, they signed “gin treaties” with the coastal chiefs who no mandates from the chief and Fons of the interior to act on their behalf. the coastal chiefs or the Sawa chiefs had no delegated authority to sign out all what was known of the territories at that time to the Germans. So the concept of oneness before for the Germans is dubious and deceptive in outlook and intention.

<sup>21</sup> R. JOSEPH, *Radical Nationalism in Cameroon: Social Organs of the UPC Rebellion*, Oxford 1977, 189.

<sup>22</sup> BONGFEN CHEM LANGEE “The Cameroon Plebiscites 1958-1961”: *Reception and Strategies* Ph.D. These UBC, Vancouver, 1976.

Prime Minister of British Southern Cameroons, regarding possible reunification, they were held with Amadou Ahidjo the hand-picked Prime Minister of French Cameroon. Ahidjo adopted the UPC programme of reunification, not out of conviction but to win the support of moderate Francophone nationalists.

Foncha and Ahidjo met twice before French Cameroon became independent on 1 January 1960 and about five times before the plebiscite in the Southern Cameroons on the 11 February 1961. At these meetings, especially those on the 15 July and 9-14 August 1960, both leaders agreed on generalities and not the matters of substance, except that the reunited state should be a federation outside both the British Commonwealth and French Union or the Francophonie. This already suggests that something problematic was in the making.

When Foncha met Ahidjo again, they agreed that a constitutional Conference be scheduled in Foumban from 17 to 21 July 1961.

The delegation from Southern Cameroon numbered 25 and included members of the major political parties. The British were not present. This raises the question: Why did the British not accompany the delegation from the British Cameroons? According to Prof Fanso, British advisers were kept out of a prior Bamenda meeting, and any attempts to brief the Prime Minister were angrily rebuffed as *interference*; this may explain why the British were not present at Foumban.<sup>23</sup>

The delegation from the Republic of Cameroon numbered 12 and consisted mainly of members of Ahidjo's party and some French advisers. French constitutional experts supported the Francophone delegation in Foumban.

We can already see that Amadou Ahidjo and his colleagues did not approach the meeting in the spirit of the Original Position. They came with a clear superiority complex and with preconceived ideas, which have continued to shape attitudes since Foumban. This is a glaring example of injustice in dialogue.. Ahidjo arrived with a comprehensive set of constitutional proposals which became the basis of negotiations, while the inexperienced and politically naïve Anglophone politicians had little leverage. The Emeritus Cardinal of Cameroon reportedly said that the Southern Cameroon delegation went to Foumban "to drink wine."

The British southern Cameroonians went to Foumban to press for a loose federation in line with the pre-plebiscite Ahidjo-Foncha agreements, campaign promises and longstanding Anglophone thinking on reunification. Ahidjo's delegation proposed a highly centralized federation, almost a non-federation. According to Fanso, Ahidjo felt bound by nothing and saw no need to respect earlier understandings. Anglophones left Foumban largely empty-handed and with their political dreams of equal partnership shattered.<sup>24</sup>

What went wrong in Foumban would later lead to what is now called the Anglophone Problem. For the Anglophone population, nation-building has been driven by the firm determination on the part of the Francophone political elite to dominate the Anglophone minority and to erase the cultural and

institutional foundations of Anglophone identity.<sup>25</sup> Peit Konings and Francis B. Nyamnjoh argue that Ahidjo began an autocratic transformation of the federal constitution into unitary state.

This transformation culminated on 6 May 1972 when Ahidjo announced that the Federal Republic would become a unitary state, provided the electorate supported the idea in a referendum to be held on 20 May.<sup>26</sup> This move abrogated article 47 clause 1 of the Foumban constitution, which stated that "any proposal for the revision of the present constitution which impairs the unity and integrity of the federation shall be inadmissible."<sup>27</sup>

The autocratic nature of Ahidjo's regime helps to explain why Cameroonians voted massively for the draft constitution and why Southern Cameroonians could not react immediately.

Given the hidden agenda of the Ahidjo-led delegation, the naivety of the Southern Cameroons delegation, the lack of experts on the Anglophone side, the rapid reversal of the timid agreement reached in Foumban, we can begin to understand the dissatisfaction and resentment of British Southern Cameroonians. Their despair and frustration gave birth, at a very early stage of the national unity experiment, to what is now called the Anglophone Problem, or more precisely the problem of British Southern Cameroonians in the Republic of Cameroon.

We have already outlined why the term Anglophone is ambiguous and inadequate. At this juncture, we must ask what the expression "Anglophone Problem" actually signifies. This will be discussed within the framework of justice as fairness.

## I. VI. THE BRITISH SOUTHERN CAMEROONS PROBLEM

As indicated at the beginning of this paper, we prefer the expression "British Southern Cameroons" to "Anglophones" because of the many misleading and inappropriate controversies surrounding the latter in the Cameroonian context. From the historical background outlined above, a keen and objective reader will already have an idea of what is usually called the Anglophone problem.

However, the most comprehensive definition comes from the *Memorandum of the Catholic Bishops of the Bamenda Provincial Episcopal Conference* (BAPEC). In their declaration they define the Anglophone Problem in four main ways. It consists in:

The failure of successive governments of Cameroon since 1961 to respect and implement the articles of the Constitution that uphold and safeguard what British Southern Cameroon brought along to this union in 1961. John Ngu Foncha the architect of the union, supports this when he writes: when he writes: "The Anglophone Cameroonians whom I brought into the union have been ridiculed and referred to as "les Biafrains,"<sup>28</sup> "les ennemies dans la maison,"<sup>29</sup> "les traîtres"<sup>30</sup> etc., and the constitutional provisions which protected this Anglophone minority have been suppressed,

<sup>25</sup> D. EYOH 1998b" Conflicting Narratives of Anglophone Protest and the Politics of Identity in Cameroon" *Journal of Contemporary African Studies* Vol. 16, No. 2, 249-276.

<sup>26</sup> It is widely believed that 20<sup>th</sup> of May was chosen because it was the birth day of his wife Aminatou Ahijo.

<sup>27</sup> Cf., KONINGS, P. AND NYAMNJOH, F. B. (1997), "The Anglophone Problem in Cameroon," *The Journal of Modern African Studies*, Vol. 35, No. 2, 211.

<sup>28</sup> The Biafrans

<sup>29</sup> The enemy in the house

<sup>30</sup> Traitors

<sup>23</sup> VERKIJKA G. FANSO, "Anglophone and Francophone Nationalisms In Cameroon" in *The Round Table* 290.

<sup>24</sup> Cf. *ibid*

their voice drowned while the rule of the gun replaced the dialogue which the Anglophones cherish very much.<sup>31</sup>

The flagrant disrespect for the constitution demonstrated by the *dissolution of political parties and the formation of one political party in 1966, the sacking of Jua and the appointment of Muna in 1968 as the prime Minister of West Cameroon*, and other such actions judged by West Cameroonians to be unconstitutional and undemocratic.

The cavalier management of the 1972 Referendum which *took out the foundational element (Federation) of the 1961 Constitution*.

The 1984 constitutional amendment which gave the country the original name of East Cameroon (The Republic of Cameroon) and hereby *erased the identity of the West Cameroonians* from the original union. West Cameroon, which had entered the original union as an equal partner, effectively ceased to exist.

The deliberate and systematic erosion of the West Cameroonian cultural identity, which the 1961 Constitution sought to protect by instituting a bicultural federation<sup>32</sup>.

All the italicized phrases in the BAPEC text highlight the real grievances that have led to what is now known as the Anglophone Problem.

We must stress that the Anglophone problem is primarily not a problem of infrastructure, though infrastructure is part of it. It is primarily not a linguistic problem, even though language and the policy of “francophonisation” are not irrelevant. Nor is it simply a problem of any one who speaks English in Cameroon. It is fundamentally a constitutional and political issue, and therefore, a constitutional and political solution is required. Reducing the Anglophone Problem to issues of infrastructure, language, or poverty is simplistic.

This history and the analysis leads us naturally to examining how this problem can be understood and addressed within the context of Rawlsian justice as fairness.

#### **I.VI. JUSTICE AS FAIRNESS AND THE BRITISH SOUTHERN CAMEROON PROBLEM (ANGLOPHONE) PROBLEM**

In this section, we shall focus on the Fouban Conference and agreements that emerged from it, as well as their subsequent implementations or non-implementation. We revisit the framework of the Original Position and the respect, or lack thereof, for what should have emerged from a truly fair agreement. Our thesis is that justice as fairness, not an abstract appeal to peace, is the way out of the present deadlock.

#### **I.VII. The Original Position and the Fouban Conference**

For an agreement in the spirit of the Original Position, there must be a basic presupposition of equality among disinterested parties. This is crucial for the adoption of principles that are fair both to minorities and majorities. Once this condition of equality is not met, any decisions or agreements reached will not be fair.

The parties in the Fouban Conference did not meet on an equal footing. Foncha led a delegation from a territory that was not yet independent, whereas French Cameroon came as an already independent state, the Republic of Cameroon.<sup>33</sup>

Piet Konings and Francis B. Nyamnjoh note that what was expected to mark the start of a unique federal experiment in Africa soon turned out to be “more shadow than reality.” During negotiations on the constitution, particularly at the Fouban Conference in July 1961, the bargaining strength of the francophone delegation reflected the fact that the Anglophone region was small, comprising only 9% of the total area and about a quarter of the population. More importantly, Southern Cameroons had yet to achieve its independence, which would only occur through joining the Republic of Cameroon, whose President, Amadou Ahidjo, as leader of the Francophone delegation, capitalized on his territory’s “senior” status to dictate the terms of federation.

John Ngu Foncha, had proposed a loose form of federalism, but he was eventually forced to accept a highly centralized system of government and administration. From the standpoint of the Original Position, the participants in Fouban did not know their status, advantages, and relative bargaining power, and they acted on this knowledge. This already constitutes an injustice and a lack of fairness.

Furthermore, previous private meetings between Foncha and Ahidjo meant that the Fouban discussions had already been steered in a particular direction. One may ask whether Foncha had a clear electoral mandate to negotiate reunification and whether his office gave him the authority to make such far-reaching commitments, or whether Britain should have been directly involved in those negotiations. These questions underline the lack of fairness from the very beginning of the talks on the future of Southern Cameroonians.

#### **I.VII.II. KNOWLEDGE OF THE SUBJECTS AND THE SUBJECT OF DISCUSSION**

In the Original Position, participants are not supposed to possess information about their own particular circumstances or to have preconceived ideas about the outcome. In contrast, at the Fouban “wine drinking” conference, Ahidjo came with a prepared constitution, while the British Southern Cameroons delegation arrived with no draft text.

Believing in genuine dialogue, the Anglophones expected open discussions, but Ahidjo had already crafted a constitutional document.. This disadvantaged the British Southern Cameroons delegation, wh were then forced to adapt what the Francophone delegation brought.

According to Verkijika Fanson, the Ahidjo delegation, experienced in constitutional negotiations under the French, went to Fouban with a comprehensive set of proposals already formulated as a draft constitution. There was thus no real match; joint draft was impossible. Anglophones spent most of the conference trying to study and modify the Francophone text.<sup>34</sup>

<sup>31</sup> JOHN NGU FONCHA'S letter of resignation from the CPDM is reproduced in Mukong (1990), 155.

<sup>32</sup> Memorandum presented to the Head of state, His excellency President Paul Biya, By the bishops of the ecclesiastical province of Bamenda on the current situation of unrest in the North West and South West Regions of Cameroon 22December 2016, 8.

<sup>33</sup> VERKIJIKA G. FANSON, “Anglophone and Francophone Nationalisms In Cameroon” in 291.

<sup>34</sup> VERKIJIKA G. FANSON, “Anglophone and Francophone Nationalisms In Cameroon” 290.

For one delegation to have a prepared text and to control the subject matter, while the other has none, is a blatant case of unfairness and partiality. These procedural irregularities had foreseeable consequences which later formed the basis of the Anglophone crisis.

## **I.VII. PERTINENCE OF THE JUSTICE AS FAIRNESS ON THE ANGLOPHONE PROBLEM**

This topic is especially important at a time when Cameroon is metaphorically “burning” as a result of the Anglophone problem. The injustices rooted in the early reunification negotiations have manifested themselves politically, economically, educationally, judicially, and administratively.

Politically, there is serious marginalization visible in the appointments of ministers. Konings and Nyamnjoh note that President Paul Biya has never entrusted the most important and most sensitive ministries – Defence, Foreign Affairs, Territorial Administration, and National Education – to Anglophones. These include, Defense, Foreign affairs, Territorial Administration and National Education. The Anglophones are usually relegated to play the deputy.<sup>35</sup>

Economically, there has been a blatant exploitation of the natural resources found in Anglophone regions to “feed the bellies” of its allies.<sup>36</sup> Major enterprises such as the Cameroon Bank, West Cameroon Marketing Board, WADA in Wum, West Cameroon Cooperative Movement were dismantled or repurposed in ways that benefited other regions more than the Anglophone areas, leaving many who depended on these structures in a state of frustration and economic injustice.<sup>37</sup>

In the educational and judicial domains, the Anglo-Saxon system has been infiltrated by people unfamiliar with its norms. This undermines the original agreement that both states would preserve their distinct educational and judicial systems. The exclusion of qualified Anglophones from professional schools, even in Anglophone regions, is another glaring example of marginalization and is one of the immediate causes of the protracted crisis that began on 21 November 2016.<sup>38</sup>

All of these are disturbing facts whose roots can be traced back to the Foumban Conference and subsequent meetings in Yaoundé, whose agreed tenets and articles were often ignored or reversed.

## **CONCLUSION**

We have examined the Rawlsian concept of justice as fairness and shown that it was not the starting point in the crucial agreement that brought about two political entities to form the Federal Republic of Cameroon. Because this paradigm was not applied, the problems faced by Anglophones within the larger Cameroonian society are unsurprising.

<sup>35</sup> PIET KONINGS and FRANCIS B. NYAMNJOH, “The Anglophone Problem in Cameroon,” *The Journal of Modern African Studies*, 35, 2, (1997), 210. Also Ngah Christian in *The Guardian Post, No.0109, Yaounde, Monday 17-23, May 2004.*

<sup>36</sup> BAYART, L’etat au Cameroun, Presse de la Fondation national des Sciences Politiques, Paris 1989,.

<sup>37</sup> Memorandum presented to the Head of state, His excellency President Paul Biya, By the bishops of the ecclesiastical province of Bamenda on the current situation of unrest in the North West and South West Regions of Cameroon 22December 2016, 13.

<sup>38</sup> Ibid., 14

We have argued that the solution to the British southern Cameroonian problem lies in justice as fairness, not in the repeated, abstract invocation of peace. Justice must be pursued through frank and sincere dialogue that respects the requirements of the Original Position and is conducted under a thick veil of ignorance, in Rawls’ sense. Speaking of peace without justice which, according to Rawls, should never be violated even for the welfare of the community, cannot resolve the political stalemate.

The call for justice requires an active and pragmatic approach, not merely speeches. We therefore recommend a frank and just evaluation of what went wrong and a commitment to restitution. Without this, denial and total abnegation will not make the problem disappear. The core issue is injustice, not merely a lack of peace, and this injustice continues to be experienced daily in the Anglophone community.

Many continue to ask: Why must Anglophone lives be sacrificed before any significant political change occurs in Cameroon? Before the creation of the Cameroon General Certificate of Education Board and the BAC Board, Anglophone lives were lost. Before the reintroduction of multiparty politics in the early 1990s Anglophone were killed. Now, as Anglophones demand federalism and, subsequently, independence, lives are again being lost while decentralization is suddenly supposed to be accelerated.

These questions highlight the injustices stemming from a Foncha-Ahidjo arrangement that has turned out to be worse than no deal at all. We agree with the bishops of the Bamenda Provincial Episcopal Conference that the government’s continued denial of any Anglophone Problem, rooted in injustice, and its determination to defend the unitary state by all available means, including repression, as seen today in Manyu and other parts of Southern Cameroons, could drive Anglophone demands past a point of no return. This is not a prospect that any responsible citizen should wish for their country.<sup>39</sup>

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#### **MEMORANDUM**

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*Declaration of the Bishops of the Bamenda Provincial Episcopal Conference* BAPEC following the Massive Demonstrations and the Curfew imposed on the North West and South West Regions from Friday 29<sup>th</sup> September to Monday 2<sup>nd</sup> October 2017,

#### **SPEECHES**

Speech of President Paul Biya at Bamenda on September 13<sup>th</sup> , 1991 in *Playdoyer Pour Une Vraie Democratie*

#### **LETTERS**

JOHN NGU FONCHA'S letter of resignation from the CPDM is reproduced in Mukong (1990)