LAW OF THE SEA AND NIGERIA-CAMEROON RELATIONS: THE BAKASSI DISPUTE REVISITED

BY

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The Dissertation is dedicated to God the Father Almighty, to my lovely parents, Mr. and Mrs. JOSEPH UAA JULUKU, and to the entire JULUKU family.
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ABSTRACT

The discovery of oil deposits around the golf of Africa and in the Bakassi Peninsula led to series of claims and counter-claims of sovereignty over the peninsula. The heighten debate and bone of contention over the Bakassi Peninsular has evolve basically around the fact that each country wanted to own the richly endowed Bakassi peninsular so as to control the large mineral deposit in the area. The research tries to assess the causes and the role of natural resources in the conflict, the effects of the conflicts and the Green Tree Accord to the local residents of the peninsula. Hence, the bakassi dispute is within the territorial waters of Nigeria and Cameroon, The Law of the Sea was imputed to proffer justice to the dispute. It is against this backdrop that the International Court of Justice (ICJ) Judgment on the Bakassi peninsula is critically examined. Broadly, this research looked to examine the law governing the sea and the Nigerian-Cameroon Relations and to revisit the Bakassi Dispute. Specifically, the research examined the relationship between the discovery of natural resources particularly oil in the Bakassi Peninsula and the worsening dispute between Nigeria and Cameroon. Using Qualitative data analysis, the study situated the problem between Nigeria and Cameroon to be the discovery of natural resources particularly oil in the Bakassi Peninsula. With the employment of the Theory of Economic Nationalism, it was assumed in the study that European imperialist activity in the last two centuries established borders in Africa, including our case study. However, the basic element explaining conflicts over these borders today is nationalism, which is manifest in the form of a struggle for economic attainment and psychic aggrandizement, by nationals and their leadership. Nationalism provides a critical explanation for a frequent war stirrings emanating from borders that go beyond the defense of territorial integrity of states. Intensive research yielded archival data on colonial and post-colonial treaties and administrative reports, which were critically analyzed. Extent data were also obtained from libraries to compliment the archival and offered diverse collections of informed scholarly opinions on boundary and related issues. Analysis or data enabled us to arrive at our findings. The analysis of the data revealed that, Economic Nationalism inspired by the mineral and other natural endowments of the disputed area, is central to the dispute. Beside this, domestic political forces in these countries and their colonial background synergized with the basic economic element to reinforce the conflict situation. The conflict was later referred to the International Court of Justice (ICJ) in 2002, based on historical evidence (an agreement which was signed in 1913 between the Germans and the British concerning the border between Cameroon and Nigeria) the court took its decision on the matter in favored of Cameroon. However, because of the mixed filings with which the judgment was received, we are yet to see the parties take full advantage of it to resolve the melee. This notwithstanding, we recommended greater functional integration of these countries and the West and Central African sub regions to strengthen peaceful coexistence between them. All African States should continue to encourage mutual respect for the boundaries and for the laws of each other’s countries so as to maintain good neighborliness. It is therefore hoped that the maturity and high level diplomacy exhibited by these two countries will be emulated by other African States with similar border problems.
CHAPTER ONE

1.1. INTRODUCTION

The law of the sea according to Umozurike (2001) was largely codified in the four conventions of 1958-Geneva convention territorial sea and contiguous zone, Geneva Convention on the high seas, Geneva Convention on the continental shelf and Geneva Convention of fishing and conservation of the living resources of the high seas. The Geneva, convention on the high seas was generally declaratory of customary rules; the others were partly declaratory and partly a progressive development of the law: A number of issues, notably the width of the territorial sea and the right of innocent passage for warships through straits that also form parts of territorial seas were not settled in the first UN conference in 1958 nor were they in the second conference held in 1960. The need for a third conference arose from the need, _inter alia_, to settle those outstanding issues. There had been technological developments in deep sea mining and a greater recognition of the need to conserve fish and prevent or control pollution. Moreover, the new states that emerged in large numbers since 1960 had not participated in the previous conferences. The third UN conference on the law of the sea was embarked upon in 1973 to provide a comprehensive regime on the law of the sea.

The negotiations took nine years and the conference of 160 delegations adopted novel methods to arrive at agreements. The negotiations took place in the main committees, in formal and informal negotiating groups and even in privately convened negotiating groups. It was recognized _ab initio_ that the problems of the sea were interrelated and should be considered and solved together. It was therefore necessary to achieve compromises in order to arrive at consensus decisions. This method ensured the widest participation; it enabled the divergences to be clearly identified and then harmonized the different political, economic and legal systems. Brownlie,(1979). Voting was to be adopted only as a last resort for it was recognized that parties that voted against a decision tended to deny their cooperation when it came to execution. Different subjects were allocated to different problems and the results were brought to the larger committees and ultimately to the committee of the whole. It took a long time to arrive at the final text. A unanimous decision would have qualified the convention as “instant” customary law and would have represented a great leap forward in international development and co-operation.
In the meantime, the Reagan Administration emerged in the US and insisted on review and re-negotiation, especially of the part of the convention that dealt with the exploitation of the deep seabed. It was argued that the age-old freedom of the sea should continue and permit exploitation of the deep seabed on the basis of ability to do so. One the other hand, the new methods of exploitation are likely to involve the construction of permanent fixtures on the seabed which would affect other users. The conference resorted to voting as a last resort; 130 voted in favor, 4 against, and 17 abstained.

Despite the setback, the convention represents a great step in international cooperation. The convention reconciles the interests of the coastal states with those of the landlocked; of the wealthy with the poor, of the technological developed with the undeveloped and of the powerful with the weak. It protects the freedom of navigation, safeguards the marine environment and minimizes pollution. The concept of the natural heritage of mankind first introduced in the peaceful uses of the seabed in 1967, found eloquent expression in the exploitation of the resources of the deep seabed in the interest of all states.

Many of the customary rules found in the four Geneva conventions of 1958, have found their way into 1982 convention. The prominent additions to the old law include the 12-mile territorial sea, the 200-mile Exclusive Economic Zone and the exploitation on the deep seabed under the authority and management of an international authority. There is compulsory judiciary settlement or arbitration of disputes.

The United Nations convention on the law of the sea represents the customary law in some parts and its progressive development in other parts. It is the basis of our study of the law of the sea. The long-term interest of the international community as whole requires the curtailment of narrow individual interests and the acceptance of a wide consensus as represented in the convention. These may be divided into the following zones for legal purpose; internal waters, territorial sea and contiguous zone, other zones in which states have a special interest and the high seas.

These will be taken seriatim with a focus on delimitation, the nature of jurisdiction the costal state may exercise and the rights of other states.
For the basis of our study of the law of the sea and the Nigerian Cameroon conflict, the sea will be divided into the following zones, Internal Waters, Territorial seas and Contiguous zones, in which states have a special interest in the High-sea. The internal waters consist of waters to the landward side of the territorial sea baseline or straight baseline and include harbor, ports, rivers, lakes, and canals, closed in bays, gulf and waters enclosed by archipelagic islands. The territorial sea baseline is the lowest water mark but where the coast is deeply intended or market by a fringe of islands or a delta, a straight line may be drawn linking the outer most points. These straight lines must however conform to the general direction of the coasts; such lines shall not be drawn from low tide elevations unless permanent installations have been built on them or unless they do not cut off another state it territorial sea or exclusive economic zone.

The territorial sea (alias territorial waters or the Maritime belt) extends for an uncertain number of miles beyond internal waters. The width of the territorial sea is one of the most controversial questions in international law, though coastal states have rights over the territorial sea such as an exclusive right to fish and to exploit the resources of the seabed and subsoil of the territorial sea. In this wise, it will be possible to understand the conflict of interests which has arisen between Nigeria and Cameroon concerning the width of the territorial sea of Bakassi Peninsula waters.

It is worthy of note that, the policy of the territorial sea relations is a concept that has survived the ages. It is the relationship between nations within their territorial seas and how best such relations could be carried out. A case in point is that of the Nigerian-Cameroons territorial waters.

Nigeria-Cameroun territorial waters are found within longitude $8^0 - 10^0$ E of the Greenwich Meridian and latitude $0^0 - 5^0$ N of the equator. Nigeria and Cameroun are sharing a common border to the East of Nigeria on the west of Africa and the central of Africa. The population of the area is not thick but it contains small rich fishing islands like Ikang, Abana, and other smaller fishing ports. Their main occupation is fish farming and Ikang which is the biggest island comparatively is not very far from Calabar, the capital of Cross River State.

Basically, the area is a rich zone especially in fish farming in Nigeria and can cause any aggressive nation to go to war at the slightest provocation in order to protect her integrity. Whoever has hold of the area at any point in time would not agree to leave;
hence General Murtala Mohammed had this to say: “Nigeria would rather go to war than to forfeit the area and accept the new border” (National Concord, 1987: 2).

This is a clear indication of how important this disputed area is to both the two conflicting countries (i.e. Nigeria and Cameroun). In support of this fact, Benjamin Onyeachoram noted that: “There is lack of protection of our territorial waters especially this time when Nigeria is tossed to and fro by enemy countries that would not see anything good in her” (Benjamin 1987:2).

Still on the issue of protection of our territorial waters, Ogbuagu Anikwe in the Guardian quoting Ibrahim Alfa after stationing a unit of Nigerian Airforce in Maiduguri capital of Borno State to police our airspace in 1986 said: “No government could pretend that nothing was happening when her borders are on fire”. (Daily Times, July 15th 1981: 10)

This was after the series of confliction issues over the Bakassi peninsula and the public call for military installation in the dispute area.

One may tend to ask whether it is not within Nigeria’s capacity to stop such conflict since it is an unhealthy development that embraces her international standing. Even though it is not possible to analyze alternatives in conflict situation as explained by Jones (1982) Commission of law of the sea (UNCLOS) conferences held on this issue (Akinsonya, 1985).

The problem of territorial sea limit need much attention from time to time, at the Bakassi peninsula, was the issue of 1981 when five (5) Nigerian soldiers were killed and several others wounded by the Cameroonian gendarmes unprovoked. “Cameroon gendarmes harassed Nigerians on the Bakassi Peninsula and even boasted openly about their exploits to further intimidate Nigerians” (Akpabio, 1981:12).

Aside from its provisions defining ocean boundaries, the convention establishes general obligations for safeguarding the marine environment and protecting freedom of scientific research on the high seas, and also creates an innovative legal regime for controlling mineral resource exploitation in deep seabed areas beyond national jurisdiction, through an International Seabed Authority and the Common heritage of mankind principle. Landlocked states are given a right of access to and from the sea, without taxation of traffic through transit states.
Historically speaking the area popularly called “BakassiPeninsula” came under British protection on September 10, 1884. Following the Berlin conference of 1885, Britain and Germany defined their territorial spheres of influence in Africa in November 15, 1893. When the two installments of amalgamation were proclaimed in Nigeria in 1906 and 1914, the BakassiPeninsula subsumed under the frontiers of Southern Cameroon. Then the London Treaty of March 11 1913 established clear-cut regulations on navigation on the CrossRiver. The end of World War I brought Bakassi under British Cameroon. During the interwar years,

the Franco British Declaration of July 10, 1919 Bakassi and what became known as British Cameroon’s were placed under British mandate and were administered conterminously with Nigeria. In 1946 following the end of World War II Britain divided the Cameroon’s into Northern Cameroon and Southern Cameroon.

Although Southern Cameroon was distinct from the Eastern Region and the CalabarProvince, the United Nations requested the Trusteeship council to clarify the geography of Cameroon. Thus when Nigeria attained independence on October 1, 1960, Bakassi, was clearly under Cameroon. On February 11th and 12th 1961, a plebiscite was held to clarify the wishes of the people of Cameroon. The results of the plebiscite indicated that a preponderant population of the Cameroonians voted to join Northern Cameroon. Thus from the Tafawa Balewa administration through General Aguiyi Ironsi to the end of the Nigeria Civil War Bakassi was administered as part of Cameroon.

However, `the colonial masters did not clarify the maritime boundaries and the navigable portion of the Calabar estuary. The then Attorney General Taslim Elias, who later became President of the World Court, advised the Gowon administration based on the post-colonial agreements, Nigeria had no legal basis for contesting the BakassiPeninsula. But the technicality as per the Anglo-German Treaty of 1913, did not clearly define the navigable portion of the waters. The status of Bakassi never came up as an issue. There is however a popular version that when the civil war was intensified, the Federal government of Gowon reached an agreement with President Ahmadu Ahidjo of Cameroon requesting the latter to close the maritime borders where the Biafran soldiers obtained their supplies. That was the economic blockade that ended the war. In return, on June 1st 1975, Gowon and Ahidjo signed the Maroua Declaration for the extension of the 1971 maritime boundary.
When Murtala Mahammed overthrew the government of Gowon on July 29, 1975, he tried to smear Gowon’s reputation and discredited his foreign policy. He accused Gowon of giving out Bakassi cheaply to Cameroon thereby discrediting Gowon’s foreign policy in the African continent; even though Nigerian official maps from the period showed Bakassi in Cameroon’s territorial. However, successive administration in Nigeria did not muster up the political will to resolve the crisis until it snowballed into a conflict that attracted world attention. On October 10, 2002, the International Court of Justice at The Hague ceded to Cameroon the Bakassi Peninsula, whose ownership has been disputed for upwards of three decades. Initially, the Obasanjo administration rejected the ICJ resolution, but this only led to tension and arms buildup in the area. The mounting interest of the two countries in the Peninsula is attributable to the huge oil deposit in the area, and the strategic importance of the area in the Atlantic Ocean. In addition, the prolific fishing grounds also provided an additional attraction to the peninsula.

The October 10, 2002 judgment was based on historical facts but Nigeria claimed that the judgment did not take cognizance of the right of traditional Chiefs and people as the true owners of the land. Based on this grandstanding, the Nigerian media claimed that about 90% of the inhabitants of Bakassi were Nigerians of the Efik ethnic nationality.

Territorial claims, ideology, colonialism, nationalism, religion and natural resources have typically been the main sources of conflict throughout the world. While the influence of some of these is waning, struggles for the control of valuable natural resources have remained a persistent feature of national and international affairs for decades. In addition to helping some of the most corrupt and oppressive regimes to remain in power, natural resources have been fuelling conflicts within and between African countries. Such conflict situations typically take the form of territorial disputes over the possession of oil-laden border areas, factional struggles among the leaders of oil-rich countries, and major inter-state wars over the control of vital oil and mineral zones (Klare, 2004).

The basic thesis of this research is that the Nigeria-Cameroon face-off over the Bakassi would not have been if crude oil was not discovered in the Peninsula. For several decades neither Nigeria nor Cameroon showed interest in the area. The people who inhabited the area lived in abject lack, destitution and unimaginable squalor. The
contenders only became interested when the liquid gold was found. The underpinning factors in the Bakassi imbroglio are the rich oil reserves and prolific fishing grounds in the Atlantic Ocean. So the Bakassi peninsula crisis is precipitated by the capitalists *hegemony* whose aim is to appropriate and corporatize the commonwealth and sentence the mass of humanity to absolute poverty and misery. The real issues in contention are economic and strategic. The Peninsula only became attractive when huge oil reserves were found. Again the prolific fishing grounds in the Peninsula and its strategic location at the Atlantic Ocean is another added advantage.

In recent times, the International Court of Justice (ICJ) has dealt with many disputes of State responsibility for illegal occupation. Basically, territorial disputes are usually submitted to the ICJ by special agreements. However, the Republic of Cameroon instituted a case against Nigeria asking the Court to determine that Nigeria, by illegally occupying the Bakassi Peninsula and the Lake Chad area, had incurred State responsibility and had an obligation to provide reparation including pecuniary compensation. Cameroon in addition to requesting Nigeria to repair the military equipment destroyed during military actions, wanted Nigeria to pay for the collateral damage of physical infrastructure and profits due to the abandonment of economic activities related to oil and fisheries.

In paragraph 316, the ICJ decided to put aside Cameroon’s claims of reparation but handed down a standard declaratory judgment, followed by an order that Nigeria should withdraw from the Peninsula. In the opinion of the ICJ, Nigeria’s withdrawal was enough remedy for whatever injury that might have been caused as a result of the military incursion. Both the Geneva Convention and International humanitarian law provides copiously for such special rules of State responsibility.

The Bakassi border dispute was rendered more complex by the fact that both Nigeria and Cameroon traded accusations for being aggressors. Nigeria should accept the ICJ Resolution since one of the bastions of Nigeria’s foreign policy is to promote friendly relations among member nations and maintain International peace and Security.

President Obasanjo should not be crucified because the National Assembly did not duly endorse the ICJ resolution. While it is necessary for the President to seek the consent of the NASS, the President might have been advised by his legal luminaries that
the Geneva Regime as encapsulated in the corpus of International Law is superior to the municipal laws of any member nation of the United Nations.

The President of Nigeria epitomizes the integrity and Sovereignty of the State. Nigeria is not a pariah nation but an indispensable member of the international community and as such Nigeria is obliged to respect and abide by the opinion of the ICJ. The boundary dispute at issue is not an electoral process which can be manipulated by the NASS and INEC. International Protocol and modern diplomatic practice demand that Nigeria subscribes to the decisions of the ICJ and this is not negotiable.

An objective examination of the Nigeria – Cameroon imbroglio at the Bakassi Peninsula reveals three main positions:

- The Bakassi problem was a creation of the imperialists, colonialists and capitalists who for selfish reasons placed the map of Africa on a table and butchered the continent for their own economic interest. The same imperialists have intensified the conflict between Nigeria and Cameroon.

- The real issues in contention are economic and strategic. The Peninsula only became attractive when huge oil reserves were found. Again the prolific fishing grounds in the Peninsula and its strategic location at the Atlantic Ocean is another added advantage.

- There are many Nigerian émigrés in the Peninsular. In fact it is estimated that 90 percent of the inhabitants of Bakassi are Nigerians of Efik extraction. Most Nigerians in the area are either traders, or fishermen who seek greener pastures and better means of livelihood. But the Maroua Declaration signed by Gowon and Ahidjo was to compensate Cameroon for her neutrality during the 30-month civil war in Nigeria.

The illegal acquisition of territories has been a source of grave concern in the world. This is more so because every State maintain its territorial Sovereignty, which is one the legal attributes of statehood under international Law. Some analysts may be tempted to embark in some jurisprudential elaboration on the consequences of violating the territorial sovereignty of another State.
It should be noted that all across time and space, the violation of the territorial integrity of a State has been a major cause of wars (*casus belli*). From the findings of the ICJ, Nigeria might have forcibly occupied the territory in negation of the rules of *jus ad bellum*, and by implication Nigeria has prima facie responsibility to abide by the resolutions handed down thereto. An analogy that readily comes to mind is the “Corfu Channel case,” in which the content of due diligence obligations and the responsibility incurred by the States for breach of such obligations was determined. The ICJ admitted that Nigeria crossed the threshold of international responsibility by occupying territory beyond the *uti possidetis* line. Nigeria’s submission took due cognizance of the *uti possidetis* according to the 1913 Treaty and in 1961 and it continued to negotiate its maritime boundary with Cameroon under that assumption.

Another strand of the argument is that albeit the people of Old Calabar claimed that their rights had been encroached upon, the Nigerian Government’s inaction since 1961 and until the Marouoa Declaration invariably conferred the title of ownership of Bakassi to Cameroon. From the elaborate literature on the matter, the ICJ might have taken due cognizance of its broader role within the United Nations system with a view to resolving disputes through mediation, negotiation, arbitration and judicial system.

For the Nigerians who are questioning the decision of the ICJ, my humble advise is for them to go through the elaborate literature on the Bakassi Pennisular imbroglio. They should painstakingly study the historical under-currents and exigencies of social and political dynamics against the background of the informed judicial opinion of the ICJ. Understandably, most people would not want to lose an inch of the oil-rich Bakassi Peninsula on patriotic grounds. But matters concerning territorial integrity cannot be subjected to the vagaries of sentiments or the shallow confines of patriotic sensibilities

1.2. **STATEMENT OF THE PROBLEM**

Disputes along the Cameroon-Nigeria boarder has been a matter of historic proportions especially along the CrossRiver to the Sea section where in lies the Bakassi peninsula. The dispute over the Bakassi peninsula is not only the product of redefinition of boundary by the colonial powers but more so a product of resource allocation and clash of tradition and modernity in which the pre-colonial history of the ancient kingdom of Calabar haunted the postcolonial reality of contemporary Nigeria and Cameroon.
In pre-colonial times, the now disputed Bakassi peninsula was under the ancient kingdom of Calabar which became part of Nigeria in 1914 under British rule. However, through a series of bilateral treaties and other legal instruments, the British ceded the territory, first to Germany, and then paced it under the mandate of the League of Nations and trusteeship of the United Nations.

Meanwhile the British protectorates in Nigeria, including the Kingdom of Calabar were merged with its colonies in the area, as one integrated British colony. Later, largely due to the political errors and indifference of Nigeria politicians, the Republic of Cameroon obtained the Bakassi Peninsula in the process of a plebiscite conducted by the United Nations in 1959 and 1961. By the same process, Nigeria also obtained some territories which formerly belonged to Cameroon.

Among the many factors that contributed to the above conflict was the legacy of both the imperialist colonial rule and the neo-colonial regimes in African at the time. The imperialist capitalist and the colonial masters like Portugal, German, France and Britain and their shrewd and selfish economic, political and strategic calculations of the 19th century acted as nursery for future African conflict. The ground work for such future conflicts in the region were laid through things like the divide and rule system of administration and the partitioning of AfricanStates and its people irrespective of the damage it caused to the peoples language, socio-political life and cultural affiliations and ancestral lineage. This selfish behavior divided ethnics groups into territories controlled by the colonial lords and then stifled the reign of peace in the region as divided families opposed the system and fought for the unity of their families and friends. This response became rampant across the board in Africa as people objected the cruel and selfish destruction of their culture caused by the colonial masters. This selfish, mean and sneaky behavior ignited many African conflicts especially the Bakassi peninsula case study.

In Africa, the communal dimension of man cannot be overemphasized for communal life permeates the whole of life. According to John S. Mbiti (2006), African traditional life is anthropocentric since man is at the center of existence. Man here comprises of a sum total of the unborn, the living and the living dead. In the African worldview, man is not viewed as an individual but essentially as a member of a community. In traditional African life then, there is not split compartment called culture
for culture lies at the core of an Africans life. An attempt then to separate an African from his or her own culture leads to identity issues which in effect ignite conflict.

Africans are fundamentally cultural beings and this culture defines their identity and shapes their personality. Redefining boundaries and un-willingly separating indigenous populations by colonial masters deeply violated African culture and unquestionably lead to conflict. Individual families in Africa collaborate with each other and gradually grow in numbers to form a tribe. Thus Mbiti contends, “I am because we are and since we are therefore I am” . The African family is extended and covers a sum total of brothers and sisters of parents, with their families as well as grandparents. Relationships between uncles and nephews can be just as close as and even closer than between actual parents and their children. Children tend to be closer to their grandparents than their own parents because grandparents care for the children throughout the day while the parents are away working. A person then has many people who could be considered their fathers and mothers as well as a gamut of brothers and sisters. This deep sense of community living does not end at the level of the extended family but continues to the larger community of the tribe and even the clan which is not only limited to those living but extends backward to the ancestral spirits who constitute a vital part of the community. To Mbiti then existence in relationships sums up the pattern of the African way of life. From the above worldview, it is certain that redefining boundaries and separating people under the pretext of colonization was deeply offensive to Africans values, thus conflict.

It is a paradox to realize that the United Nations decision to end colonialism and grant autonomy to African states which was meant to be source of empowerment turned out to be a curse instead. When news went out from the UN that African States be granted their independence, the colonial masters used the most careless exit strategy ever. They hurriedly packed their things and left, without preparing these states for leadership in systems planned and build using foreign ideology and still disguisedly run from abroad. If suspicion were anything to go by, then one would be right to say that this option was taken because the colonial masters did not really want to provide a framework through which Africans could truly be free from colonial exploitation. The reality then was not only chaos throughout the African territory but an outburst of civil wars and tribal conflicts as a result of boundary issues exemplified by the Bakassi conflict. The question that remains now is: Are African states truly independent considering that they
are an arbitrary creation of colonial creed? Is conflict not perpetual visitor among African states? Who can say? The manner, in which the colonial masters invaded the African continent during the concluding years of the nineteenth century in their scramble for territories, was bound to leave a legacy of unnaturally controlled borderlines, which now define the emergent African states. It is then for this reason that the International Court of Justice ruling on the Bakassi peninsula conflict between Nigeria and Cameroon was critically examined. It is absolutely unfortunate that international agreements held during the era of the scramble for Africa generated conflict among African states themselves due to their devious motives thus creating an unhappy legacy for colonialism. The primary cause of conflict between Cameroon and Nigeria was the discovery of natural crude oil in the region. It is interesting to say that long before the discovery of oil in Bakassi, Cameroonians and Nigerians in the region lived in harmony although few squabbles were registered here and there. The reason both countries did not pay attention to Bakassi is in part because it was a remote area inhabited by people considered to be non-consequential. Notwithstanding, when oil and other natural resources and minerals were discovered in the peninsula, attention from both countries and also from their colonial connections was ignited thus creating tension, argument and in some cases death. This is sad and really hypocritical because if oil was never discovered in this region, both regimes would have cared less about the region with its poor, remote, marshy and no consequential inhabitants. (Mbuh Muluh, 2004)

This newly developed interest to the peninsula after oil had been discovered was viewed with suspicion by the indigenes since they suspected that such interest could only be superficial and geared towards personal gain and nothing else. The Nigerian and the Cameroonian regime at the time could say that conflict started as a result of the scramble for oil but for the indigenes of Bakassi, conflict was as a result of a much more complex reality although the discovery of oil was one of them. Much more serious to the indigenes was the sometimes separation of families and tribes from their ancestral ties, burial grounds and religious sites due to displacement not only generated by the effects of the scramble of Africa but because of the internal conflict experienced over the newly discovered treasure. Although oil played a fundamental part in the conflict, deeper issues related to fighting, destruction and displacement were equally played key roles in the whole saga.
As has already been stated, colonial activity along the Cameroon Nigeria border caused more harm than good because of the cultural genocide which was consciously or unconscious ignited by separation of people through redefinition of boundary. This did not only leave people homeless but destroyed cultures. Culture shapes peoples identity and directs their thinking, feeling and reaction as it is obtained and spread through sings and symbols which represent the distinctive achievements of human groups Clyde Kluckhohn (1951). Although culture is acquired over time and shaped by the contingencies of social living in a particular location, it truly becomes an inherent part of a people’s life and defines their uniqueness to the extent that one is left with no substance and essence when detached from his or her culture. Avruch (1998) For this reason, any conscious or unconscious act that alienates people from their culture greatly violates people’s values and ignites conflict. The Bakassi conflict is no exception.

Although the conflict between Cameroon and Nigeria in the Bakassi peninsula is generated by the discovery of oil and natural resources, it is equally a problem of land allocation, underdevelopment and more so the effects that governance has on national identity. The conflict itself lies in the fact that the people of Bakassi live in an area disputed by Cameroon to be theirs but claimed by Nigeria for decades. Whatever the case, the oil-rich peninsula is highly valuable to each country to the extent that both countries have come to the brink of war several times over its ownership. On May 15th 1981, it was broadcasted over Cameroon radio news that a Nigerian military patrol army violated the Cameroon’s national territory by infiltrating the Peninsula and opened fired on the Cameroon army. When this happened, the Cameroonian army fired back and killed 5 Nigerians soldiers. These pockets of fights continued and in 1992-1993, reports have it that Cameroonian gendarmes openly killed some Nigerian civilians in Cameroon. In 1992-1993, the Cameroon government continued with aggression against Nigerians by openly killing some Nigerian civilians in Cameroon during the time when Anglophones demanded their autonomy from the Franco phone’s. At this time, some Nigerians were even ousted from Cameroon as the harassing tax-drives went on. From January of 1994 to May of 1996, border clashes between Cameroon military personal and the Nigeria military continued to occur, this time on a more serious manner. Furthermore, within the Nigerian-Cameroon territorial waters they are unhealthy rivalries, the Cameroonian gendarmes are very severe in dealing with Nigerian fishermen within the territorial waters. Thus, from what the research gathered from the resources available. “They said,
if anybody is found without a Cameroonian tad receipt and fishing permit that will be the end of the fisherman”. (Keasy, 1987: 42)

By the 6th of May 1996, diplomatic representations reported that over fifty Nigerian soldiers had been killed and some taken to prisons in Cameroon. Although Nigeria is much bigger in population and military size, it is said that Cameroon did not have any casualties in the battle. (NY Time, May 7th 1996,

It should be mention that from 1919-1958, Southern Cameroon was jointly administered with Nigeria and Bakassi was located in the Southern Cameroonian region. For this reason, Nigeria rejected any calls from French Cameroon that she should leave the peninsula thus leading to conflict between Nigeria and French Cameroon as French Cameroon protected Bakassi as part of the federation. It is even registered that as recent as June 21st 2005, tension continued to mount in Bakassi and this time Nigerian troops fired rocket-propelled grenades at a Cameroon security posts, killing one Cameroonian soldier. (UN report, June 23 2005)

Territorial claims, ideology, colonialism, nationalism, religion and natural resources have typically been the main sources of conflict throughout the world. While the influence of some of these is waning, struggles for the control of valuable natural resources have remained a persistent feature of national and international affairs for decades. In addition to helping some of the most corrupt and oppressive regimes to remain in power, natural resources have been fuelling conflicts within and between African countries. Such conflict situations typically take the form of territorial disputes over the possession of oil-laden border areas, factional struggles among the leaders of oil-rich countries, and major inter-state wars over the control of vital oil and mineral zones (Klare, 2004).

Cameroon submitted its entire set of border-related disputes with Nigeria to the International Court of Justice at The Hague for adjudication. After examining the case for eight years, the World Court ruled that Cameroon is the rightful owner of the oil-rich Peninsula, basing its argument on the 1913 Anglo-German Treaty which traced the borders between the two colonial powers. Following intensive diplomatic activities culminating in the 12 June 2006 Green tree Agreement2 brokered by the United Nations and witnessed/guaranteed by four world powers – Britain, France, Germany and the United States Nigeria eventually agreed to unconditionally hand over the oil-rich
Peninsula to Cameroon. On 14 August 2006 Nigeria effectively pulled out its military and the Cameroonian flag was hoisted. Two years later (14 August 2008) the remaining Nigerian administration and police left the Peninsula.

To conclude then, the Cameroon-Nigeria boundary and the causes of the border dispute are a legacy, bequeathed by the European powers, the boundary is unsatisfactory, but the European powers, with their characteristics mature diplomacy, were able to settle differences and did not permit them to get out of hand. Nigeria and Cameroon have been able to solve the problem of trans-border movements. They have also been trying to use diplomatic means to promote peaceful coexistence and to settle their differences. There are two main areas of disputes along their border, namely the Lake Chad area in the northern sector and the area between “the mouth of Rio-del-Rely and Calabar channel” in the southern sector. The controversy over the latter area is apparently irreconcilable in view of the strategic, military and economic importance of the area, especially Cameroon’s installation of oil-drilling rigs in the area and her determination to use the area to get access to Nigeria’s crude oil. Two main obstacles stand in the way of a diplomatic solution of the problem. These are, first, Cameroon’s breach of faith and her unwillingness to cooperate and, secondly the unfriendly conduct of Cameroonian security agents especially the Gendams, who cross the boundary whenever they like and commit various atrocities including invasion of supposedly Nigerian villages, molestation, exhortation, annexation of supposedly Nigerian territory, maiming and murder, with the Cameroonian authorities either condoning their atrocities or, at least, showing indifference Nigeria, on the other hand, has been showing genuine commitment to the solution of the border problems through diplomatic means and has refrained from retaliating even under the most provocative circumstances.

Scholars such as Klare (2004), Sango (2002), Gumne (2006), Anene (1970), Wasson (2007), Struver (2010), Ngang (2007), Wresling & Arthur (1986), Jones (1982), Madubuike (2009), among others have written extensively on the problems associated with the Nigeria-Cameroon dispute and have linked it to the discovery of oil in the Maritime Bakassi peninsula. However none of these scholars have been able to expatiate on these claims even where they made mention of it they lacked empirical data and evidence necessary for substantiation and generalization. It is therefore this notable gap in the extent literature that has not been satisfactorily filled by these that this study is aimed at, using the following research question as a guide;
Has the discovery of natural or economic resources, particularly oil, in the maritime Bakassi Peninsula worsened the dispute between Nigeria and Cameroon?

1.3. OBJECTIVES OF THE STUDY

The broad objective of this research is to examine the law of the sea and the Nigeria-Cameroon relations and revisit the Bakassi Dispute.

The specific objective therefore, is to examine the relationship between the discovery of natural resources particularly oil in the Bakassi peninsula and the worsening dispute between Nigeria and Cameroon.

Again the researcher wants to find out the historical background of the territorial sea relations and determine the possible causes of conflicts between Nigeria and Cameroon within the Bakassi peninsula waters, to known how the relationship between the politics of European imperialism in Africa at the close of the 19th and down of the 20th centuries and the Nigeria Cameroon conflict, to know the role of France as an external actor in the conflict, to know to what extent the domestic policies of both countries (Nigeria-Cameroon) have helped foster reconciliation, hinder and or reinforces their efforts at resolving the conflicts, to know on what theoretical and practical premise both countries attempted to sustain their claims as well as the nature of, and the extent to which the existing agreements on the disputed border territories influenced the ICJ ruling on the dispute and to suggest more appropriate strategies for effective and total eradication of this conflicts and ensure a more peaceful co-existence within the Bakassi peninsula territorial waters.

1.4. SIGNIFICANCE OF THE STUDY

The research has both theoretical and practical significance.

Theoretically, the research sorted to find out if really the Bakassi peninsula dispute between Nigeria and Cameroon is as a result of the discovery of economic or natural resources especially oil in the region, the strategic importance of the territorial waters, the colonial experiences of both nations, and amongst other factors.
Practically, the findings will contribute to the libraries of literature on the Nigeria-Cameroon relations and will serve as a reference material for scholars or up-rising scholars whom will be willing to carryout researches in this sector.

Again, the study offers insight to both statesmen and international diplomats interested in resolving, containing or preventing conflicts, for the Nigeria-Cameroon border situation is unique and offers a good case study in that it reveals a distinct experience dictated by the colonial history of both countries. (People on both sides of the boundary from Lake Chad to the sea have had a sheared colonial experience either under German rule in Cameroon or British rule through Nigeria).

This study looks to streamline the issues at stake and trace the historical roots and stages of dispute, and by so doing the way is illuminated for consideration of new policies that can further create an enabling environment to arrive at a *modus vivendi* between the two countries so that this make will pass into history.

By making a critique of Cameroon’s response to the Nigerian probes and vice versa, in the Bakassi and other places of this border and with its recommendation this study hopes to stimulate more research into the foreign policy making process in Nigeria and Cameroon. Perhaps better options can be proffered for the state than had been put in place before, since new developments in decision-making and foreign policy are of cardinal importance in realizing the goals of the national interest.

This study of international boundary disputes provides an inter disciplinary interlace of materials from history, geography, (International) law and political science hoped this interdisciplinary dimension contributes to the generation of more data to support or discard existing theoretical knowledge on the phenomenon of border conflicts that has remained potent till today.

Given that border conflicts pervade the world. It is hoped that this study may contribute to the burgeoning literature on conflict resolution. As Northedge and Donelan (1971) have argued “the notion that dispute can somehow be eliminated from the international system… is utopian” Rather efforts should be concentrated on the management of the “inevitable” clashes of interest that must exist among states “…conflicts among states… is taken as a given, conflict is after all almost a synonym for
politics” Hass, E.B (1989:222). The thrust thus, should be on management of conflict situations.

Finally, these issues discussed will create a better understanding of the origin and background of the Bakassi peninsula dispute and offer useful recommendations that will eventually restore peace and unity to the peace loving inhabitants of Nigeria and Cameroon and the world at large.

1.5. SCOPE OF THE STUDY

The scope of the study is the Bakassi peninsula territorial waters. The area is located within 0° to 5°N of the meridian and 12° to 15°N of the equator and 12° to 5°E of the Green which meridian respectively at the South East of Nigeria and North, North East of Nigeria. The study is also limited to the conflicting claims along the lacustrine boundary in the Chad area, the riparian dispute around the Kaila, the entire land border between Lake Chad and the sea and the Maritime border around the Bakassi and adjacent Islands (known as the fish towns in colonial days that are the undisputable epicenter of the border dispute). The period of study is from 1960, when this international border re-emerged to the 2002 momentous ruling of the ICJ and its aftermath which stretches till date.
1.6. LITERATURE REVIEW

The general issue of territorial and boundary conflicts in Africa has several underlying questions. Foremost questions is on how these boundaries were drawn, their effects and relations to them. There is also the complex question of interpretation of the underpinning economic, social and political-cum-strategic benefits; how do we unveil them and how does our objective disposition come into play when considering them? As far as these issues are concerned in the context of Nigeria-Cameroon dispute. Its background, trough and peak nature, (especially the increased tension in the 1990s), Nigeria/Cameroon foreign policy orientations and African boundary diplomacy in general, myriad opinions and pseudo-explanations varying with the approaches to these questions have arisen. They are mirrored in the existing literature.

When conflicts have reached a stage of anarchy, all must be ready or in a position to protect themselves against the most aggressive and anti-social behavior of their members. The notion that dispute can somehow be eliminated from the international system is utopian. “Efforts should be concentrated on the management of the inevitable clashes of interest that must exist among states in the international society” Schwanzerberger et al (1941: 40)

Thus, in this review, the researcher will focus attention more on materials that dealt with the importance of territorial water relations between Nigeria and Cameroon and the discovery of mineral and natural resources in the oil rich Bakassi peninsula.

Prior to the definition given to territorial waters as the inland waters of any state which comprises rivers, lagoons, bays, estuaries and a traditional three-miles extending from the low water tide to the adjacent territorial sea. The utility of territorial waters, the law of sea and issues of water relations has been spoken of by many scholars, one of such writer/scholars include Bain E. Jones. According to Jones in his book titled “The Law of the Sea Ocean Resources” said; “The prescriptions hour both comprehensive and particular claims affirmed by coastal states which may interfere with inclusive claims with regards to navigational freedom and fishing rights” (Jones, 1982:30).

Another area he spoke about is the fishery rights within the territorial waters of any nation. Nationals within their territorial waters have fishery rights and to them fishing is a common good of nature. Most fishermen maintain their livelihood through fishing
along rivers, on the lakes and on the territorial seas. Because of the economic importance of the territorial waters, crouching by other nationalists is prohibited and guarded as a national interest and could go to war if violated. Coastal states have the rights to fish freely on their territorial waters especially on the continental shelf hence they are called riparian or littoral state. Apart, continental shelves all over the world have been noted for abundant mineral resources within the sub-soil level. A good example is the Nigeria continental shelf which is rich in petroleum, gas and other valuable minerals.

Conflict is not only synonymous with armed or violent but it also indicates a situation of disagreement over the access and the right of distribution of resources. This means a conflict could be defined here as a social situation in which at least two actors try to, at the same time, to gain access to the same set of resources.

Writers like Klara and Westing also talks of how: scarcity of renewable and non-renewable resources, the uneven distribution of natural resources, increase in global demand of resources, misuse /overuse of raw materials, resource degradation, explains the onset of resource conflicts. Wrestling & Arthur (1986) there are so many ways through which scarcity in natural resource can lead to conflict. One of it can be when a resource poor nation acts as a conflict initiator in order to prevent another country from using particular resources Stuver (2010) or in another way act as conflicts initiator just to gain access to raw materials by military means Wasson (2007). Wasson argues that, since most often natural resources are the fundamental building blocks of most state’s economy and vital component of military might, a resource poor nation that cannot obtained these resources through trade with other nations may need to pursue other methods of having access to these natural resources if they wish to, progress economically, improve their military capabilities, and to meet up with the basic needs of their growing populations. Wasson (2007:9)

These poor resource countries can either decide to indebted themselves through credit and foreign aid or use other methods which are cheaper and also less peaceful which is forceful occupation of resource areas. Wasson believes that, “states that consume more natural resources than they have available domestically are more likely to initiate interstate conflicts as compared to States that have more natural resources available domestically than they consume” Wasson (2007:10). Another mechanism through which resource scarcity can lead to conflicts is when cross-border immigration or
ethnic tension indirectly provokes military aggression on neighboring countries. For instance a state with resource scarcity might encourage people to migrate to neighboring states which can lead to ethnic conflicts within the neighboring state. Stalley (2003) over population, greater degradation can lead to greater resource scarcity within a state which might force people to migrate and through spill over and snowball, this mechanism will merely spread the same problem elsewhere which will subsequently lead to ethnic conflicts (Gausset, 2005).

As already mention, there are literatures which shows that not only resource scarcity can lead to interstate or intrastate conflicts but abundance resources can also lead to conflicts. Strüver argues that “resource wealth can also lead to militarily assertive foreign policies”. According to Strüver, “large scale deposit of strategically and economically valuable natural resources leads to attractive spoils of war regardless of the resource endowments of the conflict initiating party” (Strüver, 2010:147)

The issue of scarcity of resources as a cause of conflicts is challenged by many scholars who argue that resource scarcity hardly plays a role as a cause of conflict because natural resource scarcity can be resolved through technological progress. To them, problems originating from resource scarcity, overconsumption, and competition can be solved by technological innovations, lower resources inputs in production processes, and recycling. Countries with scarce resource can have access to those resources through cooperation and international trade rather than engaging into deadly and costly conflicts. (Strüver, 2010)

The above literatures on natural resources and conflicts best explain the scenario in the Bakassi peninsular which was an interstate conflict between Cameroon and Nigeria. Natural resources for example crude oil and gas was discovered in this peninsular and not long from the time of discovery, conflict erupted over the ownership and control of the peninsular. Even today, both countries continue to deny the fact that the presence of natural resource in the region was the immediate cause of the conflict. When interviewing Nigerian politicians, they always say that Nigeria is the richest and the biggest oil exporting country in Africa and even among the first five world’s highest oil exporting country, so why would she fight over a small oil field with Cameroon. But this assertion is not true, from most of the literature above; you will have realized that resource rich states do often find themselves in interstate conflicts caused by them. As
mentioned above, resource wealth provides an opportunity for militarily assertive foreign policies (Strüver, 2010)

A small scale conflict within states can lead to a much higher scale if the conflict-hosting country have abundance natural resources such as oil, diamonds etc. because countries do intervene militarily in civil wars within resource-rich nations’ territory to seize or enjoy the valuable resources that country has thereby contributing to the geographic spread of the conflict. Greed can also force countries to initiate military conflicts with resource-rich nations aiming at securing access to and constant flow of the resources of the targeted country.

As already mentioned, most scholars who write on natural resources and international conflicts often consider resource scarcity or abundance of natural resources to be the main cause of interstate and intrastate conflicts but not much have been written on how a newly discovered natural resource in an already existing state be it a resource rich state or a poor resource state can lead to interstate or intrastate state conflicts. It sounds as if there are no differences between these two issues, there is a huge space between them. Most literatures on this keeps explaining how a resource rich states (which in the sense means a state which is rich in natural resource) and a poor resource state (a state with very limited amount of natural resources or no natural resource) always experience conflicts. Most often, it is not the richness in resources or poor in resources that lead to conflicts but the discovery of natural resource in new areas in a state and mismanagement of natural resources that often lead to conflicts.

The discovery of a natural resource in a new state most often begins with the creation of identity in the area. So one can therefore say, newly discovered natural resource lead to the creation of identity which leads to conflicts. As Cate Malek said,

> For identity or inter-group conflict to occur, the opponents must assign an identity to themselves and their adversaries, each side believing the fight is between "us" and "them" creating a situation where the fighting seems to be about their identities (Cate Malek, 2010:12).

This always happen when a new resource is discovered in a state be it a rich state or a poor resource state, the local people in the new resource area starts creating the idea of we and them, For example, we should be employed first in the oil companies not them
because the oil is in our soil, we should have a higher percentage of the oil revenue because the oil is in our land and so on, like the case with most African countries today for example, Sudan. Nigeria, Cameroon, Angola, Congo, just to name a few. In Nigeria, the discovery of natural resource in the Niger Delta area immediately created ethnic conflicts between the Ogoni - Andoni and the Okrika - Ogoni communities. All the conflicts in that area are related to resource control agitations and ethnic identities. Social identity and resource control agitations are possibly the root to conflicts. (Madubuike, 2009)

Because of the high level of profit involved in oil exploration, the environmental consequences of it exploration and the influence it has on international politics, conflicts over the control of oil in Africa has become so rampant that any country in Africa with the presence of this resource is bound to face either internal conflicts or conflicts with neighboring countries. Disagreement over the rich oil bearing peninsular which lies at the boarder of Cameroon and Nigeria started immediately after oil was discovered in the peninsular. Originally, this land was ceded to Cameroon in 1975 by the then Nigerian President Yakubu Gowon not knowing anything about the present of oil in the peninsular Omoigui (2005). After Gowon was overthrown and the discovery of Oil, Nigerian government immediately denied to respect the 1975 agreement between the two countries on the ground that then president Gowon acted alone, without the support of the Nigerian government forgetting the fact that there were eighteen senior officers present with him at the point of the agreement. Both countries immediately decided to station troops along the peninsula and the issue was taken to the United Nations. With the case of Cameroon, the country has one of the smallest oil deposits in Africa when compared to other oil exporting countries in the continent, and Oil exploration was declining in the country in the mid-1990s. Oil was also declining in economic importance in the country, making the government so desperate in search of new oil deposits in the country. The discovery of oil in the Bakassi peninsular just came like a miracle and at the right time for the Cameroonian government and they didn’t want to let if vanish to Nigeria and therefore took the case to the United Nation to avoid bloodshed.

With the case of Nigeria, Nigeria is the largest oil producing nation in Africa and the seventh in the world as of 2005. The country was producing more than 2.5 million barrels of oil a day in early 2000s but still not letting of the small oil peninsular between her borders with Cameroon. The reason was that, the country was facing serious crises
within its borders around the Niger-Delta region which is the main oil producing region in the country. The Niger-Delta region had militants and aggrieved population who constantly sabotaged oil installations in the region, kidnapped foreign oil workers in the region etc. Militants in the region also threatened to attack the families of their own local people if they work with oil companies in the region. Alao (2007) These tensions and a youth revolt in the region against the federal government and the oil companies decreased the amounts of oil produced in the country. By then ninety percent of the country’s foreign exchange earnings and eighty percent of the revenue of the federal government was from oil exportation. For the crisis not to affect the country’s economy, the Nigerian government needed to catch up with oil exploitation, so the discovering of oil in the Bakassi peninsular which was not in the Niger-Delta region was vital to the government. The federal government wanted this peninsular so as to divert away from the tension in the Niger-Delta.

It is however important to note that despite allegations that both countries put the availability of undeveloped oil reserves and other natural resources such as fisheries present in Bakassi, as the main motive for their struggle to control the territory, the various governments continued to deny the truths in any such statements. Whatever the case may be, it remains clear that desertification and over fishing in the Lake Chad region has led to an environmental disaster which both countries are trying to balance or alleviate by gaining sovereignty over Bakassi and the adjoining waters. (Ngang, 2007)

Shell, Mobil and Gulf prospected and discovered oil for Cameroon in the maritime region with Nigeria in 1967. Nweke (1990) this discovery increased the stakes over the hitherto ill-defined maritime border. Leaders of both sides saw the need to hasten the settlement of festering border disagreements, which started modestly between villagers on both sides of the land border. This inspired some concerted efforts in the 1970s (after the Nigerian Civil War that had interrupted an earlier attempt in 1966) to better define the border. But with the new knowledge of petroleum within the maritime zone, political leaders have for economic as well as political reasons, laid claims to territories in this zone aimed at pre-empting the result of further discoveries to fall within their respective spheres. The existence of such mineral wealth has been a recipe for conflicts elsewhere in the continent and the rest of the world and this region would seem to fit neatly in the global trend. Such vital mineral deposits also increase the strategic value of territories under dispute as their proceeds by developing countries that usually
depend on importation to satisfy their defense needs. Huth points out in his study that 94 percent of disputed territories with valuable economic endowment from 1946-1990, involved developing countries. (Huth, 1966)

Still on the importance of territorial waters, Francis Johnson in a journal of TURF called territorial waters a common property to the nationals of any riparian state. According to him, common property resources are those to which access is both free and open to a set of users otherwise called potential users. To him, fishery is still a common property even if restrictions are imposed on the access to fishing. Another area of value is that fact that territorial waters have been used by most nations as source of Hydro Electric Power (H.E.P.). The dam on the river Niger at Kainji is a good example. Meanwhile, the littoral rights are obeyed because of the existence of the law of the sea which developed from the traditional set-up or customs which have been practiced over a long period and so transcends other nations of the world and has been accepted as universal.

Territorial sea relations amongst neighboring states haves started long ago, the system of rules and regulations were provided for users of the sea which facilitated their relationship with each other.

The importance of the knowledge of the law of the sea is very paramount since the study is on territorial water relationship among nations with special reference to Nigeria and Cameroon conflict over the waters at the Bakassi peninsula.

In the very words of Lewis in his book Law of the Sea, said: “Traditionally, the international law provided for a maximum extent of the high seas to be used freely by all nations and for narrow bands adjacent to the shorelines subject to the jurisdiction to coastal states”. (Lewis, 1979: 17 – 20)

According to him, territorial seas were normally three to six miles in breath. After the World War II in 1945, there was a trend towards creeping jurisdiction in off shore waters as well as on the seabed. Coastal states now claimed wider limits of control in territorial seas as well as wider jurisdiction over economic rights beyond their territorial seas. This creeping jurisdiction affected almost all nations even Nigeria.

In 1967 in the “Africa Diary,” The then Head of State, General Yakubu Gowon made a pronouncement on the territorial water decree 1967.
The Federal Military Government hereby decree as follows: That, the territorial waters of Nigeria shall for all purposes include every part of the open sea within twelve nautical miles of the coast of Nigeria measured from the seaward limits of inland waters. Africa Diary (1967:45).

According to Lewis, by the late 1970s, 21 countries still claimed 3 miles, 11 countries had territorial breadth between 3 – 12 miles, 67 claimed 12 miles which include Nigeria and 27 had territorial claims in excess of 12 miles, 14 of which extended to 2000 miles.

Sill on the law of the sea, free passage was given to innocent ships across the territorial seas. This discrepancy in the national interest and policies of nations concerning the law of the sea is one of the causes responsible for the conflict between countries sharing common territorial waters a case in point is Nigeria and Cameroon.

Nigeria had independence in 1960, before then Western Cameroon was part of Nigeria. In 1961 after the plebiscite South-Western Cameroon join their kith and kin in Eastern Cameroon, while North-Western Cameroon joined Northern Nigerian. In the real words of Chief B.E. Uyo who was the chief of Ikang during a press interview recalled that: “We used to live in peace”. This statement predicated that peace reigned within the common territorial waters between Nigeria and Cameroon of which Ikang is situated.

Frankly, before the Nigeria and Biafra war in 1967 to 1970 Ikang district enjoyed peace. This was stated by Chief B.E. Uyo who was the then chief of Ikang as of the time. During the war, there was constant visitation so the Nigeria head of state Lt. Col. Yakubu Gowon to the neighboring state. Cameroon on the east, sharing a common boundary with the succeeding Eastern region of Nigeria with respect to reports from Cameroon in a write up captioned: “Border with Biafra closed”, further disclosed:

The frontier between the breakaway Eastern Nigeria and English speaking West Cameroon was closed temporarily under an agreement reached between Cameroon and the Feral Republic of Nigeria Military Government. This was official announced in Yaoundé on the 8th day of June, 1967. Mgbangson (1993:11-15)

According to the communiqué the protocol agreement signed in February 1963 controlling the movement of persons and goods between Cameroon and Nigeria has been
abrogated. One can rightly deduce that before and during the war, there was peaceful co-existence between the two neighboring states.

Concerning the Nigeria Cameroon conflict over the Baskassi peninsula the researcher discovered that there was peace and cordiality between the two neighboring nations before and during Nigerian civil war as witnessed by Chief B.E. Uyo (the then Chief of Ikang). Conflict started shortly, over the ownership of Bakassi as soon as oil was discovered in the region.

According to Klare (2004), the close connection between oil and conflict derives from three essential features of petroleum: (1) its vital importance to the economic and military power of nations; (2) its irregular geographical distribution; and (3) its imminent changing center of gravity. In 1993 Nigerian troops occupied the Bakassi Peninsula. In 1994, after serious incidents of border incursions that provoked shooting and after many casualties and deaths of soldiers had been recorded on both sides, it is possible that in some cases conflicts originated before the discovery of petroleum, but became interwoven with oil issues as the importance of oil as a factor of production increased. The drivers of such tendencies are territorial disputes, separatist struggles and factional/dynastic struggles.

Territorial disputes occur in border zones and offshore areas that were thought to possess no particular value, but suddenly become very valuable with the discovery of oil. For several decades, neither the Nigerian nor Cameroonian ruling elite showed any particular interest in the Bakassi Peninsula neither showed any concern nor initiated any policy that was capable of ameliorating the deplorable conditions of mass poverty, squalor and destitution in which most Bakassi residents live. But struggles over the ownership of Bakassi in some cases, the monopolistic capitalists do not need to wait for the end of the conflict to have their benefits. They prey on the on-going conflict through the sale of arms (sometimes to both conflicting parties) and the exploitation of the resources under contention for a pittance.

One portion of the Cameroon-Nigeria boundary where the disputes are apparently irreconcilable is the southern sector. The bone of contention is the area around Bakassi and Eniong (Ekong) peninsulas, stretching between “the mouth of Rio-dey-Rey and Calabar Channel”. This area is of great economic, military and strategic importance, for it dominates and cover the entrance to Cross River Estuary, the Calabar port complex;
Ikang coast line and the adjoining busy water-ways of Cross River-Great Kwa River, Akpanyafi River and the Calabar river. Moreover, the area is rich in oil. Both Nigeria and Cameroon lay claim partly or wholly, to the area and the exact position of the boundary there is not quite clear. (Gardiner, 1968)

If the Bakassi peninsula were not an oil-rich area, both leaders in Nigeria and Cameroon would not have bothered over who controls the area. There used to be a border dispute between Nigeria (Borno State) and Chad and most people do not know about it because no major commercial interest is involved. In Bakassi the friction and border tension started in the early 1980s after the discovery of oil in the area, which has fuelled constant clashes between Nigeria military and Cameroon gendarmes. (Adewale, 2008)

The handover of Bakassi to Cameroon have come and gone but the contradiction still remains. The battle between the governments obviously was over the controls of oil and not about the people considering the complete neglect of the people by the two countries (Nigeria and Cameroon). The level of poverty and complete neglect by governments in Bakassi attest to this fact. But for pride and commercial interest both countries have no moral rights or interest in the peninsular.

Just like in many other conflicts, natural resources and the interest of international actors like Britain, Germany and France are said to have been instrumental in the outbreak of the Bakassi crisis. Reflecting on the role of colonialism on the emergence of many ‘sovereign states’ in contemporary Africa and more particularly. The legacy of Cameroon and Nigeria’s colonial past, the colonially negotiated boundaries they inherited from former colonial masters. Germany, Britain and France are today haunting them. This reinforces Kyell-Ake Nordquist assertion that, though boundaries provide a condition of state sovereign, by their relational nature it is an infringement upon that sovereignty. (Nordquist, 2001)

However, ten years later, following the discovery of large deposits of oil in the surrounding water of the peninsula and speculations that Bakassi itself is swimming on large oil deposits; Nigeria started laying claim of ownership to the peninsula Aghemelo and Ibhasebor, (2006)... In this standoff, former presidents Ahidjou of Cameroon and General Gowon of Nigeria met in 1971 and 1975 to make concessions on the demarcation of the border in what became known as the Maroua Agreement. Unfortunately, after General Gowon was over thrown in a military coup, the successive
military leaders (Murtala Mohammed and later Olusegun Obasanjo) sidelined the Maroua agreement.

Implications of the Bakassi conflict resolution for Cameroon by Nigeria and Cameroon began immediately it was discovered in the eighties that the Peninsula was floating on reserves of crude oil. Sango (2002) It was only then that the elite of both countries started making serious claims and counterclaims over the territory.

Separatist struggles occur when oil is produced or presumed to exist in an area largely inhabited by an ethnic minority and the bulk of oil revenues go or are expected to go to government officials in the national capital. In this context, members of the ethnic minority often perceive a strong incentive to break away and establish their own ethnic state, with a view to getting all of the oil revenue. This sort of struggle is occurring in the southern part of Sudan, where the predominantly Christian population is struggling for independence and in Cameroon, where the Southern Cameroonian National Council (SCNC) sympathizes with advocates for the independence of the Bakassi Peninsula as, The Republic of Amazonia Gumne (2006). In some cases such as the Delta region of Nigeria, ethnic minorities are fighting to gain greater autonomy (and a larger share of oil revenues) rather than a separate state.

Factional/dynastic struggles occur because whoever controls the government of oil-producing states also controls the allocation of oil revenues. Those in control will seek to retain power for as long as possible, using heavy-handed repression and election rigging, while those excluded from power will have powerful incentive to use any means necessary to gain control (including armed rebellion, terrorism, or coup d’état). These sorts of factional struggles have been a consistent pattern in countries like Nigeria and Saudi Arabia, as well as in most oil-rich states. In other countries, especially Venezuela, disputes over the allocation of oil revenues have taken the form of political violence between competing parties and interest groups (Klare 2004).

In essence, the struggle by the Nigerian and Cameroonian ruling classes for ownership of the Peninsula is not dictated by concern for the well-being of the residents of Bakassi, but rather for the rich oil reserves and fishing grounds found in the area and its strategic location in the Gulf of Guinea. Indeed, Nigeria started undertaking some social infrastructural developments in Bakassi only in 1997, four years after it occupied the Peninsula.
The contested Bakassi peninsula is an area of some 1,000 km of mangrove swamp and half submerged islands mostly occupied by fishermen settlers. Anene (1970) The discovery of potential oil reserves in the waters surrounding the Peninsula has only helped heighten tensions between the two countries. Since 1993, the peninsula, which apart from oil wealth also boasts of heavy fish deposit, has been a subject of serious dispute, between Cameroon and Nigeria with score of lives lost from military aggressions and tribal squabbles. “The maritime Bakassi has been the base of an important fishing industry. Reports of colonial administrators spoke of the area to be of good business and prosperity” (Olumide, 2002:4)

Nwokedi (1985) deplores the ill-defined nature of these borders and emphasizes that like most others in Africa are the products of arbitrariness. He attributes intermittent border disputes between Nigeria and her neighbors to imprecision of boundaries, the presence of vital mineral resources within the frontier zones and what he calls trans-border activities of nationals and government agents. This calls for intensified cooperation in economic, industrial, socio-cultural and political points of contact between the states as a recommendation for stable boundary policies.

Thus, whereas Cameroon is willing to discuss boundary disputes in the Lake Chad area, she refuses to discuss disputes over the boundary in the southern sector. Gardiner (1968) Cameroon’s conviction is reflected in the views of some Cameroonians. Thus C. Weladji noted that:

“On the Nigeria side, during the first Republic, efforts were made from time to time to ‘revise’ this boundary to the disadvantage of Cameroon under the Okpara regime. In Enugu exaggerated and concocted stories of incursion of Cameroon armed forces into Nigeria border regions and ‘molestation’ of Nigerians by Cameroon forces of law and order were frequently spread by press and radio with view to whipping up public indignation in Nigeria. Now that the ghost of Biafra has been successfully laid to rest, the radio stations in Calabar and Enugu are back at this old game spurred on apparently by a vain hope of frightening Cameroon to give up its oil rich Bakassi peninsula (Idabato district)” Gibbons (1916:39).
Also a Cameroon commentator, Mr Diallo Siradou, says.

Nigeria has always sought to make modification on the border chart in such ways as to take over the whole of the oil basin situated between the two countries. Since Nigeria’s independence in 1960, every Head of State has presented a claim to President Ahidjo who has accepted certain changes but remained unrelated in face of the greediness of his powerful neighbor. Saadia, (1972: 153).

The southern sector of the Cameroon-Nigeria boundary has been the source of perennial disputes between the two countries. This is not surprising, considering the strategic, military and economic importance of the area. Cameroon, obviously, is primarily interested in the area because of the availability of oil. Nigeria, on the other hand, apart from the oil factor, has cause to be concerned about the strategic and military significance of the area, for the area, militarily may well her veritable Achilles’ heel. Under such circumstances, the two countries need, in the interest of peaceful co-existence and good neighborliness, to discuss the boundary problem. After all, the colonial powers did so and, that too, in a spirit of “give and take. Indeed, it took Germany and Britain many years of negotiations (1885 – 1913), not to mention many agreements/treaties, to delimit and demarcate the controversial boundary, which it was agreed, was still subjects to further modification. (Migeod, 1925)

The above literature has adequately articulated the rancorous process and phases of the establishment of colonial boundaries, providing the resource materials generally for the determination of boundary claims. In the above review also the significance of natural resources along borders as bates for territorial contests has been mentioned.

Suffice all these to say that, our review of prominent literatures concerning our research question. Has the discovery of natural or economic resources, particularly oil in the Maritime Bakassi peninsula worsened the dispute between Nigeria and Cameroon? Many issues were gathered from the views of scholars, we observed that, there was full agreement in the views of these scholars that the worsened dispute between Nigeria and Cameroon is as a result of the discovery of economic or natural resources particularly oil in the Maritime Bakassi peninsula.

& Arthur (1986) among others, have contributed in one way or the other in throwing light on the discovery of oil and the Bakassi dispute between Nigeria and Cameroon. However these scholars have failed to explicate on their claims that the discovery of oil was a catalyst that worsened the dispute between Nigeria and Cameroon wherever they made mention they often lack empirical data and evidences necessary for substantiation and generalization. The existing studies as seen above have failed to talk about colonial administrative practice in the disputed areas especially the Bakassi, during the period from 1916 – 1961 when Britain controlled both sides of the international border. These records if brought out will further illuminate the way for peace makers and answer our research question raised above. No seasoned critique has been made on the ICJ ruling of October 2002, on the Nigeria-Cameroon territorial dispute case, bearing in mind what informed the decisions of the judges. Even more fundamentally, the isolated treatment and emphasis on various factors that are not adequately anchored within a good theoretical framework have tended to remind us only about issues-like presence of mineral resources and marine life-which we know. It is therefore, this gap in the literature which the scholars have not satisfactorily filled that these research aims at filling. It is only when these factors are interpreted within the right framework can their importance be assessed. It is hoped this study fills this lacuna.

1.7. THEORETICAL FRAMEWORK

To render nationalism more relevant to our research problem, we adopted the economic interpretations of nationalism. Nationalism according to these scholars is a result of the tidal wave of modernization that started in the 19th century. This “modernization” or more precisely economic development was not evenly spread… Nationalism is then, a compensatory reaction to this uneven development. Tailor, (1993) it is a strategy to survive and prevent domination. Nationalism the outcome of economic need becomes a force and a source of conflict when it is “refracted” into a society. The intelligentsia is agents of his refraction and is the main purveyors of nationalism Harry Johnson (1965) and Albert Breton (1964) have in their respective studies demonstrated the conceptual and practical links between ‘nationalism’ and economic “national interest”. Learning on Becker’s work in which he advanced the thesis is that individuals seek in accordance with economic theory to maximize their satisfaction, and that this satisfaction includes enjoyment of both psychic and material incomes, they identify
nationalism, with ownership by nationals of various types of property and jobs and regard it as a type of collective consumption capital that yields an income of utility.

Hah, C & Martin, J, summaries the main thesis in the following reconstruction.

- There are two ways in which nationalistic utility can be acquired. The first is through observation within the country of foreign operations the property yielding income and status to the foreign becomes property valued by the nationalists. The second mechanism—contact with and observation of other nations—provides knowledge of the forms of property that are highly regarded in other societies.
- The national group will try to maximize its control over desired property and jobs...
- Given the two mechanisms by which nationalistic utility becomes attached to specific items of property, these items will tend to be those which yield benefits primarily to the elite, the educated, the entrepreneurially qualified, and some of the wealth. Thus there is an inherent class slant to the economic interest in pursuing nationalism. Hah and Martins (1975).

Thus, nationalism provides critical explanations to the frequent war stirrings emanating from borders that go beyond defense of territorial integrity of states. Territorial defenses alone need not lead to war given that there is hardly any terra incognita or terra nullius today. Other factors inherent in the passions of nationalism (economic and psychic gains) tend to blur the vision of state leaders to opposing claims over territory. Because there is a “basic self-doubt involve in any serious concern about identity, nationalism involves hostility toward other nations and a tendency to adopt a double standard of morality with respect to them” (Johnson 1967: 169)

Put into perspective, the varying support of the populations to policies on the disputed areas in both Nigeria and Cameroon can be interpreted in relation to expected gains. (The presence of natural crude oil in the peninsula) Nationalism also accounts for not just the present antagonism between Nigeria and Cameroon but portrays this conflict to be partly related to the frantic efforts of the centers of both countries to control the borderlands (that is British Cameroons) in the run up to the plebiscite in 1961. In this respect thus, the conflicts can be construed as residual irredentism by one or both sides to an unfinished business of political independence and national unity begun in 1960. The fact that the disputed areas were at one time or the other in no distant past under the same
administration to which Nigeria and Cameroon are successors in a sense, inspires the irredentist appeal.

In the foregoing theoretical consideration, history, geography and economic needs are the basic categories around which the analysis of the protracted and recurrent nature of Nigeria – Cameroon dispute is structured. The advantage of this framework is two-fold: we are allowed to capture the driving forces of the melee side difficulties of making concessions by either side or, it also adequately accounts for the nature, outcome and reaction to the ICJ decision of October 10, 2002.

1.8. HYPOTHESES

The following hypothesis anchored our empirical investigations:

The discovery of natural or economic resources, particularly oil, in the maritime Bakassi Peninsula has worsened the dispute between Nigeria and Cameroon.

1.9. METHODS OF DATA COLLECTION AND ANALYSIS

According to Obasi (2007), Method is any means by which knowledge may be acquired or technique by which data could be systematically dealt with, including its gathering, analysis and presentation. Methods are techniques and approaches employed to gather data which are used as criteria for inference, interpretation, explanation and prediction. Cohen and Manion, (1980) Data according to Obasi (2007) is an ordered system of facts assembled for the purpose of research, enterprise or policy-making.

Therefore method of data collection for this study is the qualitative method. According to McNabb (2005), qualitative method is a set of non-statistical inquiry technique and processes used to gather data about social phenomena. Thus, qualitative data refers to some collections of words, symbols, pictures, or other non-numerical records, materials or artifacts that are collected by a researcher and is data that has relevance to the social group under study. The use of these data go beyond simple description of events and phenomena; rather they are used to creating understanding, for subjective interpretation and for critical analysis as well.
Qualitative research is a method of inquiry employed in many different academic disciplines, traditionally in the social sciences. Wikipedia (2010) Qualitative method aims to gather an in depth understanding of human behavior and the reason that govern such behaviors. The qualitative method investigates the why and how of decision making, not just what, where, when. Hence, the smaller but focused samples are often needed rather than large samples. The qualitative method produces information only on the particular cases studied and any more general conclusion are only hypotheses. There are certain attributes to it this method.

First, in qualitative research, cases can be selected purposefully, according to whether or not they typify certain characteristics or contextual locations. Second, the researcher’s role receives greater critical attention. This is because in qualitative research the possibility of the researcher taking a ‘neutral’ or transcendental position is seen as more problematic in practical and or philosophical terms. Hence, qualitative research reflects on the role of the researcher in the research process and makes this clear in the analysis. Third, qualitative data analysis can take a wide variety of forms and approaches analysis holistically and contextually, rather than being reductionist and isolationist. Nevertheless, systematic and transparent approaches to analysis are almost always rewarded as essential for rigor.

Burnham et al (2008) sees the Qualitative collecting information in depth but from a relatively small number of cases. He goes on to state that, analytic induction is often used by qualitative researchers in their efforts to generalize about social behavior concepts are developed intuitively from the data and are then defined and their implications deduced from the data.

METHOD OF DATA ANALYSIS

According to Burnham et al (2004) and McNabb (2005), Data Analysis refers to the use of relevant techniques, tools, strategies and procedures for exploiting relationship among key variables gathered in the course of research. This implies that data collection naturally leads up to data analysis such that in the course of the analysis the collected data is broken and given appropriate treatment so as to read meaning out of the data that has been generated, presented, tested, and interpreted. Obasi (1999), for instance, has emphasized that the need for clarity in the presentation of data can only be fully appreciated when one recognizes that a properly generated data which is free from the
common problems of unreliability and inaccuracy, can still not serve a useful purpose if not properly analyzed and presented. In other words, analysis is the breaking down and ordering of the qualitative information gathered through research. (Asika, 1991)

The purpose of analysis therefore is to understand and explain how the constitutive elements of a complex whole are related in order to gain a better knowledge of the unit or subject being studied in this wise, the data used in this study were analyzed quantitatively and critically in order to arrive at a valid argument and make valuable deductions.

In the study however, we adopted the qualitative descriptive method in analyzing our data. Qualitative descriptive analysis according to Asika (2006) essentially has to do with summarizing the information generated in a research so that appropriate analytical methods could be used to further discover relationship among the variables. The adoption of the forgoing analytical method is necessary because the study principally relied on secondary sources of data.

RESEARCH DESIGN

A research design is a plan that guides the investigator in the process of collecting, analyzing and interpreting observations. It is a logical model or proof that allows the researcher to draw inferences concerning causal relations among the variables under investigation. It also defines the domain of generalizability that is, whether they obtained interpretations can be generalized to a larger population or to different situations. Leegee and Frances (1974), Bailey (1978), Nnabugwu (2006).

Research designs are concerned with turning the research question into a test project. The best design depends on your research question. Every design has its positive and negative sides. The research design has been considered as a “blueprint” for research, dealing with at least four problems; what question to study what data are relevant, what data to collect, and how to analyze the results.

Research design is a decision making process. During the decision making process, the researcher like an architect, should choose from many design alternatives and consider over the trade-offs of each approach and decide the best possible solution. Generally speaking, the research design decisions are influenced by the questions the investigator is trying to answer by the resource such as time, trained personnel, and
money that the researcher have at hand, by the characteristics of the research sites, and also by the researcher’s personal preferences.

In conducting researches, research designs are indispensable. Igwe (2007) shows the link between research and research design thus:

Research is a systematic enquiry to discover phenomena, the laws governing them and the diverse means of application of the knowledge to practical situation. On the other hand (Research Design) is the methodological and related processes employed in research especially with regards to theoretical framework, and the collection and manipulation of data. Igwe (2007: 387).

This research is basically qualitative and non-experimental; therefore it is based on the single case *ex-post facto* design. An *ex post facto* design is used when experimental research is not possible, such as when people have self-selected levels of an independent variable or when a treatment is naturally occurring and the research could not “control” the degree of the use. The researcher starts by specifying a dependent variable and then tries to identify possible reasons for its occurrence. This type of study is very useful when using human subjects in real-world situations and the investigator comes in “after the fact”. That is why the researcher needs to establish a plausible reason (research hypothesis for why there might be a relationship between two variables before conducting a study. (Diem, 2002)

Cohen and Manion (1980) defined the *ex post facto* design as those studies which investigate possible cause-and-effect relationships by observing an existing condition and searching back in time for plausible causal factor. According to Kerlinger (1977), the *ex post factor* design is a form of descriptive research in which an independent variable has already occurred and in which an investigator starts with the observation of a dependent variable; be then studies the independent variable in retrospect for its possible relationship to an effects on the dependent variable.

This research design is very relevant to our study given the nature of the phenomenon under investigation. As noted above, this design is useful when using human subjects in real world situations and when a treatment is naturally occurring and the researcher could not “control” the degree of its use. In the context of this study, the concern is on the Nigeria-Cameroon relations and the Bakassi dispute as it relates to the
law of the sea. The outbreak of the dispute is a naturally occurring event that the researcher cannot control, which makes the single case *ex post facto* designer more apt in this study. The single case *ex post facto* design assumes the form of a quasi-experimental design where an existing case is observed for some time in order to ‘study’ or ‘evaluate’ it. Thus, in the single case design, there is no control or variation group in this design. There are series of “before” observations and one case (subject) and series of “after” observations.

In applying the single case *ex post facto* design to four study, the test of the hypothesis involves observing the independent variable (The discovery of natural or economic resources, (oil) in the Bakassi peninsula) and the dependent variable (the worsened border dispute between Nigeria and Cameroon) at the same time because the effect of the former on the latter have already taken place before this investigation. In conducting our investigation therefore the first observation is how, the discovery of natural resources (oil) in the Maritime Bakassi peninsula accounts for the worsening dispute between Nigeria and Cameroon in the past our second observation is now the discovery of natural resources (OU) in the Maritime Bakassi peninsula accounts for the worsening dispute between Nigeria and Cameroon in the present. Using the theory of Economic interpretation of Nationalism we were able to explain how the discovery of oil in the Maritime Bakassi peninsula contributes in generating dispute between Nigeria and Cameroon. A random judgment selection of series of “before” and “after” observation of the dispute as a result of the discovery of natural or economic resources in the Maritime Bakassi peninsula was used to test the hypothesis.

In *ex post facto* research design, there are series of pre-measurement and post measurement of before and after observations required for establishing causal relationships or cause–effect relationship; $0_40_20_4 \times 0_50_60_7$

There are series of pre-measurement and post-measurement, but the change between $0_4$ and $0_5$ is the principle focus to measure the effects of the quasi-experimental treatment, that is, the effects of the discovery of economic and natural resources (oil) in the Bakassi peninsula on the dispute between Nigeria and Cameroon. In other words the difference in scores (Nigeria-Cameroon dispute) from $0_4$ and $0_5$ is attributed to the causal event (The discovery of oil in the Maritime Bakassi peninsula). The design despite its lack of control groups to overcome a wide variety of threat to internal validity. However,
principle threat to the design is history. The series of before observations from 0\textsubscript{1} to 0\textsubscript{3} and after observations from 0\textsubscript{6} to 0\textsubscript{8} will be used to control for the interactive effects of history.

1.10. OPERATIONALIZATION OF CONCEPTS

In order to facilitate understanding of basic concepts it is necessary and imperative to define some of the basic concepts as they appear or as they are used in this research work.

INTERNAL WATERS

Internal Waters covers all water and waterways on the landward side of the baseline. The coastal state is free to set laws, regulate use, and use any resource. Foreign vessels have no right of passage within internal waters.

TERRITORY

The Black’s law Dictionary (1983) defined the word territory as a part of a country separate from the rest, and subject to a particular jurisdiction. A Territory is a geographical area under the jurisdiction of another country or sovereignty. According to the arbitrator, quoted with approved by Umozurike (1993), a state territorial sea, as well as the land mass to the center of the earth and, the internal waters, earth and the atmosphere above to a height that includes the troposphere.

TERRITORIAL WATERS

Out to 12 nautical miles from the baseline, the coastal state is free to set laws, regulate use, and use any resource. Vessels were given the right of innocent passage through any territorial waters, with strategic straits allowing the passage of military craft
as transit passage, in that naval vessels are allowed to maintain postures that would be illegal in territorial waters. "Innocent passage" is defined by the convention as passing through waters in an expeditious and continuous manner, which is not "prejudicial to the peace, good order or the security" of the coastal state. Fishing, polluting, weapons practice, and spying are not "innocent", and submarines and other underwater vehicles are required to navigate on the surface and to show their flag. Nations can also temporarily suspend innocent passage in specific areas of their territorial seas, if doing so is essential for the protection of its security.

ARCHIPELAGIC WATERS

The convention set the definition of Archipelagic States in Part IV, which also defines how the state can draw its territorial borders. A baseline is drawn between the outermost points of the outermost islands, subject to these points being sufficiently close to one another. All waters inside this baseline are designated Archipelagic Waters. The state has full sovereignty over these waters (like internal waters), but foreign vessels have right of innocent passage through archipelagic waters (like territorial waters).

CONTIGUOUS ZONE

Beyond the 12 nautical mile limit there was a further 12 nautical miles or 24 nautical miles from the territorial sea baselines limit, the contiguous zone, in which a state could continue to enforce laws in four specific areas: pollution, taxation, customs, and immigration.

EXCLUSIVE ECONOMIC ZONES (EEZS)

These extend from the edge of the territorial sea out to 200 nautical miles from the baseline. Within this area, the coastal nation has sole exploitation rights over all natural resources. In casual use, the term may include the territorial sea and even the continental shelf. The EEZs were introduced to halt the increasingly heated clashes over fishing rights, although oil was also becoming important. The success of an offshore oil
platform in the Gulf of Mexico in 1947 was soon repeated elsewhere in the world, and by 1970 it was technically feasible to operate in waters 4000 meters deep. Foreign nations have the freedom of navigation and overflight, subject to the regulation of the coastal states. Foreign states may also lay submarine pipes and cables.

CONTINENTAL SHELF

The continental shelf is defined as the natural prolongation of the land territory to the continental margin’s outer edge, or 200 nautical miles from the coastal state’s baseline, whichever is greater. A state’s continental shelf may exceed 200 nautical miles until the natural prolongation ends. However, it may never exceed 350 nautical miles from the baseline; or it may never exceed 100 nautical miles beyond the 2,500 meter isobaths (the line connecting the depth of 2,500 meters). Coastal states have the right to harvest mineral and non-living material in the subsoil of its continental shelf, to the exclusion of others. Coastal states also have exclusive control over living resources "attached" to the continental shelf, but not to creatures living in the water column beyond the exclusive economic zone.

CONFLICT/DISPUTES

Conflict has been defined in Advanced Learners Dictionary (Special prince edition) as a serious disagreement; an argument to be in opposition. Conflict is a state of open, often prolonged fighting; a battle or war a state of disharmony between incompatible or antithetical person’s idea and interest.

Disputes have their origins in disagreements between parties. A statement by one party that contradicts the other gives rise to a disagreement, the disagreement only becomes a dispute when one or other party cannot live with the consequences of the disagreement, and insists on having it resolved. Disputes arises when a claim in rejected, or is rejected, or is ignored for an unreasonably long period of time.
PIRACY

The definition of piracy has long been a source of controversy. Article 15 of the convention on the High Seas, provide the following.

- Any illegal acts of violence, detention or any act of depredation, committed for private ends by the crew or the passengers of a private ship or any act of voluntary participation in the operation of a ship or of an air craft with knowledge of facts making it a pirate ship. (Brownie, 1979)

GENDARMES

A gendarme is a military force charged with police duties among civilian populations. Members of such a force are typically called “gendarmes”. The shorter Oxford English Dictionary describes a gendarme as a soldier who is employed on police duties.

CEDE

This is a willful surrender or to give up a region or province of a country to another by treaty. To cede means to transfer, make, or surrender something, especially territory or legal rights. To give over, surrender or relinquish to the physical control of another.

TREATY

Treaty is applied as an international agreement concluded between states in written form and governed by international law. A treaty is an express agreement under international law, namely sovereign states and international organization. A treaty may also be known as (international) agreement, protocol, covenant, convention or exchange of letters, among other terms regardless of terminology, all of these forms of agreements are under international law, equally considered treaties and the rules are the same.
CRUISER

An armed ship with high speed and large cruising range that sails to and fro for capturing an enemy ships. It is a relatively fast worship larger than a destroyer and less heavily armed than a battleship.

LAW OF THE SEA

This law evolved through customary practice as well as through global conventions, judicial decision and international treaties and agreements. It was to a large extent codified by the United Nations Conference at Geneva in 1958. International Dictionary of Politics (1978), defines The Law of the Sea as that part of public international law that deals with maritime issues. The term law of the sea appears similar to the term maritime law, but it has a significantly different meaning. Maritime law deals with jurisprudence that governs ships and shipping, and is concerned with contracts, torts, and other issues involving private shipping, whereas the law of the sea refers to matters of public international law.

INTERNATIONAL COURT OF JUSTICE (ICJ)

ICJ is the primary judicial organ of the United Nations. It is based in the peace palace in The Hague, Netherlands. Its main functions are to settle legal disputes submitted to it by states and the provide advisory opinions on legal questions submitted to it by duly authorized international organs, agencies, and the United Nations General Assembly.

The international court of Justice (ICJ) was established in 1945. It sits at The Hague, in the Netherlands, and acts as a world court in view of the customary international norm which states that all states “shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered” Article 2(3) of the charter of the United Nations.
MAP SHOWING THE DISPUTED BAKASSI PENINSULA
SOURSE: (www.uno.org)
MAP OF NIGERIA SHOWING THE BAKASSI PENINSULA

SOURCE: (www.uno.org)
MAP OF CAMEROON

SOURCE: (www.uno.org)
CAMEROON NIGERIA BORDER COAST

SOURCE: (www.uno.org)
CAMEROON NIGERIA BOUNDARY SHOWING THE BIGHT OF BIAFRA

SOURCE; (www.uno.org)
CHAPTER TWO

MAJOR ELEMENTS OF THE LAW OF THE SEA: AS APPLICABLE TO THE NIGERIA-CAMEROON BORDER.

For centuries, the law of sea was based on the concept of freedom of the seas, with nations' control of the oceans limited to narrow bands adjacent to their coasts. It was primarily based on customary law; international agreements were likely to involve a small number of states or cover a particular region. By the middle of the twentieth century, as the nations increased their capability to engage in long range fishing and commercial extraction, concerns arose about pollution and the exhaustibility of ocean resources. In addition, the concept of freedom of the seas was eroding, as many nations had asserted sovereignty over wider areas, claiming rights to the resources of the continental shelf and the water above. It became necessary to develop a treaty-based regime for ocean governance. A series of United Nations conferences on the law of the sea, convened in 1958, 1960 and 1973-1982, produced a number of treaty agreements and the Third Conference culminated in the adoption in 1982 of a comprehensive treaty instrument, the United Nations Convention on the Law of Sea.

The territorial sea (alias territorial waters or the maritime belt) extends for an uncertain number of miles beyond international waters. The width of the territorial sea is one of the most controversial questions in international law, though coastal states have rights over the territorial sea such as an exclusive right to fish and to exploit the resources of the seabed and subsoil of the territorial sea. In this wise, it will be possible to understand the conflict of interest which has raised between Nigeria and Cameroon the width of the territorial sea of the Bakassi peninsula waters. It is worthy of note that, the policies of the territorial sea relations is a concept that has survived the ages. It is the relationship between nations within their territorial sea and how best such relations could be carried out, as in the case in point between Cameroon and Nigeria.
2.1 THE ORIGIN AND ESSENCE OF THE LAW OF THE SEA


For eight years after its establishment the United Nations International Law Commission, debated and formulated what it considered to be the traditional law of the sea. Amongst the list of topics whose codification was considered was the regime of the territorial sea. In this respect the Commission observed that “international law does not permit an extension of the territorial sea beyond twelve miles” (Churchill & Lowe, 1988:6). From February to April 1958 the United Nations held its first Conference on the Law of the Sea at Geneva. This resulted in the adoption of four conventions - on the high seas, on the territorial sea and the contiguous zone, on the continental shelf, and on fishing and conservation of the living resources of the high seas, that were based on drafts prepared by the Commission. In addition to traditional concepts such as “hot pursuit” and “innocent passage”, two new terms officially saw their appearance in the conventions, namely the “contiguous zone” and the “continental shelf”.

Article 24 of the Geneva Convention on the Territorial Sea and the Contiguous Zone stipulated that in a zone of the high seas contiguous to its territorial sea (called the “contiguous zone”), the coastal State may exercise the control necessary to prevent infringement of its customs, fiscal, immigration or sanitary regulations, or punish infringement of the above regulations committed within its territory or territorial sea. The contiguous zone may not extend beyond twelve miles from the baseline from which the territorial sea is measured. (Churchill & Lowe, 1988)

The doctrine of the Truman Proclamation of 1945 which claimed for the United States jurisdiction over the resources of the continental shelf, with undefined limits, was incorporated in the 1958 Geneva Convention on the Continental Shelf which, with equally open-ended obscurity, established the jurisdiction of the coastal States in the shelf to a water depth of 200 meters or “beyond that limit to where the depth of the superjacent waters admits of the exploitation of the natural resources”. (Astley & Schmitt, 1977:119)

The Commission’s recommendation on the limit of the territorial sea, however, could not obtain the two-thirds majority necessary for adoption at the Conference
although under Article 24 of the Convention on the Territorial Sea and the Contiguous Zone, the breadth of that sea may not, in any case, exceed twelve miles.

In an attempt to reach agreement on the breadth of the territorial sea and on the question of fishing zones, a second United Nations Conference on the Law of the Sea was held, also at Geneva, two years later but without success. Amongst several proposals which attracted the greatest attention at the Conference was the one put forward by Canada and the United States recommending the adoption of a six-mile territorial sea and a twelve-mile fishery limit. The proposal failed by one vote to secure the necessary two-thirds majority. (Edem, 1983)

Besides the failure earlier stated, there were other reasons for the partial failure of the framework elaborated at Geneva. For instance, the 1958 Conventions gave no precise criteria for establishing the points from which the breadth of the territorial sea can be measured in the event of a deeply indented coastline. Provisions on so-called “mid-ocean” archipelagoes, such as Fiji, Indonesia or the Philippines, were also lacking, and the same is to be said for artificial islands constructed for strategic or other purposes such as, for example, pirate broadcasting. The elastic definition of the outer boundary of the continental shelf as provided under Articles 1 and 2 of the Convention on the Continental Shelf which permitted coastal States to explore and exploit the natural resources of the ocean floor adjacent to its coast up to the 200-metre isobaths, “or beyond the limit to where the depth of the superjacent waters admits of the exploitation of the natural resources” Erim (1972:72), created a curious and rather alarming situation: the continental shelf of each coastal State would increase outward with the “exploitability” of the ocean floor. In 1958, the framers of the Convention had assumed that this clause would remain purely theoretical for many years to come and that the ocean floor would not become exploitable much beyond the 200-metre isobaths. This assumption proved to be erroneous, for modern technology certainly made it possible to exploit the seabed and subsoil far beyond this line. Accordingly, the parts of the ocean floor to which coastal States would be able to lay claim owing to the “exploitability test” could grow to an alarming size and in the end, the entire ocean floor could eventually be divided among coastal States. (Erim, 1972)
The peaceful uses of the sea bed and its resources

In 1967, Arvid Pardo, the Ambassador of Malta to the United Nations recommended to the United Nations that the resources, other than fisheries, of the high seas beyond the territorial sea and the sea-bed beyond the continental shelf be proclaimed as a “common heritage of mankind” and be subject to the jurisdiction and control of the United Nations, as otherwise militarization of the seabed and exploitation of its resources by highly developed countries to their national advantage and to the disadvantage of poor countries was probable. Soon after, the United Nations General Assembly decided to establish a committee to study all aspects of the peaceful uses of the sea-bed and its resources beyond the limits of national jurisdiction. The Sea-Bed Committee began work in 1969 on a statement of legal principles to govern the uses of the sea-bed and its resources, and the following year the General Assembly unanimously adopted the Committee’s Declaration of Principles, which stated that “the sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction ... as well as the resources of the area are the common heritage of mankind” Brown (1998:76), to be reserved for peaceful purposes, not subject to national appropriation and not to be exploited except under the international regime to be established. The Assembly decided in 1970 to convene a new Law of the Sea Conference to prepare a single, comprehensive treaty, recognizing that the problems of ocean space are interrelated and need to be considered as a whole. The proposed treaty was thus to encompass all aspects of the establishment of the regime and machinery for the international sea-bed area, as well as such issues as the regimes of the high seas, the continental shelf and territorial sea (including the question of limits), fishing rights, preservation of the marine environment, scientific research, and access to the sea by land-locked States.

The Third United Nations Conference on the Law of the Sea

The Third United Nations Conference on the Law of the Sea opened with a brief organizational session in 1973. At its second session in Caracas in 1974 it endorsed the recommendation of the Sea-Bed Committee that it should proceed on a new law of the sea as a “package”, with no one article or section to be approved before all the others were in place. This reflected not only the interdependence of all the issues involved but also the need to reach a delicate balance of compromises if the final document was to prove viable. The first informal text was prepared in 1975 as a basis for negotiation. Over
the next seven years, in Conference committees and in special negotiating and working
groups, the text underwent several major revisions

UNITED NATIONS CONVENTION ON THE LAW OF THE SEA 1982

Entry into Force

The final text of United Nations Convention of the Law of the Sea was approved by the Conference at the United Nations Headquarters on 30 April 1982, by a vote of 130 in favor to 4 against, with 17 abstentions. When it was opened for signature at Montego Bay, Jamaica, on 10 December 1982, United Nations Convention of the Law of the Sea was signed by 117 States and two entities. On 16 November 1994, that is one year after the deposit of the sixtieth instrument of ratification, United Nations Convention of the Law of the Sea entered into force. As at 26 July 1999, United Nations Convention on the Law of the Sea has received 71 more instruments of ratification, accession or succession, bringing the total number of States parties, including one international organization (the European Community), to 131. Of the 185 Member States of the United Nations, 58 are not parties to United Nations Convention of the Law of the Sea. Of the 53 countries of the Commonwealth, Bangladesh, Canada, Kiribati, Lesotho, Malawi, Maldives, Swaziland and Tuvalu have yet to subscribe to United Nations Convention of the Law of the Sea. (Jonathan, 1999)

United Nations Convention on the Law of the Sea comprises 320 articles and nine annexes, governing all aspects of ocean space, such as delimitation, environmental control, marine scientific research, economic and commercial activities, transfer of technology and the settlement of disputes relating to ocean matters. Concepts such as “transit passage” and “the Area” and mechanisms for the establishment of organs such as the “International Sea-Bed Authority” the “Enterprise” and the “International Tribunal for the Law of the Sea” are some of the innovations under United Nations Convention of the Law of the Sea. The breadth of the territorial sea is now fixed to a limit not exceeding 12 nautical miles and whilst coastal States exercise sovereignty over their territorial sea, foreign vessels are allowed “innocent passage” through those waters for purposes of peaceful navigation. (Brown, 1998)
Archipelagic States (as defined under United Nations Convention of the Law of the Sea) which did not benefit under the method of straight baselines in measuring the breadth of the territorial sea permitted under limited circumstances under the relevant Geneva Convention can now take advantage of a widened method made applicable to. Whilst these archipelagic States have sovereignty over a sea area enclosed by straight lines drawn between the outermost points of the outermost islands, all other States enjoy the right of innocent passage through sea lanes designated by them. An archipelagic State shall respect existing agreements with other States and shall recognize traditional fishing rights and other legitimate activities of the immediately adjacent neighboring States in certain areas (including the maintenance and replacement of submarine cables) falling within archipelagic waters. (Lietner, 1998)

Straits used for international navigation are under the purview of United Nations Convention on the Law of the Sea, but the legal regime in such straits in which passage is regulated in whole or in part by long-standing international conventions in force specifically relating to such straits is not affected. Through these waters, ships and aircraft of all countries are allowed “transit passage”, as long as they proceeded without delay and without threatening the bordering States. During transit passage, foreign ships, including maritime scientific research and hydrographic survey ships may not carry out any research or survey activities without the prior authorization of the States bordering straits. States alongside the straits are able to regulate navigation and other aspects of passage. (Larson, et al 1995)

An Exclusive Economic Zone not extending a 200-nautical-mile distance, may be declared by any coastal State, in which event such State is endowed with sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the sea-bed and of the sea-bed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from water, currents and winds Galdorisi (1997). Coastal States also have jurisdiction in this zone over the establishment and use of artificial islands, installations and structures, marine science research and environmental protection. All other States, whether coastal or land-locked, have freedom of navigation and over flight in the zone, as well as freedom to lay submarine cables and pipelines. Land-locked and geographically disadvantaged States have the opportunity to participate in exploiting part of the zone’s fisheries on a
preferential basis when the coastal State could not harvest them all itself. Highly migratory species of fish and marine mammals are accorded special protection.

The Continental Shelf of a coastal State comprises the sea-bed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance. Under specified circumstances the continental shelf of a coastal State can extend to a distance of 350 miles. Coastal States have sovereign rights over the continental shelf for the purpose of exploring and exploiting it and these rights do not depend on occupation, effective or notional, or any express proclamation Coastal States share with the international community part of the revenue derived from exploiting oil and other resources from any part of their shelf beyond 200 miles. The Commission on the Limits of the Continental Shelf shall make recommendations to States on the shelf’s outer boundaries when it extends beyond 200 miles. (Lietner, 1998)

Freedom of the High Seas is exercised under the conditions laid down by United Nations Convention on the Law of the Sea and by other rules of international law. All States (coastal or landlocked) enjoy the traditional freedoms of navigation and over flight on the high seas. The freedoms to lay submarine cables and pipelines, to construct artificial islands and other installations permitted under international law, to fish and to conduct scientific research are, subject to certain conditions, also recognized by United Nations Convention on the Law of the Sea. Lietner (1998) In exercising the freedom of fishing, for example, States are obliged to adopt, or co-operate with other States in adopting, measures to manage and conserve living resources. A land-locked State defined under United Nations Conventions on the Law of the Sea as a State which has no sea-coast, has the right of access to and from the sea and enjoys freedom of transit through the territory of a transit State which is defined as a State, with or without a sea-coast, situated between a land-locked State and the sea, through whose territory traffic in transit passes.

The Area (defined as the sea-bed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction and its resources are declared by United Nations Conventions on the Law of the Sea as the common heritage of mankind. All rights in the
resources of the Area are vested in mankind as a whole, on whose behalf the Authority
(defined as the “International Sea-Bed Authority”) shall act. These resources are not
subject to alienation. The minerals recovered from the Area, however, may only be
alienated in accordance with the relevant provisions of United Nations Conventions on
the Law of the Sea. “The Enterprise” is the organ of the Authority which shall carry out
activities in the Area directly as well as the transporting, processing and marketing of
minerals recovered from the Area, and shall have its principal place of business at the
seat of the Authority. (Nordquist, 1982)

Marine pollution prevention and control arising from land-based sources, sea-
bed-activities subject to national jurisdiction, activities in the Area, vessels and others are
are bound to prevent and control marine pollution from any source and are liable for
damage caused by violation of their international obligations to combat such pollution.
States are bound to promote the development and transfer of marine technology “on fair
and reasonable terms and conditions” Nordquist (1982:42) with proper regard for all
legitimate interests, including the rights and duties of holders, suppliers and recipients of
technology.

A comprehensive system for the mandatory settlement of dispute concerning the
interpretation or application of United Nations Conventions on the Law of the Sea has
been established. Under what is generally known as the “pact a sunt servanda doctrine”
Benard & Oxman (1994) States shall fulfill in good faith the obligations assumed under
United Nations Convention on the Law of the Sea and are required to exercise the rights,
jurisdiction and freedoms thereunder in a manner which would not constitute an abuse of
right. In exercising their rights and performing their duties under United Nations
Convention on the Law of the Sea, States shall refrain from any threat or force against
the territorial integrity or political independence of any State, or in any other manner
inconsistent with the principles of international law embodied in the United Nations
Charter. (Benald & Oxman,1994)

For many years following the adoption of United Nations Convention of the Law of the Sea, the provisions of Part XI, dealing with deep seabed mining, were viewed as an obstacle to the universal acceptance of United Nations Convention of the Law of the Sea. That was particularly true in view of the fact that the main opposition to those provisions came from the industrialized countries. Under United Nations Conventions on the Law of the Sea, all exploring and exploiting activities in the international seabed Area would be under the control of the International Sea-Bed Authority. The Authority would be authorized to conduct its own mining operations through its operating arm, the Enterprise, and also to contract with private and State ventures to give them mining rights in the Area, so they could operate in parallel with the Authority. The first generation of seabed prospectors would have guarantees of production once mining was authorized. Objections to United Nations Convention on the Law of the Sea’s provisions dealt mainly with the detailed procedures for production authorization from the deep seabed, cumbersome financial rules of contracts, decision-making in the Council of Seabed Authority and mandatory transfer of technology. (Stephens, 1999)


To overcome these objections, the United Nations Secretary-General undertook informal consultations with all parties lasting nearly four years. As a result, the General Assembly adopted on 28 July 1994 the Agreement Relating to the Implementation of Part XI of United Nations Convention of the Law of the Sea. This Agreement which entered into force on 28 July 1996 consists of 10 articles. Its Article 2 deals with the relationship between the Agreement and Part XI of United Nations Convention of the Law of the Sea and it provides that the two shall be interpreted and applied together as a single instrument. In the event of an inconsistency between the Agreement and Part XI, however, the provisions of the Agreement shall prevail. Any ratification or accession to United Nations Convention of the Law of the Sea made after 28 July 1994 represents consent to be bound by the Agreement as well. Furthermore, no State or entity can establish its consent to be bound by the Agreement unless it has previously established or establishes concurrently its consent to be bound by United Nations Convention of the
Law of the Sea. States that were parties to United Nations Convention of the Law of the Sea prior to the adoption of the Agreement have to establish their consent to be bound by the Agreement separately, by depositing an instrument of ratification or accession. (Astley & Schmitt, 1997)

Besides dealing with procedural aspects such as signature, entry into force and provisional application, the Agreement also removes the obstacles that had stood in the way of universal acceptance by substituting general provisions for the detailed procedures contained in United Nations Convention of the Law of the Sea and by leaving it to the Authority to determine at a future date the exact nature of the rules it will adopt with respect to the authorization of deep seabed mining operations. The Agreement further removes the obligation for mandatory transfer of technology and ensures the representation of certain countries, or group of countries, in the Council while giving those countries certain powers over decision-making. “As of 30 September 1998, a total of 91 States parties to the Convention, were, as of that date, bound by the Agreement” (Brown, 1998:69)

**ESSENTIALS OF THE LAW OF THE SEA**

**Internal Waters**

Internal Waters (IW) are all waters on the landward side of a baseline. They are the legal equivalent of the State's land in international law, except that in very limited instances foreign nations may retain a historical rite of passage. Domestic laws will usually apply through a State's Internal Waters. Shipping ports are within Internal Water but the Law of the Sea Convention does not provide for a general right to enter for ships in distress, although such a right may exist in customary international law. Internal Waters covers all water and waterways on the landward side of the baseline. The coastal state is free to set laws, regulate use, and use any resource. Foreign vessels have no right of passage within internal waters.

**Territorial Seas**

The Territorial Sea (TS) is a band of sea immediately adjacent to the baseline. In the absence of any impinging State, a coastal State may claim a Territorial Sea of width up to 12 miles. There is no minimum Territorial Sea that a State must claim. Most States, including Cameroon and Nigeria, have claimed the maximum permissible. Islands, islets
and rocks which are naturally occurring but not capable of sustaining life all generate a Territorial Sea, provided they protrude above sea level at high tide.

Within the Territorial Sea, the coastal State has the same sovereign rights as on land, except that the ships of all States have the right of innocent passage through the Territorial Sea. Innocent passage encompasses transit only and the coastal State may set up seaplanes in which ships in innocent passage must remain. Activities such as fishing, research, weapons use, loading or unloading of commodities or any threat to the stability of the coastal State are a breach of the right of innocent passage. If such activities take place, the coastal State is entitled to move to prevent further passage or presence within the Territorial Sea. Warships, although not specifically provided for in the Law of the Sea Convention, probably have a right of innocent passage, for the Law of the Sea Convention allows innocent passage by nuclear ships and submarines. The coastal State also has the duty to publicize navigational dangers within its Territorial Sea; this may entail an obligation to maintain lighthouses or other warning devices.

**Contiguous Zones**

The Contiguous Zone (CZ) is a band of sea up to 12 miles wide, immediately seaward of the outer margin of the Territorial Sea; it may be claimed by the coastal State for the purpose of enforcing its domestic laws relating to customs, immigration, fishing and sanitation. Although the coastal State cannot regulate within the Contiguous Zone, within that zone it can enforce breaches of its laws that occurred on its territory or within the Territorial Sea. This transitional zone prevents ships from breaking the law and then hovering offshore just out of reach. With the creation of the Exclusive Economic Zone (discussed below), most States have abandoned their former reliance on the concept of a Contiguous Zone.

**Continental Shelf**

Although the geologic continental shelf is simply the extension of the continent out under the adjacent sea, the legal Continental Shelf (CS) is more complicated. Formerly, international law set the outer margin of the Continental Shelf as the 200-metre isobaths (a contour at 200 meters water depth) or to such depth as technology would admit exploitation of resources. The Law of Sea Convention has replaced this with very complicated formulas relating to slope of the floor or thickness of the rocks on
the seafloor. The Law of the Sea Convention also set a minimum and maximum Continental Shelf width of 200 and 350 miles, respectively. As an approximation, however, where the geologic continental shelf extends beyond 200 miles, one can still consider the 200-metre isobaths as the Continental Shelf margin, for this is where a rapid change in slope of the seafloor typically occurs. Rocks incapable of sustaining human habitation do not generate a Continental Shelf.

A State's rights on the Continental Shelf exist even without any express claim being made. Rights to the Continental Shelf pertain to the sea-bed and the subsea strata, not to the super adjacent water column, although rights within the Exclusive Economic Zone may cover the water column. A coastal State may not exercise full sovereignty over the Continental Shelf, but it does have the exclusive right to explore and exploit its living and non-living resources, including minerals, oil, and life forms like clams that live fixed to the seafloor. Other nations may lay submarine cables and pipelines across a coastal State's Continental Shelf.

**Exclusive Economic Zone**

The Exclusive Economic Zone (EEZ) is perhaps the greatest immediate advance in international law stemming from the Law of the Sea Convention. An EEZ is an up to 200-mile-wide band that extends seaward from the baseline and may be claimed by the adjacent coastal State. Most States have claimed the maximum permissible. In almost all cases, the Territorial Sea and the Contentious Zone are within the Exclusive Economic Zone. Most Continental Shelves are less than 200 miles in width, so the waters above them (which include the vast majority of all economically exploitable fish stocks) are also within the Exclusive Economic Zone. Rocks incapable of sustaining life do not create an Exclusive Economic Zone about them, although they do create a Territorial Sea.

Within the Exclusive Economic Zone, the coastal State has two basic rights: one economic, one jurisdictional. Economically, the coastal State has sovereign rights for the purpose of exploring, exploiting, conserving and managing the living and non-living resources of the water column, sea-bed and subsea strata and other activities of economic exploitation. Jurisdictionally, the coastal State has jurisdiction over artificial structures, marine research and marine environmental protection. (Umozurike, 1993)
High Seas

Freedom of the High Seas (HS) is a very old legal concept; recent changes in the law of the sea amount to a redefinition of the boundaries of the High Sea without altering State rights within the High Sea. The High Sea comprises all those areas of the sea where no jurisdiction is exercised by a coastal State; usually this is all waters seaward of the outer margin of the Exclusive Economic Zones of the adjacent coastal State. The High Sea belongs to all mankind. They are characterized by the freedom of all States, landlocked or not, to navigate through, fly over, fish upon, conduct scientific research in, lay cables, build artificial islands, etc., provided these activities are carried out with due regard to the rights of other States and for peaceful purposes.

States may not claim jurisdiction over the High Sea; however, in the limited circumstance of a "hot pursuit," a coastal State that chases into the High Sea a foreign ship that has transgressed its laws within its Exclusive Economic Zone or Territorial Sea may enforce its laws on the high sea. In "hot pursuit," the chase must have begun while the foreign ship was within the pursuing State's waters and continue until the ship is apprehended. The use of necessary force to apprehend a ship is not considered to be a violation of States' obligation to use the high sea for peaceful purposes only.

It has become popular for many governments and opinion leaders to call for economic sanctions, including enforced trade sanctions, against a State felt to be in violation of international public order. Such actions were recently used against Iraq and Serbia. However, a naval blockade is, prima facie, a violation of freedom of the high sea. Such efforts constitute a violation of international law if not conducted with the authorization of the United Nations Security Council pursuant to Chapter VII of the Charter.
MAP OF CLAIM TO MARITIME JURISDICTION.

Principles involved

The Law of the Sea Convention makes no major new contribution to the law of delimiting marine boundaries between opposing and adjacent States. The Agreement sets out slightly different treatment for territorial sea boundary delimitation from that of the coastal state or the Exclusive Economic Zones. In all cases the Law of the Sea Convention calls on Parties to resolve their boundary disputes by agreement. For the Coastal States and the Exclusive Economic Zones there is the additional provision that such an agreement be on the basis of international law and achieve an equitable solution. If no agreement is achieved on a Coastal States or Exclusive Economic Zones boundary, the Parties are directed to the Law of the Sea Convention's general dispute resolution procedures. For the Territorial Sea, “the Law of the Sea Convention says only that, in the general case, without an agreement neither State may assert a boundary that is beyond the equidistant point”. (Churchill, 1988:33)

Since Exclusive Economic Zone and Continental Shelf delimitations are the basis of most boundary disputes, the Law of the Sea Convention simply adopts whatever international law of boundary delimitation exists as its principle for resolving disputes. That principle is exceedingly broad, but it consistently runs through numerous cases on boundary disputes. It can most clearly be stated as: the Parties shall use equitable principles, or equitable criteria, taking into account all the relevant circumstances, in order to come to an equitable result when settling their boundary disputes. Clearly, the result, rather than the means, is the dominant criterion for assessing the suitability of the boundary. (Churchill, 1988)

Using equitable principles to reach an equitable result does not place great constraints on the actual method employed. This probably is desirable, for it allows for the solution to be effectively tailored in each instance to the particular geography before the tribunal. Equity, by its very definition, will be unique for each new fact situation and, of course, geography is infinitely variable. In situations of very simple geography where there are no "special circumstances," international law seems to have de facto concluded that equidistance should be the principle chosen for boundary delimitation between opposing coasts.

The following principles are among the many that have been put forward as equitable principles which should be invoked: sovereign equality between States;
political status of the territory; "weight" varying between mainland and islands; equidistance; relative lengths of coastline; non-encroachment of coastal fronts; natural prolongation of land territory; historic use and economic interests; and degrees of frontal overlap. No one principle is equitable in all instances. At various times an equitable result, it has been argued, is one that divides the relevant and disputed marine waters: (i) equally; (ii) in proportion to the lengths of relevant coastline; or (iii) in proportion to the relevant land areas (Michael, 1980).

In light of so many "equitable principles," it is easy to see why these issues are so contentious and why at times there appears to be no discernable trend in tribunal decisions. How equitable principles play out is best seen within the context of concrete examples, which indicate that there is no sure answer to maritime boundary disputes.

**How has the United Nations Convention of the Law of the Sea fared?**

There is no denial that United Nations Convention on the Law of the Sea is one of the most important piece of international conventions this side of the 20th century and that its effects shall undoubtedly be felt well beyond the next millennium. Even before its entry into force, United Nations Convention of the Law of the Sea had provided States with an indispensable foundation for their conduct in all aspects of ocean space, its uses and resources. States have consistently, through national and international legislation and through related decision-making, asserted the authority of United Nations Convention on the Law of the Sea as the pre-eminent international legal instrument on all matters within its purview. The acceptance of United Nations Convention on the Law of the Sea by a great majority of nations and the willingness of these nations to abide by the spirit and intent of its numerous provisions can leave little doubt that since its inception, United Nations Conventions on the Law of the Sea has fared very well indeed. (Umozurike, 1993)

For example, the question of the breadth of the territorial sea, a subject matter which had erstwhile remained unresolved for centuries, has, as a result of United Nations Convention of the Law of the Sea, no longer become a sore point amongst most nations. To date only 11 out of 145 coastal States continue to claim a territorial sea extending beyond 12 nautical miles. Browne (1998) With only one exception, only one State is claiming a contiguous zone extending beyond 24 miles. As regards the breadth of exclusive economic zones and fishery zones, the practice of States shows a total
compliance with the provisions of United Nations Convention of the Law of the Sea. Some States combine exclusive economic zones with fisheries zones, while others have one or the other depending on different circumstances. States continue to maintain their old legislation on the continental shelf, which includes the definition contained in the 1958 Geneva Convention. Of the 23 States which do not define the limits of their continental shelf either by reference to the criteria established in United Nations Convention of the Law of the Sea or those of the 1958 Continental Shelf Convention, only two are not in conformity with Article 76 of United Nations Convention on the Law of the Sea.

The International Seabed Authority, established under United Nations Conventions of the Law of the Sea, which commenced functioning on 16 November 1994, has made considerable progress in its substantive work, including significant progress in drafting the seabed mining code. The most significant development in the implementation of the deep seabed mining regime occurred in 1997 when the plans of work for exploration of seven registered pioneer investors were approved by the Authority. Once the seabed mining code is approved by the Authority, the seven pioneer investors would be granted exploration contracts. (Galdorisi, et al 1997)

The various provisions under United Nations Convention on the Law of the Sea which provide for legal frameworks for the combating of crimes at sea have also found universal support from organizations involved in the suppression of illicit drug-trafficking as well as the illegal trafficking in and transporting of migrants, otherwise referred to as the smuggling of aliens. The measures which coastal States can take under United Nations Convention of the Law of the Sea to suppress this type of criminal activity include: exercising criminal jurisdiction on board a foreign ship passing through the territorial sea; exercising the right of hot pursuit of a foreign ship which has violated the laws and regulations of the State; exercising the right of visit where a ship is without nationality or conceals its true nationality; exercising control in the contiguous zone necessary to punish infringement of immigration laws and regulations committed within a State's territory or territorial waters and enforcing the relevant provisions of the Convention in respect of seaworthiness.

The continuing increase in acts of piracy and armed robbery against ships and the increasing violence of the attacks are a matter of great concern to the shipping industry.
Articles 100 to 107 of United Nation Convention of the Law of the Sea specifically deal with piracy and its repression on the high seas. Other articles of United Nations Convention of the Law of the Sea which are relevant to the subject are articles 110 and 111. United Nations Convention of the Law of the Sea only addresses the repression of acts of piracy which take place on the high seas and, by virtue of Article 58 paragraph 2, those which take place in the exclusive economic zone. Incidents of piracy and armed robbery in the territorial sea or in port areas are perceived as crimes against the State and are thus subject to its national laws. Article 27 gives the coastal State the right to exercise criminal jurisdiction on board a foreign ship passing through the territorial sea to conduct an investigation or to arrest a person if the crime is of a kind to disturb the peace of the country or the good order of the territorial sea. (Pomper, 1998)

The obligation of ships to render assistance at sea is enshrined in both tradition and in international conventions. States are required under United Nations Convention of the Law of the Sea to render assistance to any person found at sea in danger of being lost, to rescue persons in distress and, after a collision, to render assistance to the ship, its crew and its passengers. There have been reports of incidents where ships flying the flags of some Member States either threw individuals whom they perceived to be stowaways into shark-infested waters, giving them no chance of survival, or set them adrift on rafts on the high seas and left them to their fate, and where ships in the proximity of such unfortunate individuals have refused to render assistance required of them. Member States have been reminded by the Secretary-General that in such circumstances, they should fully discharge their obligations under articles 94, paragraph 7, and 98 of United Nations Convention of the Law of the Sea and in the absence of an internationally agreed procedure for dealing with stowaways, it is important that stowaway incidents be dealt with humanely by all parties involved. Besides the hazards of elements such as the raging storm at sea which seafarers to a certain extent have, through technologies been able to withstand, it is the perils of arrest in a foreign land that modern seafarers continue to face and fear even in this day and age. In this light, it is indeed reassuring to note that United Nations Convention of the Law of the Sea provides specific provisions for the prompt release of vessels and crews under Article 73 paragraph 2 and Article 29.

It is expressly provided under United Nation Convention of the Law of the Sea that States parties shall settle any dispute between them concerning the interpretation or application of United Nations Convention of the Law of the Sea by peaceful means in
accordance with Article 2, paragraph 3, of the Charter of the United Nations and, to this end, shall seek a solution by the means indicated in Article 33 paragraph 1, of the Charter. Article 33 paragraph 1 of the Charter stipulates that the parties to a dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice. Larson et al (1995). When parties to a dispute have not reached a settlement by a peaceful means of their own choice, they shall, at the request of one party to the dispute, submit it to the court or tribunal having jurisdiction. States parties to the dispute could choose to submit their dispute to one of the four binding procedures: the International Tribunal for the Law of the Sea; the International Court of Justice; arbitration and special arbitration, which deals with specific types of disputes. Decisions rendered by a court or tribunal shall be final and shall be complied with by all parties. (Barns & Jande, 2004)

An excerpt from the report of the Secretary-General to the United Nations General Assembly in the last quarter of 1998 was inserted to highlight in a nutshell Kofi Annan’s view on United Nations Convention of the Law of the Sea. Concurring with him that United Nations convention of the Law of the Sea has indeed brought remarkable stability to relations between States with respect to the oceans by contributing to international peace and security.

As the laws of the sea are established … let them be observed, in order that whatever is undertaken may be properly regulated. Let these laws be followed towards all countries; … Let them be known and descend to posterity, that men may not act according to their own will and inclination, but that order and regularity may prevail … Let not what is established be done away, nor these laws be resisted or disobeyed. Anan (1999:15)
2.2. IMPERIALISM AND GEOPOLITICS IN THE LAW OF THE SEA

Geopolitics of the Bakassi Dispute

The colonial legacy

Before the scramble for Africa, Bakassi was part of the ancient kingdom of Calabar. The people in the main settlements in the Bakassi Peninsula owed allegiance to the Obong of Calabar. The Obong of Calabar placed not only Calabar, but also the Efike and Ibibio (in the Peninsula) under the status of a British protectorate via a Treaty on 10 September 1884. The chiefs of Efike and Ibibio were co-signatories to the Treaty. Subsequently, through a series of bilateral treaties and other legal instruments, the territory was ceded by the Implications of the Bakassi conflict resolution for Cameroon

British in 1913, first to Germany, and later placed under the mandate of the League of Nations and the Trusteeship of the United Nations in 1919 at the end of the First World War. Finally, it was ceded by plebiscite to independent Cameroon in 1961. The critical legal instruments that changed the status of the Peninsula and its inhabitants were the following (Aghemelo and Ibhashebhor 2006; Omoigui 2006)

The agreement between the United Kingdom and Germany signed in London on 11 March 1913 entitled ‘(1) the Settlement of the Frontier between Nigeria and the Cameroons, from Yola to the sea, and (2) the Regulation of Navigation on the Cross River’. The Anglo-German Protocol signed in Obokun on 12 April 1913, demarcating the Anglo-German boundary between Nigeria and Kamerun from Yola to the Cross River. Eight maps accompanied this Protocol. The exchange of letters between the British and German governments on 6 July 1914, The endorsement, in April 1961, by both the United Nations General Assembly and the International Court of Justice, of the results of the plebiscites conducted in Northern and Southern Cameroons in 1959 and on 11 February 1961, respectively. The Diplomatic Note, accompanied by a map, dispatched to the government of Cameroon by Nigeria in 1962, accepting the results of the plebiscites. For the Bakassi Peninsula in particular, the Germans were interested in getting assurance that Britain would not seek to expand eastwards. The British were interested in uninterrupted and secure sea route access to Calabar, a key trading port. Since the Germans already had the option of using the Douala port, they conceded the ‘navigable portion’ of the offshore border to Britain. In exchange, The appellations
‘Kamerun’, ‘Cameroun’ and ‘Cameroons’ can be used interchangeably to refer to Cameroon depending on whether the perspective is that of the Germans, Francophone or Anglophones, respectively.

Britain conceded the Bakassi Peninsula proper to Germany. Note that ‘Nigeria’ did not yet exist as an independent state in 1913. In January 1914, ‘Nigeria’ was created by amalgamation of the various British protectorates spanning the north to the south. At the end of the First World War, all German territories were divided between France and Britain by the Treaty of Versailles. The League of Nations placed them under French or British mandate. The boundaries between British and French mandated Kamerun were defined by the Franco-British Declaration of 10 July 1919. In this agreement, Bakassi and the rest of what became known as ‘British Cameroons’ were placed under British mandate and administered coterminous with ‘Nigeria’ but not merged. The old 1913 border was retained. To codify this further, other agreements were signed on 29 December 1929 and 11 January 1930 between Britain and France. These declarations were ratified and incorporated in an Exchange of Notes on 9 January 1931 between the French Ambassador in London and the British Foreign Minister. Again, maps from that period show the Bakassi Peninsula within ‘British Cameroons’ (Omoigui 2006).

The Advent of Independence

On 1 January 1960 and on 1 October 1960, the French Cameroun and Nigeria became independent, respectively. Instruments creating the new countries and exchange of notes between France and Cameroun rehashed all its colonial boundaries as defined by previous colonial agreements. A plebiscite was held to ‘clarify the wishes of the people living in Northern and Southern Cameroons under British rule’. The population of Northern Cameroons still under British rule had earlier – in 1959 – ‘decided to achieve independence by joining the independent Federation of Nigeria’. The population of Southern Cameroons ‘decided to achieve independence by joining the independent Republic of Cameroun’ on 11 February 1961 (United Nations 1961). There were 21 polling stations on the Bakassi Peninsula itself and about 73% of the people living in other words, to get Germany's cooperation not to threaten access to Calabar, Bakassi Peninsula was conceded by Britain.

Implications of the Bakassi conflict resolution for Cameroon there voted to ‘achieve independence by joining the independent Republic of Cameroun’
Moreover, by Diplomatic Note No. 570 of 27 March 1962, the government of Tafawa Balewa of Nigeria exchanged diplomatic notes with Cameroon acknowledging the fact that Bakassi was indeed Cameroonian territory (Aghemelo and Ibheasebor 2006). In July 1966, Lt.-Col. Gowon came to power in Nigeria. As the Balewa government, he too committed his government to respect all prior international agreements made by the Balewa and Ironsi governments.

**Political Developments and the Bakassi Question**


In April 1971, there was a summit meeting between General Gowon of Nigeria and Alhaji Ahmadou Ahidjo of Cameroon in Yaoundé. It was at this meeting that Gowon and Ahidjo agreed to define the navigable channel of the Akpa- Yafe River up to Point 12. During the summit, Ahidjo asked his survey expert to stop arguing and asked Gowon to draw the line where he wanted it, and Gowon turned to his own technical expert for guidance. The expert marked a point on the map and Gowon drew the line towards that point. Omoigui (2006) By spelling it as ‘Cameroon’, rather than ‘Cameroun’, the UN created an opening for some mischievous ‘Southern Cameroonians’ to later say they never voted to join ‘Cameroun’ which is the former French territory.

Federal Surveys – was not the true navigable channel of the Akpa-Yafe River as established by the colonial masters. Two months later, in June 1971, the Joint Boundary Commission met in Lagos, led by Chief Coker for Nigeria and Mr. Ngo for Cameroon. They extended the already faulty Gowon-Ahidjo ‘compromise line’ outwards to the sea in what became known as the Coker-Ngo line. A few weeks later, following the signing of the Coker-Ngo line, Gowon discovered what had transpired. In May 1972, the joint boundary commission met, followed in August 1972 by a summit meeting at Garoua, where General Gowon tried repeatedly without success to get Ahidjo to agree to the reversal and renegotiation of the Gowon-Ahidjo/Coker-Ngo line. An oil rig was erected
offshore by the Ahidjo government in 1974, and later in June 1975 in a highly reluctant compromise to accommodate the rig, Gowon conceded a tiny part of Nigerian maritime territory to Cameroon.

On 29 July 1975, General Gowon was overthrown in a coup d’état. The new regime decided to question the 1971 and 1975 Gowon-Ahidjo maritime agreements – either without really understanding the issues or by acting mischievously. In no time the country got the impression that Gowon had given away the ‘Bakassi Peninsula’ to Cameroon to compensate for President Ahidjo’s neutrality during the Nigerian Civil War, an unfortunate and totally false notion which persists in many quarters to this day (Omoigui 2006; Olumide, 2002).

Many commentators still do not realize that the Peninsula had been ceded by a series of actions and inactions beginning as far back as 1913, reaffirmed when Nigeria became independent in 1960, finalized with the 1961 plebiscite and affirmed with the 1964 Organization of African Unity (OAU) declaration, which stipulated that independent African countries were bound to respect their colonial borders (Omoigui, 2006).

**Location of the Disputed Territory and there Strategic Value**

Although the entire Nigeria-Cameroon boundary became the issue of litigation at the International Court of Justice (ICJ) in 1994, a close diachronic analysis of the disagreement shows that after the initial protestation by Cameroon against the outcome of the 1961 plebiscite in Northern Cameroon’s Nigeria and Cameroon had resumed normal diplomatic intercourse before the mid-1960s. As such, the dispute between them is related to specified areas on the border. This concurs with the conclusions of a meeting of experts on the boundary held in August 1991, at which the two sides “noted with satisfaction that the land border has been well defined” with the main outstanding task being that of “identification and densification of boundary pillars”. However, in a subsequent meeting the Nigerian delegation pointed out that there were disagreements. Closer scrutiny of the facts raised by Nigeria shows that, this was not evidently a dispute but rather, a further facts raised by Nigeria shows that, this was not evidently a dispute but rather, a further raised by Nigeria shows that, this was not evidently a dispute but rather, a further explanation of doubts by both governments without either making any claims against the other.
Thus in terms of location of the disputed areas, they can be identified as the Lake Chad basin, and the maritime region that includes the Bakassi and associated islands and their adjoining territorial waters. In the latter, two issues are intertwined. The lesser one is the purely boundary disagreement emanating from diverse interpretations on technical basis of existing colonial agreements. The more complex is the territorial challenge of ownership of the Bakassi and neighboring islands in the Bight of Biafra by Nigeria. It would be noted that the arguments hatched by Nigeria and Cameroon in respect to their land boundary largely appeared in court. Ahead of the litigation, no evident disagreement had emerged between the two, although doubts existed on the interpretation of delineating instruments and location of a few areas on the land border.

**The Lake Chad Area Disagreement**

Historically, no doubts or disagreements had been expressed with regard to this sector of the boundary by Nigeria and Cameroon, nor was the matter of determining the lake frontiers raised until the border incidents that occurred in the lake between Nigeria and Chad, from April to June 1983 Sunday times (June 6, 1983). In resolving the crisis at a meeting in Lagos in May 1983, it was agreed that the matter be submitted to the Lake Chad Basin Commission (LCBC) and the heads of state of member countries of the commission approved a proposal to set up a joint technical committee to be entrusted with the delimitation of the international boundaries between the four states which amongst them share the waters of the lake. The committee was thus set up to “demarcate” and not to “delimit” the said boundaries. This assignment was duly carried out receiving approval from experts, commissioners, ministers and heads of state without any reservations. This committee actually clarified the coordinates of the boundary between Nigeria and Cameroon to begin from a tripoint fixed at 13°05’00’’001 latitude North and 14°04’59”999 longitude East and the mouth of the Ebeji River to which the border is a straight line from the tripoint to be at 12°32’17”4 North and 14°12’ East. It was only over ratification, Cameroon contends, that the work of the committee was rejected by Nigeria, whose national boundary commission as well as that of Cameroon, contends, that the work of the committee was rejected by Nigeria, whose national boundary commission as well as that of Cameroon, Chad and Niger had approved it on 2nd December, 1988 ICJ case concerning the land and maritime boundary between Nigeria and Cameroon judgment. Nigeria further questioned the reliability and validity of the instruments that were used to arrive at the LCBC demarcations. These include the
The stakes of the Nigeria-Chad dispute of 1983 in the Lake Chad region, give inkling into what is behind the strategic calculations of Nigeria and Cameroon in their subsequent dispute. According to Margaret Vogt controls of these islands allowed for adequate monitory of the border area on which armed factions involved in the Chadian civil war had located bases. These gangs created insecurity to farmers and fishermen of all nationalities in the neighborhood with frequent incursions sometimes to obtain supplies of food. As we find below, disputed islands in this area also provide adequate staging posts from which nationals and the governments can harness the natural resources of the lake region making a link with economic calculations. Thus, it can be stated that the territorial disagreement between Nigeria and Cameroon officially started only in the 1990s when, the former refused to ratify the demarcation report of the LCBC technical team. The refusal stems from among other things, the supposed growing strategic value of the lake in an area with declining supply of water, coupled with the realization that most of the settlements on both sides of the legitimate boundary were made by predominantly people of Nigerian origin.

The Maritime Dispute

The maritime disagreement between Nigeria and Cameroon constitutes the crux of their boundary dispute. In fact, it was this dispute that Cameroon first submitted to the ICJ on March 29, 1994, instituting proceedings against Nigeria described as “relating essentially to the question of sovereignty over the Bakassi Peninsula” (ICJ reports 1966: 14). The maritime disputes subsumes two issues: a territorial contest over ownership of the Bakassi Peninsula (as stated in the quotation above) alongside some neighboring islands and a dispute over the offshore boundary up to point “G” and beyond. Underneath this dispute is a rejection by Nigeria of the crucial delimitation instruments especially, the March 11, 1913 Anglo-German treaty, the Yaoundé II accord and the June 1, 1975 Maroua Declaration.

The strategic potentials of the disputed Bakassi Peninsula have been well emphasized. Most scholars who have written on this dispute, particularly those of realist persuasion, stressed the strategic importance of the Bakassi. For instance, Bassey E. Ate contends that’s
The vital considerations involved in the maritime border dispute with Cameroon for Nigeria are strategic and political more so than legal. The legal questions involved such as the relevance of the Anglo-German agreement of 1913, are, to be sure significant, but they have to be understood and interpreted in the light of the above vital consideration. Bassey E. Ate (1992: 141).

Nweke G. A (1990) quoting a top military officer on the Nigerian side with respect to the disputes also reports that, the Federal Government (of Nigeria) had to review its stands on the Bakassi Peninsula particularly because of its strategic position in the security of the South-eastern coast of Nigeria and access to the Calabar. Esiemokal, also rehearsed (or even overstated) the above argument in an apparent regret of the level of official effort to recoup the territory. He posits that:

“…Nigerian authorities failed to understand the strategic nature of about 1350 square miles of territory. Since the Bakassi is located strategically the effective foreign occupier (Cameroon) could site a military base there and it could serve for an attack on Nigeria. Should Nigeria take possession, she could a rapid deployment force to guard Nigerian oil exploration in the Eastern states. It is also important as an observation post (from) where she could monitor events around the Bight of Biafra”. Esiemokal (1994: 38).

This strategic approach has accentuated the conflict by portraying acquisition or control of such an amphibious environment to be a zero-sum-game involving invaluable military potentials; downplaying or even deliberately and gained currency in academic and military circles especially, in Nigeria as evinced in a content analysis of the literature on this dispute and pronouncements of senior military authorities. Its origin can be traced to the maneuvers in the area during the Nigeria Civil War (1967 – 1970) when Cameroon’s collaboration with the Federal Government of Nigeria facilitated the complete naval blockade of Biafra, while compromising its control of the territory. This significantly contributed to the defeat of Biafra much to the chagrin of not just the secessionists but also many in West Cameroon amongst whose population, there was considerable sympathy for Biafra. Had the Ahidjo government sided with Biafra, it would have been much easier for munitions to be shipped into this area with its narrow channels and transported to the frontline even if the Federal navy were patrolling Nigerian territorial waters.
Though, the Bakassi could be of considerable fascination for strategic reasons, especially in the sight of these authors and statesmen, but the disposition of Cameroon and history of their relation does not present the latter as a likely military opponent of Nigeria. Going by Spykman’s view that “it is the geographic location of a country and its relations with centers of military power that define its problems of security” Spyman (1952: 34). Nigeria has no strong reason to be jittery with Cameroon.

In spite of this, leaders of countries have advanced strategic importance of a border area elsewhere to rationalize territorial claims. In the Beagel Channel case between Argentina and Chile, for instance, the former advanced the proximity of their disputed island to an Argentine naval base and concern over Chilean control over passage rights around the Cape Horn to mobilize the nation for its acquisition. The Israeli decision to retain the Golan Heights is mainly based on calculations of its strategic location from where enemy forces (and there were many in Syria) could launch attacks against Israel. The fears and worries of the challenger in the above dyads coincide with fears of Nigeria as portrayed by the Nigerian authorities over Cameroonian control of the Bakassi and surrounding islands. Indeed, Huth remarks that, “the issues articulated in a dispute usually reflect domestic incentives” Huth (1966:12). As such state leaders articulate challenges to a territory in ways that are desirable to domestic audiences. Craving to be nationalists who are determined to advance the interest of the state, the leadership of these countries has with sanctimonious rigidity embarked on a determined effort to acquire the disputed border territories.

**Economic Value of Disputed Territory**

From north to south the Nigeria-Cameroon border region provides varying economic potentials for development. The dispute, which is especially centered on the northern and southern termini (as articulated in court), reflects more the economic allurements and the intensity of the conflict has increased with awareness of their presence or growing necessary for these resources.

**Economic Potentials of the Lake Chad Region**

Fishing and animal husbandry constitute the mainstay of the economy of this region and the lake offers great potentials for fishing as well as grazing in its immediate environs. Its numerous islands are characterized by many fishing shacks. Some of these
islands are permanent while others are exposed only at low water tide in the dry season. Apart from the seasonal variations in water levels and the shifting opportunities, the lake is constantly retreating as a result of the encroaching Sahara desert and the diversion of waters of rivers that empty into it for irrigation. During the long and very harsh dry season of the region, the lake its environs provide scarce water and pasture for pastoralists who roam in quest of these with their cattle and sheep, having no regard to international boundaries.

With growing hardship caused by the global economic system and the vagaries of the Sahel Ian climate, more and more people tended to move into the region to irk a living and most of the new arrivals turned out to be Nigerians. What hitherto were temporary settlements became permanent with the retreat of the lake offering more avenues for such settlements. As the ICJ noted: “As Nigerian settlements, and the organization within them of village life, became supplemented from 1987 onwards by Nigerian administration and the presence of Nigerian troops… the control of some of these areas slept off from Cameroon” Aghemelo & Ibhexbhor (2006:68) But it was only in 1994 through a note verbale that Nigeria made an official claim to the dispute villages in this area, that is, long after the maritime disputed, had arisen. Meanwhile, Cameroon her side, has been implementing territorial policies at home, which make economic life difficult for her nationals in its borderlands, as opposed to those of Nigeria, especially with provision of access roads. Invariably, every border part of Cameroon along its western boundary is more easily accessible from Nigeria. One of such places is Akwaya which has no road link from Cameroon but is a sub-divisional headquarters. The administrators and civil servants in this area must get there through Nigeria if they want to avoid trekking for over twenty hours. Because of such official neglect, economic life in particular and many other aspects of life in these areas are oriented towards Nigeria.

The contribution of the economic endowments of the Lake Chad and its environs to the conflicts are more or less indirect. “Economic migrants” who literally, moved ahead of their government took initiative before government policies were designed to absorb them. It became a forward policy aimed at not just securing ‘living space” but also to let the flag cover nationals in outlying territories.
Maritime Boundary

The economic endowments of the maritime region between Nigeria and Cameroon are even more enticing compared to the Lake Chad area. From pre-colonial days, the entire zone comprising the Calabar River, Cross River and Ndian River basins formed the hinterland of lucrative trade in oil palm produce among others and imported European products. The trading “houses” of Efik city-states along the west banks of the Calabar and Cross rivers also owned agricultural lands across the Akwayafe cultivated by slave labor. Dating back also to pre-colonial times, the maritime area especially around the creeks of the Bakassi, has been the base of an important fishing industry. Reports of colonial administrators spoke of “good business and prosperity” among the predominantly migrant and itinerant or seasonal population reliant of fishing. The most important fish stocks were herrings, catfish (mbonga), and crayfish (or shrimps).

The relative importance of this area to the industry has grown in recent years. Not only has there been an increase in the population of Nigeria and Cameroon with an attendant increase in the number of people moving into this peripheral area of fend for a means of livelihood, but also the drying up of stocks from other areas invaded by large trawlers from Europe and North Africa. Perhaps more important is the damage done to the habitats of fish in the neighboring regions, especially, the Niger Delta caused by exploration and exploitation activities of oil companies, which have exposed an arrogant disregard to preserving the environment. As such, more people who could have been living in other areas have had to go further afield to the Bakassi. The population of the Bakassi and the neighboring islands has increased from a few hundred fishing folks in the 1920s to 250,000 in the 1990s Africa today (May/June 1997).

Besides fishing, other economic activities also take place within this region. As is the case with most of the Nigeria-Cameroon border, a large volume of this pertains to informal and uncontrolled trans-border trade. Zartman (1983) However, unlike in other areas where a modicum of control exists, the difficult terrain around the maritime boundary gives little room for regulation by customs services that usually do this with undue use of force. Anxiety by the Cameroon government to regulate such activities leads it to send in paramilitary forces that usually go in with methods, detested by the population. People, especially aliens, involved in fishing and other economic activities-
legitimate and illicit-have suffered harassments and they have bombarded their home governments with complaints against their maltreatment, which invariable lead to more bitterness. Such highhandedness may not be restricted to the treatment of Nigerian or aliens. These security forces have a penchant to be hard on civilians in general. However, the faith of Nigerians is quite often spotlighted in the Nigerian press and misrepresented giving the impression that these forces are cruel to Nigerians only. On some occasions the security forces intervene in hot pursuit of criminals involved in piracy in the interest of the people but do it poorly. For instance, in 1972, following frequent attacks on traders returning from Nigeria, and fishermen (most of who was Nigerian) within Cameroonian territorial waters, security forces from Cameroon raided some border areas and were evidently overbearing, terrorizing those they went out to protect.

The cross-border activities of criminals in particular, smuggling and the overreaction of Cameroon security forces have left a legacy of bitterness and mutual recrimination between the two governments over the treatment of nationals within each other’s territory. Little wonder that Nigeria’s initial professed reasons for intervention in the Bakassi area was to protect its nationals from the exactions of the security forces. The population of this area with its predominantly Nigerian provenance has increasingly felt alienated and has sought the support of their home government to ensure safety.

**Petroleum Factor**

Petroleum is increasingly a strategic factor in international geopolitics today. For developing countries like Nigeria and Cameroon with a weak economic base, heavily dependent on the export of minerals and agricultural produce, this product supplies their economic lifelines. Petroleum is unarguably the biggest foreign exchange earner for Nigeria, contributing almost 90 percent of her foreign exchange earnings. Cameroon, although not as heavily dependent on petroleum, also obtains valuable earnings from oil deposits, some of which are located adjacent to Nigeria’s oilfields.

Shell, Mobil and Gulf prospected and discovered oil for Cameroon in the maritime region with Nigeria in 1967. Nweke (1990) this discovery increased the stakes over the hitherto ill-defined maritime border. Leaders of both sides saw the need to hasten the settlement of festering border disagreements, which started modestly between villagers on both sides of the land border. This inspired some concerted efforts in the 1970s (after the Nigerian Civil War that had interrupted an earlier attempt in 1966) to
better define the border. But with the new knowledge of petroleum within the maritime zone, political leaders have for economic as well as political reasons, laid claims to territories in this zone aimed at pre-empting the result of further discoveries to fall within their respective spheres. The existence of such mineral wealth has been a recipe for conflicts elsewhere in the continent and the rest of the world and this region would seem to fit neatly in the global trend. Such vital mineral deposits also increase the strategic value of territories under dispute as their proceeds by developing countries that usually depend on importation to satisfy their defense needs. Huth points out in his study that 94 percent of disputed territories with valuable economic endowment from 1946-1990, involved developing countries. (Huth, 1966)

Examples of resource-inspired or resource-fuelled disputes abound in the international system. The claims of Libya against Chad to the Aozou Strip believed to be rich in minerals, including uranium and iron ore (both of which were very crucial for the latter’s ambitious arms programmer); Moroccan claims against Algeria over the Tindouf rich in large deposits of iron ore and, Tunisian claims for certain oil rich desert parts of Algeria between 1956 and 1970 are some of the cases in Africa. Elsewhere, the claims against Saudi Arabia by her Gulf neighbors are inspired by desires to control some of her extensive oil resources. Also, the claims of Malaysia, the Philippines and Vietnam against China over the Spratly Islands are inspired by mineral resources on the islands and their territorial sea.

**Ethnic Nationalities and the Dispute**

Ethnic composition of border regions is an important factor in cross-border relations between African countries as it is the case elsewhere. The presence of the same groups straddled across boundaries of African states is known to be a major influence on the socio-cultural activities across the border and relations between the states sharing such populations. These activities have on occasion, posed serious threats to state security and on others, posed even greater challenges to the economy. It is in recognition of this threat to state security that significant interest has been generated on African divided peoples referred to as “population overhang” with regard to their contribution to conflicts. (Asiwaju, 1984)

Insofar as the sharing of ethnically similar populations is known to affect border relations, evidence on the degree and direction of this influence is mixed. Asiwaju thinks
that this influence is positive and should be encouraged as a step towards the illusive dream of African unity. To him the fact that such inhabitants ignore the artificially contrived boundaries of the colonial masters by maintaining across the border kinship ties, other socio-cultural relations and economic activities, is an achievement that eludes westernized elites who pay narrow and parochial obedience to specific states. Notwithstanding this positive side of uncontrolled borders, such activities as smuggling and uncontrolled grazing across international boundaries by pastoralists often lead to disagreements among states. These disagreements spring up from the inherent contradictions in the desires of the people and their traditions on one hand and the exigencies of the modern state. Two main reasons have been advanced for this situation. According to Asiwaju, borderlands in (pre-colonial) African societies were regions of overlapping cultures, manifest not only in the similarities or even identical nature and character of people on both sides of the border, but also similarity in the kind of economic activities they undertake. This invariably creates a livelihood regime that would be injured by any attempt at maintaining an absolute boundary desirous of the modern nation-state, or in the trenchant words of Anene “boundaries (that) have acquired a sanctity alien to African traditional frontiers”. (Anene, 1970:118)

The second reason why these boundaries are wanting stems from the manner in which they were drawn. In most cases, interstate boundaries in Africa evolved from colonial ones that were drawn up by European diplomats sitting in Europe and relying on inaccurate maps. Touval (1972) the borders were drawn in disregard of not just the wishes of the local population but also ethnic distribution, communication patterns, economic needs like water resources and land. Although some colonial treaties allowed for adjustments, they often limited subsequent adjustments by on-the-spot administrators within a few kilometers. For example, the Anglo-German treaty of March 1913, only allowed for adjustments of up to 1.5km either way of the border between former colonies of Nigeria and Cameroon. Some of these diplomats also observed (not without a tint of cynicism) the awkwardness of their methods of boundary demarcation. Lord Salisbury noted in 1890 that,

We (European diplomats) have been engaged in drawing lines upon maps where no white man’s foot ever trod; we have been giving away mountains and rivers and lakes to each other, only hindered by the
small impediment that we never knew exactly where
the mountain and lakes were. Anene (1970:3)

Great injustices were evidently committed against the long established patterns of
life of African peoples along these borders who were not keen on observing the
European-contrived divides. In the post-independence period the successor African states
have tended to observe these divides even more strictly than was the case during the
colonial era. The attempts to subtly resist these arrangements by people living or carrying
out economic activities across these frontiers have engendered conflicts.

In spite of these observations of general ignorance and insensitivities to local
realities in areas where boundaries were drawn in Africa, in a few cases boundary
negotiators also argued in favor of incorporating certain areas in their spheres to avoid
dividing an ethnic group. But most of such claims were not really influential in the final
boundary demarcation because either local potentate who claimed wide influence were
hardly believed or Europeans who presented the claims paid lip service to it just to
enhance theirs, over other European claims. Here is lies the hypocrisy with which
European agents sort to determine the limits of African societies.

In any case, Anene has cautioned against sweeping statements or generalizations
on the disruptiveness of colonial boundaries on indigenous societies:

Africa did not present a tidily uniform, political,
linguistic and cultural pattern. It was if anything a
continent of constantly changing variety, and it is
therefore useless and misleading to generalize when
one is discussing the effects of the international
boundaries on African frontiers and communities.
Anene (1970: 8)

It is from this background of half-hearted attempts at determining ethnic
composition of borderlands by European boundary negotiators to avoid their partition,
and that of an aftermath of upheaval, uninformed political, linguistic and cultural pattern
characteristic of these borderlands, that we shall examine the situation of the Nigeria-
Cameroon border.

Most of the boundary zone between Nigeria and Cameroon had been in a state of
flux in the period immediately antecedent to European annexation. The area was barely
recovering from the confusion ensuing from persistent warfare for slaves or against slave
raiders. This human cargo was either exported across the Sahara to the north or through
the Atlantic coast in the south. The other influence that brought unsettling turmoil to the region was the jihad of Othman Dan Fodio and his standard-bearers, especially Modibo Adama. These Islamizing forces forced many non-Fulani indigenes of the “grand north” to flee further south, setting a ripple effect that was felt right close to the Atlantic coast. Other “pagan” communities were forced to disperse and take refuge on mountaintops in the areas of the border particularly, netherworlds from the Mambila plateau within the vast Islamic empire that was so created.

Although the original boundary in the north from around the 7th Parallel to Lake Chad, drawn between Britain and Germany has been modified following the new border traverse the same region that was subjected to the same influences. The partitioned people here in addition to the obvious Borno Empire, Adamawa Emirate and Mandara. Asiwaju (1984), include many small fragmentary heterogeneous societies that differ within them in dialects and some elements of culture. The Higi and Fali and a host of others who perched precariously, on high mountaintops to avoid the mounted Islamic armies of the jihads, were divided by this border.

Towards the coast trailblazers of the colonial race in this area made an effort to understand the ethnic makeup of the border area that was explored presented a bewildering ethnic mix, which as Anene has argued, did not permit a demarcation of the border that would have avoided completely the partition of some ethnic groups. In his words,

…the Cross River-Cameroon zone traversed by the first section of the international boundary is one in which we should not talk glibly of tribes and clans… The complexity of linguistic pattern and diversity of origin are perhaps without parallel in any African territory. In a situation such as this, any question of ethnic demarcation is both difficult and misleading Anene (1970: 59)

The reasons for this are not farfetched. In the first place the dense forest encouraged the people’s fragmentation into hundreds of tiny political units. Gardinier (1967) Secondly, the area was subjected on both sides to the disintegrating evil of the slave trade-the Jukuns raided from the north, while the Efik sacked from the south. These factors in combination left a legacy of fragmentation and heterogeneity without group consciousness going beyond the village. Of all these, two major “tribal” groups appeared
to have been divided by the Nigeria-Cameroon boundary in the southern sector bounding
the Atlantic coast. These are the Ekom and Boki. Apart from the Efik slave colonies that
were on the east bank of the Akpayafe, they were hardly affected by the international
boundary. Owing to the fragmentary nature of the Boki and Ekom groups and the dense
forest environment they occupied, intra-group dependence was not evident, coupled with
the low level of intra-group consciousness.

Although from north to south a satisfactory demarcation of the intermingled
ethnic groups that would have completely avoided the partition of some groups was
unrealistic to attain, the boundary cannot be described as ‘mortally injurious’ to the
(existing) pre-colonial order. Also, there was no evidence of unrest or ‘tribal’
irredentism’ against the boundary when it was created. (It was noted that when some of
the Boki and Ekoi groups on the German side differently took up arms to resist conquest
at the beginning of the 20th century, no common army was raised against the enemy from
both, German and British territories. (Anene, 1970)

The trend therefore along this border was that of divided people bringing their
influences to bear on the border dispute in the form of economic activities that ignored
the international boundary and not a conscious effort to unite divided people. We also
note here that irredentist claims of the Babangida, Abacha administrations were not
rooted in the distant past but in the administrative arrangements of Britain under which
British Cameroons was administered as part of colonial Nigeria or just post-
independence settlers.

**Peopling of the Chad and Bakassi Areas**

Occupation of the disputed borderlands in the Lake Chad area appears to have
been very recent, perhaps within the last three decades. The ICJ intimated that, by 1987,
the lakebed villages that were only “beginning to be established” received yearly
administrative visits by administrative arrangements of Cameroon. ICJ report (2002). It
was only around then too that evidence exists of the population there taking part
in political (especially, elections and census) activities in Cameroon. No evidence was
gathered of any Nigerian government activities before this period. Nigerian settlements
and the organization within them of village life became supplemented from 1987
onwards with administrative outfits and Nigerian troops.
On the other hand, the disputed area of the south have had organized (albeit seasonal) community life before the advent of European imperialist intervention at the close of the 19th century. These itinerant dwellers of the past became more sedentary with time. Owing to easier access from Calabar, long historic commercial activity and, greater population pressure, or what Robert North has described on another occasion as the “logic of historical process-unevenness in human population growth, advances in knowledge and skills, access to resources and derivative capabilities within and among states”, North (1990:18). Most of the incoming population was of Nigerian provenance. Most of them as well maintained a double domicile on mainland Nigerian and the peninsular. When these people who mostly considered themselves as Nigerians came under pressure from Cameroonian authorities who operate on the rule that *qui in territorio meo est, etiam meus subditus*, or as the popular adage goes, “If you step on my territory, you must dance to my tune” Nweke (1990:38), they appealed to kith and kin in their place of origin (mainly Cross River and Akwa Ibom states).

Meanwhile, it could be said that the Cameroon government’s control evident mainly in the disposition to send in tax officials backed by troops, police or paramilitary gendarmes is colonial and these forces have not discarded their repressive colonial mentality in dealing with the people. The combination of a history of resistance to taxation (without representation or for the simple reason that there is nothing to show in the miserable social amenities offered to these fishing folks that they have been doing so), together with poor integrative policies by the Cameroon authorities and highlanders on the part of tax officials and the troops, created a flashpoint for disagreement with Nigeria and a *casus belli* for Nigeria’s intervention. Nationalism or national honor demands protection of the citizens whenever and wherever necessary. It is known that whenever an alien authority allegedly maltreats nationals, a convulsive impulse is triggered among nationalists for redress, for instance, the Black Hole of Calcutta incident. Such appeals for intervention prior to 1993 eventually evolved alongside Nigeria’s strategic thought into a shooting war in 1994.
2.3 NIGERIA AND CAMEROON IN INTER-IMPERIALIST RELATIONS

The border between Nigeria and Cameroon can be differentiated into roughly four physical and ecological sectors. In its northernmost part, the land boundary traverses Lake Chad and the neighboring plains at an average altitude of about 300m above sea level. This unbroken plain during the rainy season from June to September is inundated over large areas by waters of the Yedseram River and its tributaries. This area, especially as one approach Lake Chad, becomes completely waterlogged during the rains. During the dry season which longer, the soil loses the excess water and becomes hard, providing rear water, cultivable land and pasture. Meek points out these fertile lands however, require heavy labor in clearing and ditching and further redirection of the available water for meaningful farming. This has gradually over the years encouraged a drift of population to the area. (Meek, 1975) Beyond this, the second phase which can be characterized as the land boundary is a near continuous chain of mountains and valleys only broken by Benue Valley near Yola. The area provides the source of headwaters for many rivers that drain into either the Benue or Cross River basins that flow into Nigeria or the Senegal and its tributaries that flow into the Atlantic on the Cameroon coast. The predominant human activity in this sector is grazing although there are patches of cultivated grounds. This sector continues with a gradual descend from the Savanna mountainous region through more peaks and valleys and traverses very dense equatorial forests before approaching the coast. Describing this border, Anene gives a vivid account of its features:

The region stretching from the Bamenda Plateau to the Alantika Mountain peak south of Yola, is one of fantastic mountain formations, including plateaux, parallel ranges and innumerable hill-tops. These are broken into by deep ravines which provide the river systems through which tributaries flow north-westwards to the Benue and northeastward to the Faro. The Benue-Faro confluence is in the center of a broad plain, some eighty miles by forty miles, dominated by Yola. Between the Benue and Lake Chad the geographical configuration repeats the features of the region south of Yola. There are the same irregular masses and a broken sea of granite peaks. The Yadseram valley, however, provides uninterrupted access to the plains of Ornu. The irregular mountain formations, north and south of Yola, gradually disappear as one moves eastwards into Cameroon.
Republic, to give way to a low Plateau covered with grass in the north and thick tropical forest in the south. Anene (1970: 96 – 97)

The third geographical sector of this border is the coastal region that descends into the area of the Bakassi Peninsular and the adjoining islands. This area is in the trough of the Gulf of Guinea with predominantly mangrove swamp vegetation. The Akpayafe assumed to be at the boundary in this area; the Role del Rey and NdianRiver to the east, as well as, the Calabar and CrossRiver to the west dominate the hydrology of this generally amphibious environment. This area is somewhat believed to be an Eldorado, abound with not just marine and aquatic life but substantial deposits of crude oil.

The fourth and last sector of this boundary is the maritime zone characterized by a broken and adjacent coast. This maritime boundary between Nigeria and Cameroon also ends in an ill-defined tripoint with Equatorial Guinea the presence of Bioko island (Fenando Po belonging to Equatorial Guinea, and Sao Tome and Principe within this gulf further complicated delineation and demarcation efforts and the fact that the latter pair was not party to the dispute at the Hague precluded a comprehensive judicial ruling on the entire maritime boundary between these countries. Considerable oil deposits in this area and the marine life have impassioned emotions and compounded efforts, and at the same time, accentuated the need for a clear demarcation of the maritime zone. It therefore constituted a critical part of the proceedings at the International Court of Justice.

The importance of understanding the geography of the Nigeria-Cameroon frontier to guide our appreciation of the border dispute cannot be overemphasized. As noted above, the geography of most of the zones has impacted or even dictated the settlement patterns along the boundary. Besides its direct impact on settlement patterns, equally critical is the fact that human activities along the border are also dependent on the geography, which indeed carries a higher premium for developing societies that depend more heavily and directly on the immediate environs for subsistence. Exploitation of hydrological resources on one side of the border affects, for instance, the flow pattern of rivers that take their rise and flow across to the other (e.g. persistent wrangles over water management on the River Kilia). There is the significant overhang of population and human activities across the border, especially where the same people straddle the
boundary. In the maritime zone, natural resources in the form of marine life and oil deposits lie across the border, providing opportunities for intense competition and bickering over their control.

**Germano-British Era Evolution of the Boundary**

British traders had long standing interest in this part of West Africa that later became known as Nigeria and Cameroon. Before the age of empire creation in Africa, trade, slavery, missionary activities as well as adventure had attracted Englishmen to this area. Ruden (1938) Pidgin English, for instance, was widely spoken among the coastal peoples and the business class. British Baptist missionaries had opened stations in Douala and Bimbia since 1845. However, the British Government had limited interest here and even turned down an offer in 1833 by natives to cede the mainland from Bimbia to Rio del Rey. It is doubtful though; if the kings of this area understood exactly what their offer meant. More plausible, they were simply manipulated by (European) traders because they desired the protection of their home governments in areas where they operated. Dike (1956) such alleged invitations also came from kings of Douala for annexation of Cameroon even before the Germans did. It was not until 1884 that the British Government finally decided to annex the area. But by then it was too late for Britain to establish a complete domination as a genuine race had indeed begun among European powers for colonies in the area. But by then it was too late for Britain to establish a complete domination as a genuine race had indeed begun among European powers for colonies in the area. Germany deceptively dispatched Nachtigal who concluded treaties with the Douala kings on July 12, 1884, for the annexation of the Cameroon coast for Germany a few days ahead of the British Consul Hewitt who was charged with this duty for Britain.

On July 12, 1884, a German Protectorate was declared over Cameroon. This proclamation was preceded by a long period of maneuvering by German commercial interest in Africa and Asia. It had been a policy of the German Imperial Government with Otto Von Bismarck as Chancellor to avoid any form of colonial powers, via Britain, France, Portugal, Spain and Belgium. It was not until 1884, ahead of the Berlin Colonial Conference of 1884-85, that Bismarck changed his mind on the issue of acquisition of colonies.
At around the same time or precisely on June 5, 1885, Britain declared a protectorate over the territory between the Protectorate of Lagos and the west bank of the Rio del Rey which was later renamed in 1893 as the Niger Coast Protectorate. Discussions on the demarcation of the boundary between these contiguous protectorates were begun in 1885 and were increasingly made clearer as negotiators on both sides gathered more information on the claimed territories. Hertslet (1990) the last settlements on the Anglo-German boundary in Nigeria and Cameroon were arrived at in the agreements of March 11 and April 12, 1913. In many respects this agreement was a formalization or refinement of the agreements preceding it, especially that of 1909 which took some two years to negotiate between 1907 and 1909. Thus, the Nigeria-Cameroon Boundary was largely settled between Britain and Germany before outbreak of the First World War. The entire boundary had been delineated and, partly demarcated with pillars leaving little doubts as to its location. But following the defeat of Germany in this war and the loss of all her colonial possessions, including Cameroon, the situation changed.

Events of the First World War completely changed the fate of Cameroon. The war that started in Europe was quickly carried to the colonies. German forces in spite of their dogged resistance in Cameroon were finally overrun in 1916 by a combination of British forces from bases in West Africa, especially Nigeria, and French and Belgian forces from bases in French Equatorial Africa and Belgian Congo, respectively. At the end of the war in Cameroon in 1916 Britain and France after an attempted condominium embarked on a partition of the territory. (Elango, 1985)

The condominium, which was envisaged in 1914 when Britain and France first agreed on a joint conquest of German colonies in Africa, with Cameroon inclusive, could not be realized in practice. Shortly after military operations begun in German Kamerun, mutual suspicions of future territorial calculations bedeviled relations between the two allies over a joint and equitable administration of Cameroon. The British invoking military necessity successfully maintained an administration that was essentially British in the very important port city of Douala, as well as its environs, right to Buea and Victoria. The rest of the territory was either administered by the French where their forces captured or by British officials from Nigeria where British forces captured. Meanwhile, even before the official partition as Declases had articulated in a correspondence to Bertie (dated June 6, 1915), a good chunk of territory in Cameroon had reverted to France before the campaign could be concluded in Cameroon. In this
forthright note he state that: “I do not think there could be the least objection to our replacing immediately under French administration, territories cede to Germany by…convention (of November 11, 1911) and which, by our means alone, we have now retrieved”. (Elango, 1915: 26)

As soon as the Germans were dislodge from their entrenched position in Yaoundé and ahead of their final collapse in Mora negotiations were opened between Britain and France for the final partition of Cameroon on an agreeable formula, abounding the attempted condominium that had led to serious misunderstandings between the two allies. At the negotiations, France demanded Douala and most of the rest of Cameroon with Gabon the French delegate intimating that the “French colonial party were excited over Cameroon”. He argued that France coveted Douala above all as the only port that could serve its equatorial African colonies. However, this claim is spurious given that the French were in control of neighboring Gabon with a considerable coastline and Douala in itself had no good harbor.

In spite of the fact that the British and contributed more militarily to the conquest of German Kamerun and had dominated the administration of, especially, Douala and the neighboring coastal districts in the course of the war, they conceded to French demands pretty easily, abandoning their long proposed boundary line that was to begin from the mouth of the Sanaga river. Rather a boundary (Picot Line) further west, from the mouth of the Mungo was agreed on. Two main reasons can be advanced for the British reluctance to have a fair share of Cameroon. Firstly, as Cambon had rightly pointed out, Britain by not accepting French against any claims there and in any case this area was more important to the British than Cameroon. So Britain was more disposed to make concessions in Cameroon. Secondly, there was also a genuine desire in British colonial circles to make concession to the French to the east. By this partition Britain had about one-fifth of what was left of German Kamerun and France had four-fifth. Despite some uneasiness in Britain, particularly in the Colonial Office, over the special consideration made to France, little was changed in the subsequent post-war negotiations that opened in March 1919. The Milner-Simon Declaration of July 10, 1919 finally settled the partition of the German colony into British and French spheres. This declaration was mainly an endorsement of the 1916 Picot line. It was subsequently appended to the mandate agreement in accordance with Article 22 of the statues of the League of Nation
and officially became one of the most important instruments on the definition of the
Nigeria-Cameroon border.

**Post-German Era Colonial Boundary Instruments, 1916-1946**

Logically, the Picot Line and the Milner-Simon Declaration are the first
instruments on this boundary during the period. In consonance with the Milner-Simon
Declaration of 1919 in which it was stated that;

> The Boundary commissioners shall be authorized to
> make such minor modifications of the frontier line as
> may appear to them necessary in order to avoid
> separating villages from their agriculture lands… (And)
> deviations shall be clearly marked on special maps and
> submitted for the approval of the two Governments.
> Milner-Simon (1919: 16)

On 29 December 1929 and 30 January 1930 Sir Graneme Thomson, Governor of
the Colony and Protectorate of Nigeria and Paul Marchand, Commissaire de la
Republique Francise au Cameroon signed a further very detailed agreement (hence forth
known as the Thomson-Marchand Declaration) clarifying the alignment of this border.
The Thomson-Marchand Declaration was approved and incorporated in an Exchange of
Notes dated 9 January 1931 between A. de fleuriau, French Ambassador in London and
Author Henderson, British Foreign Minister (subsequently, Henderson-Fleuriau
Exchange of Notes). Again, it was not a significant departure from the previous
agreements between Britain and France over their boundary in Cameroon.

What turned out to be a major change (which was not evidently so at the time of
its conception) was the 1946 Order in Council providing for the Administration of the
Nigeria Protectorate and Cameroons, subsequently known as the “1946 Order in
Council”. The edict was enunciated in pursuant to a decision taken by Britain on August
2, 1946, to reorganize the administration of its disjointed share of the Cameroons. The
territory was divided into two-Northern and Southern Cameroons to be administered
respectively, as integral parts of the Northern and Eastern Regions of Nigeria. The Order
in Council contained a detailed description of the boundary between these administrative
units which following the diverse paths chosen by the territories in the plebiscite of 1961,
turned out to be part of the international boundary between Nigeria and Cameroon today.
British Administration and Obfuscation of the Nigeria-Cameroon Colonial International Boundary

In spite of apparent British fury over the lost Cameroon to Germany in 1884, colonial authorities in Britain were not particularly excited with the occupation of Cameroon. As explained above the initial German annexation of Cameroon was achieved thanks to British procrastinations on doing so ahead of the German when they again had the opportunity of establishing a strong presence in Cameroon following the defeat of Germany and the forced surrender of its colonies according to the dictates of the Treaty of Versailles, Britain preferred territories elsewhere like Tanganyika. As Ronald Robinson et al., have shown the Kamerun question (that is, partition) was considered in a wider global diplomatic context. The Foreign office seized the opportunity to concede territories in West Africa to France, Britain’s principal ally in the war and rival in the colonial race, in order to secure East Africa considered more vital to British interest.

Thus the main objective for Britain was to tidy up its frontiers in Nigeria, provide access routes by road and river, and to an extent, reunite divided peoples along the former Anglo-German Boundary. It was with this in mind that the British sought and obtained from the French some slight adjustments of the 1916 Picot Line by taking back from the French Uba, BillaKillba, Holma, ZummuMalabu and Gurin.

Terms of the British Mandate in Cameroon

While agreeing to a cession of all German colonies in favour of the Principal Allied Powers in accordance with article 119 of the Treaty of Peace with Germany signed on June 28, 1919, Articles 22 and 23 of the League of Nations made provision for the Mandate system under whose auspices the former colonies were to be administered. The agreement was permissive for the mandatory to be at liberty to:

Constitute the territory into a customs, fiscal or administrative union or federation with the adjacent territories under his sovereignty or control provided always that the measures adapted to that end do not infringe the provisions of this mandate. (League of Nations, Mandate, Article 9:19)

These provisions were sufficiently vague to allow even more elbowroom for the mandatory to carry out its will. Under Article 2 Britain became responsible. For the peace, order and good government of the territory and for the promotion to the utmost of
the material and moral well-begin and the social progress of the inhabitants. (Official Journal, League of Nationals, 1922)

Britain’s grand design in 1916 was to annex its share of German Kamerun to Nigeria. The British had acquired this elongated bi-partite shaped territory in order to fill in the Nigerian boundary and had never intended to erect a new and separate administrative unit. But the terms of the mandate agreement (which was an American inclusion into the post-war settlement) forestalled this. As such, while striving in principle to maintain the juridical entity of the Cameroons as a mandated territory of the League, in practice Britain embarked on an administrative integration of the territory into Nigeria, consistent with its initial goal for acquiring the territory in 1916. The British authorities, citing administrative convenience dismembered the territory before joining the pieces to various administrative units of Northern and Eastern Nigeria. Although this policy led to very serious consequences in regard to future political developments in British Cameroons, the inconveniences cited by Britain were real. The narrow, elongated and bisected nature of the territory, together with the formidable geographical barrier of the Mambilla escarpment, made the separate administration of the British Cameroons practically difficult considering the parsimonious policies that inspired empire administrators.

**Implications of the Integrative Policy of Britain**

In the northern part of the territory (that became known as the British Northern Cameroons from 1946), Dikwa Emirate was reconstituted and administered as a division of Bornu Province. Meanwhile, the rest of Northern Cameroon was reorganized into Adamawa Emirate and placed under Adamawa Province, dominated by Yola. The entire province came under the Emir of Yola who was later officially known as Lamido of Adamawa. The Nigerian legal system also replaced German legislation from February 28, 1924 in the Cameroons.

Generally, this gamut of British actions, especially the more positive ones of the mandatory between 1959 and 1961, led to orientation of every aspect of life in the territory to be centered on the Northern Region of Nigeria. Subsequent nationalism in this part tended to be inarticulate and, at the critical moment favored independence through integration into Nigeria, as a result of the comprehensive administrative integration that was effected. A pan-British Cameroons nationalism never emerged in the
run up to independence. Britain even advanced the fact that there was little or no contact between the Northern and Southern Cameroons to justify its argument for the results of the two territories to be considered separately at the 1961 plebiscite. As shown below this affected significantly the outcome of the February 1961, UN conducted plebiscite in the territory and led to a fundamental change of the Anglo-German colonial boundary in this area.

While British policy of administrative integration of the Cameroons under British Administration with the Colony and Protectorate of Nigeria led to the unwholesome transformation of the northern colonial boundary, it also considerably contributed to the current dispute between Nigeria and Cameroon on the southern border, especially in the Bakassi area. Elements of the impending dispute were evident in the incongruities in policies under British colonial administration on both sides of the border.

In the first instance, administration of Southern Cameroons as an integral part of the Eastern Region of Nigeria negated the fact of an international boundary between the two territories. Coupled with the ethnic mix of the border area, and the seasonal fishing occupation of most of the occupants of the hotly disputed Bakassi and associated islands, movements across the border was without any form of impediment. Native Authority tax officials and law enforcement agents from Oron (Eket Division, Calabar), pursued defaulters and criminals right across the border to areas that were supposed to be controlled from Kumba Division for the Southern Cameroons. For instance, while on tour in the Fish Towns area, the Acting D.O. for Kumba, Mr. J.S. Smith reported he met Oron Native Court messenger Henshaw with two Native Court warrants of imprisonment for residents (at least temporary ones) of IneOriong and IncTayu in British Cameroons. The D.O. of Kumba sent a memo No. W.T/8/1926 of 20 June, 1926 to the D.O. of Eket advising him to see that the Native Authority desists from the practice. Other problems as well resulted from double domicile of the residents of the border areas particularly, those of the Fish Towns, that made tax collection difficult. A modus vivendi that entailed the mutual recognition of taxes paid in each other’s territory was arrived at among local administrators of the contiguous divisions of Southern Cameroons and Eastern Region. This arrangement was formalized in 1928 and it was accepted that where taxes varied only the excess should be paid to the neighboring administration, but it did not clarify where the locus of power lay in this area.
In order to enforce tax payment in the Fish Towns area, the said D.O. in his confidential letter to the D.O. of Victoria, proposed that tax collection should continue as before (that is, carried out by agents from both divisions) and balancing could then be done at higher levels of government. Although residents in the areas who were predominantly indigenes of the Eastern Region of Nigeria preferred to pay taxes (when compelled to do so) to agents of their place of origin, the proposal of the D.O. of Eket was misleading as it was bound to perpetuate the status quo in which the Fish Towns appeared like “a no man’s land” in-between Eastern Nigeria and Southern Cameroons.

Responding to the letter from the D.O. of Eket, the District Officer of Victoria confirmed in a letter (No. V. 220/408) dated 31 March, 1958, that the said areas were in Victoria Division and urged him not to send his tax collectors to this area. He further pointed out that his proposal for a solution had become more farfetched as the Southern Cameroons had ceased to be an integral part of Eastern Nigeria as was the case in 1928 when the modus vivendi was instituted.

The D.O. for Victoria actually captured the peril in the policy of allowing agents from Nigeria to collect taxes in Southern Cameroons territory in a correspondence to the Commissioner of the Cameroons (No. V220/409) of 31 March 1958, he further explained the risk involved in allowing the perpetration of the above confusion. Though this position of the D.O. For Victoria showed better understanding of the intricate relationship between British-Cameroons and Nigeria, there is no doubt that policies of his predecessors and colleagues on the Nigerian side had set a bad precedence in this area. Firstly, residents there were not very willing to pay their taxes and when compelled, they were more disposed to pay but to Nigerian authorities based on common genealogy, rather than agents of (Southern) Cameroons where they were resident and carried out economic activities. Secondly, Native Authority agents from Nigeria had developed the penchant for collecting taxes and pursuing (alleged) criminals into this territory. It had since been difficult for them to understand that this area, dominated by their indigenes, is part of another country. On the other hand, the British administration in Southern Cameroon because of their parsimonious disposition considered this area too expensive to effectively control and as such created a vacuum which was readily filled in by the administrators across the border. Although it actually did not matter much when Britain controlled both sides of the border, it set the stage for the conflict without them knowing the future consequences of their policies. This was a significant departure from the
territorial policy of the Germans in this area where they strove had to create parallel a
port and trading facilities in the Bakassi area to stop the flow of trade from their colony
into the British colony of Nigeria.

**End of Trusteeship and Independent Nigeria-Cameroon Boundary**

Events at the end of the trusteeship of Britain in the Cameroons brought the most
fundamental change to the Nigeria-Cameroon boundary after its gradual establishment
between 1885-1913. Although the partition of former German Kamerun in 1916 between
France and Britain in a sense moved the colonial boundary of Britain eastwards from
what it was in 1913, for some reasons, this did not amount to a change of the Nigeria-
Cameroon border. As a matter of fact, Britain’s ultimate aim in obtaining a share of the
former German territory was to annex it to Nigeria and “correct” boundary errors of the
past. According to Lord Milner the then British Secretary of State for the Colonies;

> We (Britain) shall not, indeed, have added much to our
possessions in West Africa, either in the Cameroons or
in Togo. But the additional territory (Cameroons) we
have gained, though not large in extent, has a certain
value in giving us better boundaries and bringing
completely within our borders native tribes which have
hitherto been partly within British territory and partly
outside it. Quoted in (Roger, 1919: 42)

But the involvement of America in the war and the introduction of the League of
Nations with its provisions for former German colonies, led to a modification of British
plans. Instead of an outright annexation of her share of Cameroon, as initially envisioned,
Britain had to adopt a somewhat compromise position of only administrative integration
of the Cameroons with Nigeria. This was because of its international status as a
Mandated Territory of the League of Nations, as explained above, which had to be
preserved. And even this compromise administrative integration was met with substantial
criticisms in the Permanent Mandates Commission, (which was the League of Nations
supervisory body for mandated territories) and became more unpalatable to the United

We can in one piece conclude that while the international boundary of Britain in
her colonial realm in this area changed, the international boundary of Nigeria and
Cameroon remained as agreed upon by Britain and Germany between the years 1885–
1913. This boundary as shown above was only preserved as a result of the strong
persistence to oversee by the supervisory authorities of the League of Nations and the United Nations much against Britain’s designs. With independence granted to Cameroon under French Trusteeship in 1960 and British Nigeria in the same year, a formula had to be adopted to safeguard the attainment of independence by British administered Cameroons. It was agreed that a consensus be arrived at based on the opinion was divided among nationalist leaders between the two UN-sanctioned options of independence through integration with Nigeria and independence through reunification with former French-administered Cameroon.

**Southern Cameroon**

Opinion in this territory started shifting from better representation in the Eastern Region within Nigeria to separation, after the Eastern Region House of Assembly crisis of 1953, which led to the collapse of the Macpherson Constitution. The Kamerun National Congress (KNC) party in Southern Cameroons led by Dr. EML Endeley petitioned the British Government for the territory to be separated from the Eastern Region following the crisis. In the elections later that year within the whole of Nigeria, the party campaigned for separation from the Eastern Region and even mooted the idea of reunification with French Cameroon. After reunification was mentioned in the early 1950s, the KNC leader later became lethargic over the issue and this led to a split within the party. The dissenters, owing to discontent emanating not only from the growing ambivalence on the issue of reunification by the leader of the KNC, but also his continuous inclination to associate with Nigeria-based political parties-this time the Yoruba dominated Action Group (AG)-formed the Kamerun National Democratic Party (KNDP). While the KNDP wanted immediate dissociation of the Southern Cameroons political groups from Nigerian political parties, the KNC leader was disappointed only with the Igbo-dominated National Council of Nigeria and the Cameroons (NCNC) and switched over to association with the Action Group. Meanwhile, the rump of the KNC that had favored continuous association with the NCNC in 1953 was reconstituted into the Kamerun People’s Party (KPP) and also favored continuous evolution of the territory within the Nigerian framework.

This issue of unification or continuous association with Nigeria polarized politics within Southern Cameroons and, after the inconclusive election victory of the KNDP over its rivals with the above theme dominating the campaigns in 1959, the UN visiting
mission in the same year ordered a plebiscite to resolve the matter. It took yet several months and much debate within the territories, United Kingdom and United Nations for the issues of the day to be framed in exact questions or alternatives for the plebiscite. The date was finally set for February 11, 1961 in Southern Cameroons. The pro-unification came led by the KNNDP of Foncha won by 233,571 to 79,741 (approximately, 70.5%), while the pro-Nigeria camp lost with about 29.5%.

**Northern Cameroons**

Compared with the Southern Cameroons, political awakening in the Northern Cameroons was more retarded given the comparatively lower literacy. Its feudal social structure, largely preserved by the British indirect rule system, enhanced a close integration of the territory with the adjoining Northern Region of Nigeria that had similar social structures. When the great debate began over the fate of British Cameroons ahead of the attainment of independence in French Cameroon on January 1, 1960 and Nigeria on October 1 of the same year, discussion was generally muffled in Northern Cameroons. Without any locally based political parties, but for the Consultative Committee for the Northern Cameroons constituted in 1955, the local branches of the Nigerian-based parties, notably, the Northern People’s Congress (NPC), shaped political opinion. It was in this backdrop that the UN Visiting Mission in 1958 arrived at a conclusion that the overwhelming desire in this territory was in favor of continuous association and independence by joining Nigeria. The Mission therefore, recommended to the UN Trusteeship Council and the Fourth Committee that no further discussion need be encouraged on the fate of the Northern Cameroons. U.N Document (1959).

However, the UN opted for a plebiscite to be conducted in Northern Cameroons before the end of November 1959, in spite of the recommendations of both the Visiting Mission and Britain as the trustee. The options were whether the territory was to continue as a part of the Northern Region of Nigeria or it wished to postpone the final decision until a later date.

It was generally taken for granted that the November 1959 plebiscite would go in favor of union with Nigeria. But owing to local grievances over the existing system of local administration in the territory, the vote went in favor of delaying the decision to a later date. Amidst strong allegations from the NPC that Britain manipulated the outcome against union with Nigeria, so as to perpetuate its rule of the territory and transform it
into a military base, Daily Times, Lagos (1959). The UN accepted the results. In any case, the allegations appeared to have been baseless considering Britain’s strenuous efforts to discourage the holding of a plebiscite in the first place. Akinyemi (1981) a position supported by the British press. For instance, the Economist blamed the UN for requesting an “inexperienced and misguided Northern Cameroons to vote to be torn bodily from the country to which they are an integral part”. Also, there was nothing else to show that Britain’s prime intentions for obtaining the territory in the 1916 partition in order to revise Nigeria’s colonial boundary had been changed. It was more likely as it later turned out, a ploy to pressurize Britain into more positive action to see the results go the way both the NPC leadership and the colonial administration so earnestly desired. More importantly, the embarrassing result turned out to be a warning that was seriously taken.

Owing to pressure from the UN Visiting Mission and as a practical move to entice voters to the integration option, the obnoxious local government system was reformed. For the first time, the administration of the trust territory was separated from that of the Northern Region, Something that had been achieved since 1955 in Southern Cameroons. The new councils were made more representatives, especially of minority interest. This helped to swing the vote in the rerun plebiscite in favor of integration with Nigeria in 1961.

The UN concluded that the territory would have another plebiscite at the same time with the Southern Cameroons with the same terms or options: Do you wish to achieve independence by joining the independent Federation of Nigeria? Or do you wish to achieve independence by joining the independent Republic of Cameroon? On the advice of the mandatory, the results of the election were to be considered separately for the Northern and Southern Cameroons. In the meantime, reforms were initiated in July 1960 in Northern Cameroons to resolve some of the grievances emanating from local administration, which led to the popular vote against integration with Nigeria. The plebiscite was held on February 11 and 12, 1961, and the result was in favor of integration with Nigeria by 146,296 to 97,659.

Reactions to the Results
The results of the separation plebiscites in British Northern and Southern Cameroons left joy in the Northern Region of Nigeria, dissatisfaction in the Action Group-dominated Western Region and indifference in the Eastern Region but for the CrossRiver area where there was great desire for a pro-Nigeria vote in Southern Cameroons. The Northern Region leadership saw it as their personal triumph in much the same way as the defeat of 1959 was. They had indeed laboriously campaigned and sacrificed funds for this option. The downcast and bitterness in the West was a result of the fact that the Southern Cameroons voted to join La Republique du Cameroon. The pro-Nigeria parties in Southern Cameroons had aligned themselves with the Action Group that aspired to political ascendancy within Nigeria if the results had gone in their favor. The NCNC-dominated Eastern Region was lukewarm since they did not stand to gain political within domestic politics in Nigeria, even if the Southern Cameroons had voted to join Nigeria. More so, the campaigns of the KNDP had been somewhat directed against Nigeria. Johnson (1970), playing on the prevailing fears that the more industrious Nigerians, especially the Igbo, were going to dominate them if they voted for integration with Nigeria.

In the Republic of Cameroon many political leaders were shocked by the results in Northern Cameroons, especially those of President Ahidjo’s Union Camerounaise (UC) party. They had interpreted the 1959 result as indicating a pro-French Cameroon disposition in the territory. The entire National Assembly moved a motion to register a protest at the UN that the result was not representative of the people of Northern Cameroons. In a release, Ahidjo’s government in a 77-page document accused Britain and the UN supervisory team to have allowed, even condoned, irregularities in the registration procedures, the conduct of the polling and the counting of the ballots. Cameroon even took matter to the ICJ but could not reserve the decision. This was followed by a week of national mourning declared by president Ahidjo to express the frustration of Cameroon over the loss. The reaction of Ahidjo can be justified more by what he stood to gain for his political ascendancy vis-à-vis his southern opponents in Cameroon, given his initial ambivalence towards the unification cause during the 1950s. These reactions further expose the fact that even as early as then, domestic political considerations affected the policies of these countries towards their borderlands and territorial matters.

**Implications of the Results**
On April 21, 1961, the UN General Assembly by a vote of 64:23 with 10 abstentions rejects the Cameroon protest and as such accepted the result. June 1, 1961, was set as the date for the transfer of British Northern Cameroons to Nigeria, while October 1 of the same year was set as the date for transfer to British Southern Cameroons to Republic of Cameroon to form the Federal Republic of Cameroon. This decision confirmed the Anglo-French boundary as the new international border between Nigeria and Cameroon along the entire length of what was Northern Cameroons. By the same token, the former Anglo-German boundary along Southern Cameroons and Nigeria was restored and the former intra-Cameroon boundary established by the Picot Line in 1916, and modified accordingly, was abolished. The British administrative line of division between Northern and Southern Cameroons detailed in the 1946 Order-in-Council acquired a new status as part of the international boundary between Nigeria and Cameroon.

Independence was attained in British Cameroons leaving disappointment in both Nigeria and Cameroon. In spite of the niceties behind JajaWachkwu’s conciliatory speech at the UN in which he implored both Cameroon and Nigeria to accept the results of the plebiscite gracefully. United Nations General Assembly, Official Records, 15th Session (1961), relations between the two states had taken off to a chilly start. The Ahidjo government pledged to continue to do everything to recover the Northern Cameroons helped to sustain this frosty start.

Meanwhile, in Nigeria the press had adopted an even more belligerent mood. The West Africa Pilot editorial below confirms the entrenched bitterness in Nigeria as well.

The question of the Southern Cameroons is in our opinion, one of prestige. We do not believe the game is lost. We do not believe we have lost our brothers and sisters in Southern Cameroons. Time shall decide this. West African (Pilot, 1961: 13)

Although this editorial was inconsistent with NCNC perceived indifference, it nevertheless helped to portray the feeling of bitterness in these countries and the impression of an incomplete business. But judging from the inherited treaties on the boundary, a blueprint existed for legal resolution of future disagreements.

CHAPTER THREE
EVOLUTION OF THE BAKASSI DISPUTE

This chapter is aimed at exploring the evolution process between Cameroon and Nigeria over the resource rich Bakassi Peninsula located along the Gulf of Guinea. Relations between neighboring Cameroon and Nigeria have been strained over issues relating to their 1.600-kilometer land boundary, extending from the Lake Chad Basin to the Bakassi peninsula, and going as far as the maritime boundary in the Gulf of Guinea. Among the issues involved are rights over the oil-rich land and sea reserves, as well as the fate of the local populace of the region. “The contested Bakassi peninsula is an area of some 1.000km of mangrove swamp and half submerged islands mostly occupied by fishermen settlers”. Anene (1970:34) The discovery of potential oil reserves in the waters surrounding the Peninsula has only helped heighten tensions between the two countries. Since 1993, the peninsula, which apart from oil wealth also boasts of heavy fish deposit, has been a subject of serious dispute between Cameroon and Nigeria, with scores of lives lost from military aggressions and tribal squabbles (Olumide, 2002).

As tension continued to mount, and many more lives were lost as a result of the conflict, the Cameroonian government got tired and took legal action on march 24, 1994, by filing a lawsuit against Nigeria at the International Court of Justice, at the Hague, seeking an injunction for the expulsion of Nigerian forces, which they said were occupying their territory, and to restrain Nigeria from laying a claim to sovereignty over the peninsula. Cameroon was confident about this lawsuit because they knew that the 1913 Anglo-German agreement shifted the peninsula from its original position in Nigeria in favor of Cameroon, and also because of the 1975 “Maroua Declaration” between the Heads of state, General Yakubu Gowon of Nigeria and Ahmadu Ahidjo of Cameroon in which, Gowon allegedly gave out the territory to Cameroon being the minority with only one-tenth of the Bakassi population, Cameroon felt justified that the courts will sympathize with her since Nigeria was only using its population advantage as an occupational tactic to claim ownership of the peninsula. Our decision to explore this conflict is not only because of the loss of lives and the interest it has ignited on both countries and the international community, but also because of the significance of its negotiated resolution to world peace and diplomacy. In a bid to have an in-depth investigation of the situation, the chapter has been divided into sections. After the origin of the dispute, we examined the situation over the years, the legal questions raised in the
Bakassi problem, the political, economic, socio-cultural questions, and arguments over history and logic.

3.1 ORIGIN OF THE BAKASSI DISPUTE

The diagram below shows the relationships among various actors in the dispute over Bakassi. Nigeria and Cameroon are the states that are in conflict, even though the International Court of Justice awarded the Peninsula to Cameroon in 2002. The Efike people are the current inhabitants of Bakassi who originally came from eastern Nigeria/western Cameroon are prior to the establishment of (artificial) colonial borders. The Bakassi Peninsula is inside the circle of artificial borders because historically there has not been a clear "ownership" of that area. The Efike consider themselves Nigerian and do not want to become Cameroon citizens because they have historical and linguistic ties to Nigeria, shown by the arrow from the Peninsula to the Efike box. The Ambazonians feel more linguistically linked to Nigeria, but also feel they are the rightful owners of Bakassi because they were removed from that land under the numerous transfers of power between Germany, Britain and France during colonialism. Both Nigeria and Cameroon are depleting their natural resources through overfishing and the desertification of the Sahara. The Ambazonians and Francophone Cameroonians have differing ties to Cameroon and the Bakassi Peninsula as the region was arbitrarily divided under colonial powers.
Disputes along the Cameroon-Nigeria border have been a matter of historic proportions especially along Cross River to the Sea section where lies the Bakassi peninsula. The dispute over the Bakassi peninsula is not only the product of redefinition of boundary by the colonial powers but more a product of resource allocation and clash of tradition and modernity in which the pre-colonial history of the ancient kingdom of Calabar haunted the postcolonial reality of contemporary Nigeria and Cameroon. Bekker (2003) In pre-colonial times, the now disputed Bakassi peninsula was under the ancient kingdom of Calabar which became part of Nigeria in 1914 under British rule. However, through a series of bilateral treaties and other legal instruments, the British ceded the territory, first to Germany, and then placed it under the mandate of the League of Nations and trusteeship of the United Nations. Meanwhile the British protectorates in Nigeria, including the Kingdom of Calabar were merged with its colonies in the area, as one integrated British colony. Later, largely due to the political errors and indifference of Nigeria politicians, the Republic of Cameroon obtained the Bakassi Peninsula in the process of a plebiscite conducted by the United Nations in 1959 and 1961. By the same
process, Nigeria also obtained some territories which formerly belonged to Cameroon. The most important documents that concerns the demarcation of the border between the Cameroons and Nigeria are the following: The Anglo-German Treaty; The Anglo German Protocol signed in Obokun, on April 12, 1913; The exchange of letters between British and German governments on July 6th 1914; the endorsement, in 1961, by both the United Nations General Assembly and the International Court of Justice of the results of the plebiscite conducted in Northern and Southern Cameroon. February 11th and 12th, 1961; and the diplomatic note, accompanied by a map, dispatched to the government of Cameroon by Nigeria, in 1962 accepting the results of the plebiscite. (Aghemelo & Ibhasebhor, 2005)

As can be testified from the above material, Germany played a very important role in defining boundaries in West Africa especially along the gulf of Guinea. The early arrival of Germany in the region and their success in signing treaties with Cameroonian Kings of Akwa and Bell of Douala on July 14th 1884 set the tone for most of what obtains as acceptable boundaries in the region. These treaties in effect, proclaimed the German Protectorate extending from Rio Del Rey area to Gabon. “This angered the British console Hewett who could not participate due to late coming” (Weladji, 1975:67).

There is historical antecedent to the present Nigeria-Cameroon crisis over Bakassi. In 1913, Britain and France demarcated the 1,056-mile border between Nigeria and Cameroon from Lake Chad in the north to the Gulf of Guinea in the south. This colonial exercise in arbitrary African boundary demarcation did not satisfy the territorial aspirations of Nigeria and Cameroon, consequently, there were and have been incidents of border skirmishes between Nigeria and Cameroon. Between 1913 and 1960 Nigeria could not pay proper attention to Bakassi issue because it was still in most of those years, under the British-colonial rule. In 1960 Nigeria achieved political independence from the British. Between 1960 and 1980 there was political instability in Nigeria. Because of the unstable political condition in Nigeria at that time, Cameroon seized the opportunity to intensify its territorial claims over Bakassi by aggression in violation of international law. The U.N. Charter in Article 2 paragraph 3 and 4 stipulates that, all members shall settle their international disputes by peaceful means in such a manner that international peace and security and justice, are not endangered. In paragraph 4, it states, “…all members shall refrain in their international relations from the threat or use of force against the
territorial integrity or political independence of any state, or in any other manner inconsistent with the purpose of the United Nations.” (Mbuh, 2004:54)

In response to Cameroon aggression against Nigeria at Bakassi, General Abacha’s government in 1994 ordered Nigerian troops into Bakassi to repel Cameroon’s aggression and restore peace and stability in Bakassi. Nigeria’s action was in consonance with international law as expressed in the U.N. Charter, Chapter VII, Article 51, which states that, nothing in the present charter (of U.N.) shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a member state or the United Nations. Nigeria’s action was in self-defense against Cameroon’s armed aggression. From the above brief historical analysis, it is quite evident that Bakassi Peninsula has been a disputed territory between Nigeria and Cameroon.

3.2. THE SITUATION OVER THE YEARS

Among the many factors that contributed to the above conflict was the legacy of both the Imperialist colonial rule and the neo-colonial regimes in African at the time. The Imperialist Capitalist and the Colonial Masters like Portugal, German, France and Britain and their shrewd and selfish economic, political and strategic calculations of the 19th century acted as nursery for future African conflict. The ground work for such future conflicts in the region were laid through things like the divide and rule system of administration and the partitioning of African States and its people irrespective of the damage it caused to the peoples language, socio-political life and cultural affiliations and ancestral lineage. This selfish behavior divided ethnics groups into territories controlled by the colonial lords and then stifled the reign of peace in the region as divided families opposed the system and fought for the unity of their families and friends. This response became rampant across the board in Africa as people objected the cruel and selfish destruction of their culture caused by the colonial masters. “This selfish, mean and sneaky behavior ignited many African conflicts especially the Bakassi peninsula case study” (Eboh, 2005:57)

In Africa, the communal dimension of man cannot be overemphasized for communal life permeates the whole of life. “African traditional life is anthropocentric since man is at the center of existence” Mbiti (1969:92). Man here comprises of a sum
total of the unborn, the living and the living dead. In the African worldview, man is not viewed as an individual but essentially as a member of a community. In traditional African life then, there is not split compartment called culture for culture lies at the core of an African life. An attempt then to separate an African from his or her own culture leads to identity issues which in effect ignite conflict.

Africans are fundamentally cultural beings and this culture defines their identity and shapes their personality. Redefining boundaries and un-willfully separating indigenous populations by colonial masters deeply violated African culture and unquestionably lead to conflict. Individual families in Africa collaborate with each other and gradually grow in numbers to form a tribe. Thus Mbiti contends, “I am because we are and since we are therefore I am” (Mbiti, 1969:108).

The African family is extended and covers a sum total of brothers and sisters of parents, with their families as well as grandparents. Relationships between uncles and nephews can just be as close as and even closer than between actual parents and their children. Children tend to be closer to their grandparents than their own parents because grandparents care for the children throughout the day while the parents are away working. A person then has many people who could be considered their fathers and mothers as well as a gamut of brothers and sisters. This deep sense of community living does not end at the level of the extended family but continues to the larger community of the tribe and even the clan which is not only limited to those living but extends backward to the ancestral spirits who constitute a vital part of the community. “Existence in relationships sums up the pattern of the African way of life” Mbiti (1969:102). From the above worldview, it is certain that redefining boundaries and separating people under the pretext of colonization was deeply offensive to Africans values, thus dispute. It is a paradox to realize that the United Nations decision to end colonialism and grant autonomy to African states which was meant to be source a of empowerment turned out to be a curse instead. When news went out from the UN that African States be granted their independence, the colonial masters used the most careless exit strategy ever. They hurriedly packed their things and left, without preparing these states for leadership in systems planned and build using foreign ideology and still disguisedly run from abroad. If suspicion were anything to go by, then one would be right to say that this option was taken because the colonial masters did not really want to provide a framework through which Africans could truly be free from colonial exploitation. The reality then was not
only chaos throughout the African territory but an outburst of civil wars and tribal conflicts as a result of boundary issues exemplified by the Bakassi conflict. The questions that remains now are: Are African states truly independent considering that they are an arbitrary creation of colonial creed? Is conflict not perpetual visitor among African states? Who can say? The manner, in which the colonial masters invaded the African continent during the concluding years of the nineteenth century in their scramble for territories, was bound to leave a legacy of unnaturally controlled borderlines, which now define the emergent African states. It is then for this reason that the International Court of Justice ruling on the Bakassi peninsula conflict between Nigeria and Cameroon was critically examined. “It is absolutely unfortunate that international agreements held during the era of the scramble for Africa generated conflict among African states themselves due to their devious motives thus creating an unhappy legacy for colonialism”. (Mbiti, 1969:49)

The primary cause of conflict between Cameroon and Nigeria was the discovery of natural crude oil in the region. It is interesting to say that long before the discovery of oil in Bakassi, Cameroonian and Nigerians in the region lived in harmony although few squabbles were registered here and there. The reason both countries did not pay attention to Bakassi is in part because it was a remote area inhabited by people considered to be non-consequential. Notwithstanding, when oil and other natural resource and minerals were discovered in the peninsula, attention from both countries and also from their colonial connections was ignited thus creating tension, argument and in some cases death. This is sad and really hypocritical because if oil was never discovered in this region, both regimes would have cared less about the region with its poor, remote, marshy and non consequential inhabitants.

This newly developed interest to the peninsula after oil had been discovered was viewed with suspicion by the indigenes since they suspected that such interest could only be superficial and geared towards personal gain and nothing else. The Nigerian and the Cameroonian regime at the time could say that conflict started as a result of the scramble for oil but for the indigenes of Bakassi, dispute was as a result of a much more complex reality although the discovery of oil was one of them. Much more serious to the indigenes was the sometimes separation of families and tribes from their ancestral ties, burial grounds and religious sites due to displacement not only generated by the effects of the scramble of Africa but because of the internal conflict experienced over the newly
discovered treasure. Although oil played a fundamental part in the conflict, deeper issues related to fighting, destruction and displacement were equally played key roles in the whole saga. As has already been stated, colonial activity along the Cameroon Nigeria border caused more harm than good because of the cultural genocide which was consciously or unconscious ignited by separation of people through redefinition of boundary. This did not only leave people homeless but destroyed cultures. “Culture shapes peoples identity and directs their thinking, feeling and reaction as it is obtained and spread through signs and symbols which represent the distinctive achievements of human groups” (Clyde Kluckhohn, 1951:35).

Although culture is acquired over time and shaped by the contingencies of social living in a particular location, it truly becomes an inherent part of a people’s life and defines their uniqueness to the extent that one is left with no substance and essence when detached from his or her culture. Avruch (1998) For this reason, any conscious or unconscious act that alienates people from their culture greatly violates people’s values and ignites conflict. The Bakassi conflict is a typical example.

Although the conflict between Cameroon and Nigeria in the Bakassi peninsula is generated by the discovery of oil and natural resources, it is equally a problem of land allocation, underdevelopment and more so the effects that governance has on national identity. The conflict itself lies in the fact that the people of Bakassi live in an area disputed by Cameroon to be theirs but claimed by Nigeria for decades. Whatever the case, the oil-rich peninsula is highly valuable to each country to the extent that both countries have come to the brink of war several times over its ownership. On May 15th 1981, it was broadcasted over Cameroon radio news that a Nigerian military patrol army violated the Cameroon’s national territory by infiltrating the Peninsula and opened fired on the Cameroon army. When this happened, the Cameroonian army fired back and killed 5 Nigerians soldiers. These pockets of fights continued and in 1992-1993, reports have it that Cameroonian gendarmes openly killed some Nigerian civilians in Cameroon. In 1992-1993, the Cameroon government continued with aggression against Nigerians by openly killing some Nigerian civilians in Cameroon during the time when Anglophones demanded their autonomy from the Franco phones. At this time, some Nigerians were even ousted from Cameroon as the harassing of tax-drives went on. From January 1994 to May 1996, border clashes between Cameroon military personal and the Nigeria military continued to occur, this time on a more serious manner. By the 6th of May 1996,
diplomatic representations reported that over fifty Nigerian soldiers had been killed and some taken to prisons in Cameroon. “Although Nigeria is much bigger in population and military size, it is said that Cameroon did not have any casualties in the battle”. (NY Time, 1996:16)

On the 3rd of February 1996 tension escalated within the national territory in Cameroon and spread to the peninsula. The reason for this conflict was because Southern Cameroonians got tired or French Cameroonian domination and started requesting for a return to the federal system of government or sovereignty if federation failed. This request was made because Southern Cameroonians realized that the terms of the plebiscite were not respected by the French majority. As Southern Cameroonians tabled demands for autonomy and a respect of the federal constitution, conflict of interest over Bakassi was building between French Cameroon and English Cameroon as English Cameroon viewed Bakassi as its own due to its geographic location. (Mbuh, 2004)

It should be mention that from 1919-1958, Southern Cameroon was jointly administered with Nigeria and Bakassi was located in the Southern Cameroonian region. For this reason, Nigeria rejected any calls from French Cameroon that she should leave the peninsula thus leading to conflict between Nigeria and French Cameroon as French Cameroon protected Bakassi as part of the federation. It is even registered that as recent as June 21st 2005 tension continued to mount in Bakassi and this time Nigerian troops fired rocket-propelled grenades at a Cameroon security posts, killing one Cameroonian soldier. (UN report, 2005)

After eight years of negotiations, when the ICJ decided Cameroon’s had sovereignty of Bakassi, the decision was based on old colonial documents. The boundaries in the Lake Chad region were determined by the Thomson-Marchand Declaration of 1929-1930 and the boundary in Bakassi determined by the Anglo-German Agreement of March 11, 1913. The Court requested Nigeria to quickly and unconditionally withdraw administration, police and military from the area of Lake Chad under Cameroonian sovereignty and from the Bakassi Peninsula. The ICJ requested Cameroon to remove its citizens from anywhere on the new border between the two countries. The Court fixed the land boundaries from Lake Chad in the north to Bakassi in the south. The Court agreed with Nigeria that the equidistant line between Nigerian and Cameroon provided an equitable result. However, the Court did not specify a definite
location off the coast of Equatorial Guinea of where the maritime boundary between the two countries would terminate, or the tripoint. (Bekker, 2003)

Nigeria agreed to give Cameroon full control of Bakassi on September 15, 2004, but failed to do so believing their withdrawal would lead to the collapse of law and order. In addition, Nigeria claimed that the most democratic manner to decide Bakassi sovereignty would be to hold a referendum since the 300,000 people on the Peninsula do not want to become Cameroonian Eboh (2005). Nigeria believes that sovereignty of Bakassi is not a matter of oil or natural resources on land or in coastal waters; it is a matter of the welfare and well-being of Nigerians on their land. (Mayell, 2001)

In spite of the brouhaha generated in Nigeria by the decision of the International Court of Justice, Judge Awn Shawkat Al-Khasawneh is unlikely to be familiar. He is certainly not the "French President of the Court" nor the German or the English judge. Although the Court lost the opportunity in this case to seriously re-consider untidy assumptions that persist in modern law regarding the colonial question, the Jordanian judge was unwilling to let the occasion pass. It would hardly be any comfort for the anguished, but the award of Bakassi to Cameroon was a result not of a recent European "conspiracy" but one of late nineteenth century. Bekker(2003). The case for Nigeria completely neglected to acknowledge, and therefore failed to attack the most impregnable obstacle: the historic transformation at the very outset of the Partition of Africa of ‘protectorate’ as a legal concept.

Of course, there is no shortage of competing explanations of the decision of the International Court of Justice in this case. In its official statement on the decision, the government of Nigeria claims, “For purely political reasons, the Court, headed by a French President, upheld a legal position which is contrary to all known laws and conventions.” Akpan (2006:42). This was therefore presumably otherwise an easy, open-and-shut case in favor of Nigeria. Why then did Cameroon run the risk of mobilizing law, not only with respect to Bakassi but the whole of our eastern border? Everything being equal, a rational decision-maker is unlikely to go to law unless the prospects are good, because an unfavorable judgment may significantly delegitimize one’s claims. Added to this is that Cameroon’s own experience with the Court before this case has not been pleasant (Cameroon v. United Kingdom, 1963). Perhaps partly as a result, it was
unwilling to accept the compulsory jurisdiction of the Court, until just days before it filed its application against Nigeria in 1994.

The explanation offered by Nigeria’s statement is something like this (though not in as many words): Cameroon got the assurances of their patrons in Paris that they would see to it that their "boy" at the ICJ manipulates the law in favor of Cameroon. Stefano, (2002) The French President of the Court, aided by his co-conspirators, the German and British judges of the Court, duped the other judges into accepting a vacuous judgment. It is not clear how seriously the statement is intended to be taken, or how much reflection went into each of the issues raised therein. Apparently, going by the text, it is principally with respect to the Bakassi question that the 10 October 2002 decision of the ICJ is corrupt, opposed to all laws and conventions, and contrary to elementary justice.

The main plank of the case of Nigeria for sovereignty over the Bakassi peninsula is deceptively simple. Bakassi historically belonged to the realm of, or owed allegiance to, the kings and chiefs of Old Calabar. A treaty of protection of 10 September 1884 between the British government and the Kings and Chiefs of Old Calabar made the entire territory of the latter a protectorate, rather than a colony, of Britain. (This was no doubt a very important agreement. A consul concluded it on behalf of the British Crown, whereas most treaties in the Niger Delta were made with the Royal Niger Company.) The only jurisdiction that Britain acquired under the 1884 Treaty, it is stated, was control over foreign relations. Therefore, the dismemberment of the Calabar country by transfer of Bakassi to Germany under the Anglo-German treaty of 11 March 1913 was incompetent, unlawful and void. More often than not, this argument was couched and elaborated as dry legal formalism. *Nemodat quod non habet*. Perhaps it was too simple. To accept Nigeria’s argument, the Court must first wrestle with a question far more interesting to the history of the Partition: whether the only colonial treaties that matter are agreements between European Powers relating to African territories. Unfortunately, Nigeria did not offer much assistance to the Court in this area.

The trouble with the decision of the International Court of Justice does not lay in its insistence that colonial treaties matter. Of course they do. They are the reason why roughly 30 per cent of international boundaries in Africa are straight lines, and are, to a much higher degree, arbitrary. The modern African State is a bequest of colonial treaties and claims. Indeed, so far as our southeastern boundary is concerned, it is unavoidable
that it must be settled according to one Anglo-German treaty or another. It comes down simply to a choice between the one that fixed the boundary on the Akwayafe River and the other that puts it further east, on the Rio del Rey. Although the Partition of Africa was largely through procurement of treaties of protection and of friendship with African kings and chiefs, such as that entered into with Old Calabar, the conventional wisdom that emerged from positivist international law was this class of agreements did not create any legal obligations for the European parties. Even though such status appears inconsistent with the earnestness with which European Powers went about this treaty making business. The Anglo-French dash to Nikki, for instance, was certainly no laughing matter. Moreover, these treaties were the basis upon which European powers claimed against one another a legal right to the African space. An agreement that creates a legal obligation for a third party a fortiori creates obligations between the parties, right-thinking persons would expect. As late as 1926, Sir Lindley insisted that there was no justification for treating the African treaties as less than obligatory. It is difficult to see how, he wrote in a leading treatise on the subject, having regard to the universality of the practice of grounding a colonial protectorate upon an agreement with the local authority, and to the importance attached by the European Powers to these agreements in their relations inter se, the requirement for such an agreement can be regarded other than as a rule of law. (Sango, 2002)

Yet in 2002, this was the question upon which the entire Nigerian case, as understood by ICJ, rested. Did the Treaty of 1884 make Calabar a protectorate at international law, as was apparent from its terms? In the view of the International Court of Justice, it did not, the specific title, treaty of protection notwithstanding. In sub-Saharan Africa, it noted, treaties termed ‘treaties of protection’ were entered into not with States, but rather with important indigenous rulers exercising local rule over identifiable areas of territory. In the view of the Court many factors point to the 1884 Treaty signed with the Kings and Chiefs of Old Calabar as not establishing an international protectorate. It was one of a multitude in a region where the local Rulers were not regarded as States (Aghemelo, & Ibhasebhor, 2006).

There is a sleight of hand of sort here. A critical distinction has been imported into the argument unannounced. The politics of the Partition of Africa resulted in the transformation, or indeed, deformation, of the classical concept of international protectorate into a juristic mongrel, created practically exclusively for Africa, the colonial
protectorate. The classic notion of international protectorate vested only external sovereignty in the protecting power, whereas the colonial protectorate was in fact not a protectorate (except in name) but was rather fully assimilated in the legal regime of colony. Thus, though the expression "protectorate" retained currency it was now completely devoid of content. This transformation was the result of the Berlin West Africa Conference, 1884-1885. Even before the ink was dry on the Treaty of Protection of 1884 a dramatic development was about to the change the course of African destiny.

Would the operation of inter temporal law not require us as judges to appraise not just the practice but the fact that it was a deformation of the concept and practice of protection against the background that the object of the protectorate system – like the mandatory system – is a form of guardianship that by definition excludes notions of territorial ownership or territorial dominion? To my mind this is the relevant law that should be appreciated as a consequence of the rule of intertemporal law and it cannot be reduced to a mere review of a deformation, half-Kafkaesque, half-Orwellian, where friendship means interference in the internal affairs and protection means loss of sovereignty and dismemberment and the conclusion of treaties means instantaneous breach.

In paragraph 8.27 of Nigeria’s pleadings (counter memorial), it is indicated that the 1913 Anglo-German Agreement was contrary to Article 34 of the Act of Berlin. This point was apparently abandoned during oral argument. In our opinion, it was an error in the first place to unwittingly legitimize the Berlin Act by proposing to rely on it, even in support of our case. Rather, delegitimizing it should have been a major aspect of our strategy, given its historic destiny. It seems to me hopeless to defend the Treaty of Protection of 1884 without attacking the major pillar of the legal regime that completely undermined that treaty and emptied it of all content. Africa was neither represented in Berlin nor, as Judge Al-Khasawneh stated, participated in the formation of the state practice resulting therefrom. Existing treaty commitments of European powers to the indigenous rulers in Africa should not be affected by whatever Europeans decided between themselves in Berlin. Pactatertiiscnocentncprosunt. (Bekker, 2002)

Apart from swimming against the current of mainstream international law, the argument about Old Calabar being an international protectorate under the treaty of 1884 was incompletely theorized Price (2005). For such argument to carry the weight
necessary for it to be accepted by the international court, in our opinion, it should, in the least, be coherent. Professor Watts’ oral argument on behalf of Nigeria was repeatedly punctuated with a constant refrain: "who conferred on Great Britain the authority to give away Bakassi? And not just ‘who?’, but also when? And how?" Assuming Old Calabar retained its independence after the conclusion of the treaty (save to the extent affected by the treaty), at what point did this independence cease and the territory incorporated instead into a larger entity, Nigeria? (Such incorporation would either be as much unlawful and void under the terms of the 1884 Treaty as the cession of Bakassi to Germany or is evidence that the obligations under the treaty were subsequently modified by practice) It is impossible to comprehend that Nigeria would not have anticipated this line of inquiry.

The litigation strategy employed by Nigeria involved canvassing an alternative basis of legal title to Bakassi independent of a resolution of the conflict between the 1884 and 1913 treaties. Had it been successful, it would have been unnecessary for the Court to decide that other, immensely more difficult, question. These grounds, simply stated, were historical consolidation and adverse possession. As Professor Brownlie’s oral submission on behalf of Nigeria emphasized, they "constitute an independent and self-sufficient title to Bakassi." Given the evidence presented, including the Efik and Effiattoponomy of the settlements as well as health, education and tax activity by the Nigerian government and officials in Bakassi, the principle of effectivity (effective exercise of state functions) overwhelmingly favored Nigeria. The catch however is that once conventional title, on the basis of the 1913 Treaty, has been established in favor of Cameroon, the Nigerian effectivités would be at best contra legem. In order for this to displace the conventional title vested in Cameroon, according to the Court, the relevant legal question is whether the conduct of Cameroon, as the title holder, can be viewed as an acquiescence in the loss of the treaty title (i.e. abandonment of title). Otherwise, effectivités cannot serve to displace an established treaty title.

It has hardly been possible to separate lawyers, as professionals, from politicians in the on-going national dialogue on appropriate post-adjudication responses. Definitely, the law-talk, and whatever else passes under that rubric, has, with occasional exceptions, been shockingly ill informed. Where, for instance, does the idea emerge from that decisions of the International Court of Justice are subject to ratification by the parties? Triadic settlement, especially judicial and arbitral, of international disputes would simply
disappear if parties were at liberty to reject decisions or, what is the same thing, to insist that the only acceptable decision is a favorable one. There is clearly a basic legal misunderstanding underlying the claim that President Obasanjo did not sign any blank cheque at the Paris meeting to accept the decision the ICJ regardless of outcome. It was not necessary to sign any. A blank cheque, to use the expression, dated 14 August 1965, was delivered to (registered with) the United Nations on 3 September of the same year. This was the instrument by which Nigeria accepted, under Article 36 of the Statute of the Court, the compulsory jurisdiction of the ICJ in cases involving countries that have similarly accepted jurisdiction. It is true that the terms of our acceptance were modified and duly registered by the Abacha administration in 1998, but that would only apply to future cases. (Eno-Abassi, 2007)

The confidence Nigeria had in the Court, at least up to 28 February, evaporated instantly when the judgment was announced. According to the government statement, by participating in the case, the "French President of the Court" and the English and French judges, as citizens of the colonial powers whose action had come under scrutiny, have acted as judges in their own cause and thereby rendered their judgment virtually null and void. Akpan (2006) This, again, is clearly a misunderstanding of the organization of the international court. The UN General Assembly and Security Council sitting independently elect the fifteen judges of the Court to nine-year terms of office. The judges themselves elect the President of the Court. He presides over all sittings and deliberations of the Court, except, according to Article 32 of the Rules, “if the President of the Court is a national of one of the parties in a case he shall not exercise the functions of the presidency in respect of that case.” (Akpan, 2006:177)

Occasionally, a case is decided by less than the full complement of judges where a member is unable to participate because of previous involvement in the subject matter in any capacity or for other special reason. Articles 17 and 24 of its rules regulate ad hoc disqualification of members of the Court. The basic principle, stated in former, is that

No member may participate in the decision of any case in which he has previously taken part as agent, counsel, or advocate for one of the parties, or as a member of a national or international court, or of a commission of enquiry, or in any other capacity. (Mbuh, 2004:87)
Disqualification for other "special reason" is recognized by Article 24. A request that a member of the Court be disqualified is very rare indeed. Mbuh (2004) Apartheid South Africa did so in the South West Africa cases, first in 1965 and again in 1970. On the latter occasion, the Namibia Advisory Opinion case, it objected to the participation of the President of the Court and two other members on the ground of their involvement, in their former capacity as representatives of their government, in United Nations organs dealing with matters concerning Namibia. The Court decided that the complaint could not furnish grounds for invoking Article 17. A fortiori an objection to participation of a judge in a case simply because she/ he is a national of one of the parties before the Court (which was not so any way in the Cameroon-Nigeria case), or because the State of nationality presumably has an "interest" in the case, is untenable. Indeed, such request runs directly contrary to the Rules of the Court. Article 31(1) specifically stipulates, Judges of the nationality of each of the parties shall retain their right to sit in the case before the Court.

The moral equivalent of the objection indicated in Nigeria’s official statement is this: imagine President Shagari declaring void the Supreme Court decision in the suit brought against the federal government by the government of Bendel State over the 1981 Revenue Allocation Act because two Bendel justices (Obaseki and Idigbe) participated in the decision. It is even more untenable in the case of the ICJ because it is inconsistent with the fact that parties in a matter before the Court without a judge of their nationality on the Court have a privilege of appointing a judge ad hoc of their choice. This is why the ICJ was enlarged by two in this particular case (Nigeria and Cameroon appointed Ajibola and Mbaye respectively as judges ad hoc). It seems mutually inconsistent to exercise this right to appoint a special judge of our choice, because there is no Nigerian judge at present on the Court, and yet complains that the French, English, and German judges, who are permanent judges of the Court, should not have participated because their States are interested parties. (Weladji, 2005)

With respect, the option of disregarding a judgment of a court cannot count as "legal advice." It is difficult to accept that any informed lawyer was involved in drafting the official Nigerian statement. A village community association would most likely be expected to give a more sophisticated response to a customary court ruling in a local land dispute. Frankly, lawyers have not been of much use to the Nigerian case. The best legal advice that Nigeria ever got in the dispute concerning Bakassi was actually given more
than thirty years ago by the Professor Elias, as Attorney General of the Federation. With the decision of the ICJ, it is clear that law has, practically, run out. What the government needs now is not the creation of another unlimited legal defense fund but sound political advice and effective diplomatic capacity. We have indeed come full circle. In August 1977, General Obasanjo, then military Head of State had a meeting with the Cameroonian President Ahidjo. He informed the latter that Nigeria was unable to accept the Maroua Agreement, and that since the Supreme Military Council did not ratify it, Nigeria considers it a nullity. What was to be done now, asked Ahidjo. Obasanjo’s reply was that since Ahidjo was not prepared to renegotiate, the matter should be left to be dealt with by their successors. Well, destiny has returned the matter to President Obasanjo’s lap, except that this time Cameroon has in their hands not only the treaty of 1913 and the much regretted Maroua Agreement but also a judgment of the International Court of Justice.

3.3. LEGAL QUESTIONS RAISED IN THE BAKASSI PROBLEM

On October 10, 2002, the International Court of Justice (ICJ) ruled on the protracted boundary dispute between Nigeria and Cameroun. As regards the maritime boundary, the Court, having established that it has jurisdiction to address this aspect of the case which Nigeria had disputed, fixes the course of the boundary between the two States’ maritime areas. In its Judgment the Court requests Nigeria expeditiously and without condition to withdraw its administration and military or police forces from the area of Lake Chad falling within Cameroonian sovereignty and from the Bakassi Peninsula. It also requests Cameroon expeditiously and without condition to withdraw any administration or military or police forces which may be present along the land boundary from Lake Chad to the Bakassi Peninsula on territories which pursuant to the Judgment fall within the sovereignty of Nigeria. The latter has the same obligation in regard to territories in that area which fall within the sovereignty of Cameroon.

However, on Wednesday, October 23, 2002, the Federal Government of Nigeria rejected the ruling. After the Federal Executive Council (FEC) meeting, Chief OjoMaduekwe (the Minister for Transport), not Prof. Jerry Gana (Information Minister), was mandated to brief the media. Maduekwe, a sophistical rhetorician inebriated with the
exuberance of his own verbosity, read the federal government’s position on the matter. “There will not be any requirement for Nigeria nationals to move from where they are living at present,” he said. "The judgment will have no effect on Nigeria's oil and natural gas reserves," he added. He further stated that

“On no account will Nigeria abandon her people and their interests. For Nigeria, it is not a matter of oil or natural resources on land or in coastal waters; it is a matter of the welfare and wellbeing of her people on their land.” (Orisakwe, 2006:36)

After the ICJ ruling and the rejection of the judgment by the Nigerian government, several people across the country and beyond have been expressing their views on the issue.

First, the President and were summoned to France on September 5 by the French President Jacques Chirac, where both African leaders were said to have pledged to abide by the court ruling. In a very incisive editorial, The Guardian Newspaper took exception to this. It had written: “Very recently, it transpired that the French President, Monsieur Jacques Chirac, had invited President Olusegun Obasanjo and his Camerounian counterpart, Mr. Paul Biya, to France in connection with the Bakassi palaver, which is subjudice in the International Court of Justice (ICJ) at The Hague. In all probabilities, the French President's aim in arranging the tripartite meeting was to discuss the likely outcome of the judgement of the ICJ, which, as must be well known to Monsieur Chirac, is imminent. France has copious investments, particularly in the oil sector, in the disputed area. (The Guardian, 2002)

Secondly, the Federal Government accused the ICJ of being partial since it has a Frenchman (Gilbert Guillaume) as president and also a British (Rosalyn Higgins) and a German (Carl-August Fleischhauer) among the 16-member jury. In the argument of the Federal Government, the countries of these judges have vested interest in the case. However, the same federal government forgot to mention that a Nigerian, Prince Bola Ajibola, was also one of the judges. Likewise, a Sierra Leonean judge, Abdul G. Koroma (Sierra Leone is Nigeria’s close door neighbor).

This is Chief Richard Akinjide’s (he was on the Nigerian legal team) view on the issue: “If in 1913 Britain signed the Anglo-German Treaty purporting to transfer Bakassi to Germany, can Britain transfer what she hasn’t got? (“Nemodat quod non habetet”- No
one has the power to transfer the ownership of that he does not own.) (The Guardian, 2002)

We must accept that, that ICJ judgement is 50 percent international law and 50 percent politics. And as far as the case between Nigeria and Cameroun was concerned, the dispute was really between Nigeria and France. Cameroun was just the proxy for France. There is no doubt that in law and in fact that Bakassi belongs to Nigeria because that is supported by a lot of documentary evidence, which were tendered before the court which the court ignored. (Newswatch, 2002)

When asked why the French representative was allowed to preside over the case, since the Nigerian team knew that the matter was between Nigeria and France, Akinjide said:

You cannot, you have to operate within the status of the court. And the status of the court didn’t allow you to do what you say we should do. All we did and we were to do were all within the status of the court. Don’t forget Nigeria did not sue Cameroun. Cameroun took us to court. And when you are taken to court you have to defend yourself. (Newswatch, 2002:21).

Elder statesman, Chief Anthony Enahoro raised this issue in an interview with Vanguard:

On Bakassi, I do not really know what was pleased by the Federal Government at the court, because if it is said that the judges did not pay attention to a particular aspect of an issue I would like to know whether we pleaded that in court or whether the Federal Government’s action is an afterthought. I am worried by what would appear to be a fundamental challenge to the court itself; if you are in doubt whether you can accept the court’s decision or not then do not be part of the system. When you go to court for adjudication it cannot be on the condition of your winning your case, I am concerned about that. And whether this means that it is up to any other nation on earth whether to accept the judgment or not of the court, if that is the case it is going to be difficult to make a case for the very existence
of that court. And then how do you settle problems, it is war. We are then back to the old days of using war to settle disputes. So I am not myself pronouncing judgment as I do not know what was pleaded. (Vanguard, 2002:12)

Thirdly, the case was so much shrouded in secrecy as at the time it was going on. Save for the snippet of video clips and news reports on Nigeria Television Authority (NTA) and short news reports on the Federal Radio Corporation of Nigeria (FRCN-Radio Nigeria), not much was heard about the case. If the matter was handled much more transparently, I believe the case would not have ended the way it did. It was only when the judgment was delivered that we started getting details of what transpired at Hague. All the intellectual inputs as it concern this case that is now pouring in would have better utilized if people had made these inputs while the case was going on.

Fourthly, the indigenes of Bakassi were not invited as defense witnesses. I remember during the sitting of the Human Rights Violation and Investigation Commission (HRVIC), otherwise known as the Oputa Panel, the Movement for the Survival of Ogoni People (MOSOP) even invited illiterate women from the villages to come and testify on the floor of the commission and they had to speak through interpreters. On the back page of the Thursday, October 17, 2002 edition of Thisday, Olusegun Adeniyi wrote a very nice piece. He had written: “One of the community leaders (of Bakassi), Chief Okpo Eyo, said during the week that officials who provided legal defense did not seek adequate proofs of the ownership of the Peninsula from the aborigines and real owners. “Rather, what we saw was the flying abroad to testify of strangers who know nothing about the peninsula to the detriment of the country when the real owners and inhabitants of the area are there.” Thisday (2002:6) A pertinent question to ask now is: was the Obong of Calabar at any point involved? Were his people, especially those living in the Peninsula, given opportunities to make representation? From what one has been reading in the newspapers, they were not, yet the Obong is an internationally renowned Professor of medicine who could have helped Nigeria in the course of the case since the Peninsula belongs to his people. I agree with Adeniyi, into to. (Eno-Abasi, 2007)

The Federal Government was batting on worse than a weak wicket indeed when it argued in its statement of 23 October the French President of the Court and the English and German judges should have disqualified themselves since the countries which they
represent are, in essence, parties to the action or have substantial stakes. The judges, as citizens of the colonial powers whose action had come under scrutiny, have acted as judges in their own cause and thereby rendered their judgment virtually null and void. The fact that Nigeria failed or omitted to neither make an application in these terms to the Court during the course of the proceedings nor raise these as issues in the briefings during the proceedings can only be taken as evidence of our lack of faith in this as a telling point.

3.4 POLITICAL QUESTIONS RAISED IN THE BAKASSI PROBLEM

It is a paradox to realize that the United Nations decision to end colonialism and grant autonomy to African states which was meant to be source of empowerment turned out to be a curse instead. When news went out from the UN that African States be granted their independence, the colonial masters used the most careless exit strategy ever. They hurriedly packed their things and left, without preparing these states for leadership in systems planned and build using foreign ideology and still disguisedly run from abroad. If suspicion were anything to go by, then one would be right to say that this option was taken because the colonial masters did not really want to provide a framework through which Africans could truly be free from colonial exploitation. The reality then was not only chaos throughout the African territory but an outburst of civil wars and tribal conflicts as a result of boundary issues exemplified by the Bakassi conflict. The question that remains now is: Are African states truly independent considering that they are an arbitrary creation of colonial creed? Is conflict not perpetual visitor among African states? Who can say? The manner, in which the colonial masters invaded the African continent during the concluding years of the nineteenth century in their scramble for territories, was bound to leave a legacy of unnaturally controlled borderlines, which now define the emergent African states. It is then for this reason that the International Court of Justice ruling on the Bakassi peninsula conflict between Nigeria and Cameroon was critically examined. It is absolutely unfortunate that international agreements held during the era of the scramble for Africa generated conflict among African states themselves due to their devious motives thus creating an unhappy legacy for colonialism. The primary cause of conflict between Cameroon and Nigeria was the discovery of natural crude oil in
the region. It is interesting to say that long before the discovery of oil in Bakassi, Cameroonianians and Nigerians in the region lived in harmony although few squabbles were registered here and there. The reason both countries did not pay attention to Bakassi is in part because it was a remote area inhabited by people considered to be non-consequential. Notwithstanding, when oil and other natural resource and minerals were discovered in the peninsula, attention from both countries and also from their colonial connections was ignited thus creating tension, argument and in some cases death. This is sad and really hypocritical because if oil was never discovered in this region, both regimes would have cared less about the region with its poor, remote, marshy and no consequential inhabitants. (Mbuh, 2004)

Politically the Bakassi conflict was used by politicians as a way of diverting public attention away from national or internal issues. Thus the need for both governments to divert people’s attention from bad economic management, corruption, unemployment, poor social services, and bad human rights records inter alia was imminent. In Cameroon for example, negative human rights records marked the regime of President Ahmadou Ahidjo. Beti (1978) Albert Mukong and MungoBeti both believe that as many as twenty five thousand people were killed alone during the UPC insurrection in the 1960s, another five thousand were tortured to death and close to twenty thousand people were severely maltreated while serving prison terms. Ngang (2007) With the Biya government, the major problem since its inception in 1982 had been severe economic problems. This scenario led to internal grievances, and the regime needed something to diversify the interest of the people from the economic crisis in the country. While salaries of civil servants continued to fall, the Biya government employed a strategy of paying higher salaries to the military in order to prevent any military coup. This situation continued to deteriorate as the currency was devalued almost 100% following the structural readjustment program proposed by the World Bank and IMF. Though the economy is on the stage of improvement now it has not be so encouraging. The birth of multiparty politics in Cameroon in early 1990s was a blow to the Biya’s regime Tajoche (2003). The regime fought hard in the early years to stop multiparty politics in the country. It all started in 1990 when some lawyers in the country led by Yondo Black attempted to form an opposition party in the country. All members of this group were arrested and thrown in jail but later John FruNdi came out fearlessly and lunched an opposition party in the north west province of the country demanding for
freedom of speech, accountability, decentralization of power and more liberty in the country. The government fought vigorously but to no avail to suppress this movement towards multiparty politics. More than two thousand heavily armed troops were deployed to the area which led to the death and imprisonments of many youths. The youths all over the country condemned the actions of the government and threw their support behind the new opposition party. The Biya’s regime was losing it popularity and needed to unite the country once again. The Bakassi crises was seen by the regime as a political instrument to be used to gain the support of the youth and the country in general.

Again, the Anglophones problem in Cameroon was on the neck of the Biya's regime. Secession was the platform of most Anglophones in Cameroon in the early 1990s. As stated in the first chapter, west Cameroon (British Southern Cameroon) voted in 1961 plebiscite in favor of re unification with the French Cameroon (La Republique) but later, the Anglophones started complaining of being marginalized in the reunion politically, economically and socially, almost all of their Anglo–Saxon institutions were gradually but systematically eroded in the country which started with the abolition of the federal system of government in 1972, again the Francophone administrators were also accused of behaving like consuls in a conquered territory towards the Anglophones, so the Anglophones started demanding for independent and separation from the government. Ngoh (2004) what makes it worse is that the Bakassi peninsular is located in the Anglophone region so the government was scared that if she abandoned the peninsular to Nigeria, she could be accused by the Anglophones of betrayal and not fighting for the peninsular because it is located in the English part of the country. The Biya’s regime needed something that would lead to national unity, something which will unite the country. They believed the Bakassi conflict was such an issue that would create a national sympathy and reduce the political tensions within the country.

On the other hand, in Nigeria, the main internal problems had been the series of military coups and counter coups leading to the deaths of thousands of military personnel as well as civilians. According to Ngang, Nigeria’s human rights records had not been so appalling as that of Cameroon. However, the regime of General SaniAbacha was marked With mass corruption and embezzlement, Abacha himself was listed as the world fourth most corrupt president in the world. A preliminary report published by the AbdulsalamAbubakar transitional government who took over from the Abacha regime in
November 1998 stated that during the five years of General Sani Abacha, more than five billion pounds were reported being shipped out of the country's coffers by the head of state and members of his family not including other amounts from member of his cabinet. The New York Times (2004) The regime also suffered stiff opposition both internally and externally by pro-democracy activists especially after the killing of Abiola (a popular civilian presidential candidate in the country by then) and the hanging of the Ogoni activist Ken Saro-Wiwa an environmental activist who stood against and led a non-violent campaign against environmental degradation of the land and waters in the Ogoni region in Nigeria caused by Shell oil company. His execution was condemned by most countries around the world who had pleaded to the Nigerian government for clemency on his behaves. This made the regime very unpopular and Nigeria was even suspended from the Common Wealth of Nations and other world activities. Abacha mocked the threat of economic sanctions because he knew the world is too dependent on Oil and his Country was among the major producers of oil. Just as Soysa and Gartzke once said, “resource-rich countries may be less vulnerable to retaliatory attacks or international sanctions because of the possible protection provided by major oil importers, especially in times of high commodity prices”. Strüver (2010:12) Most oil importers were more concern with oil rather than human right abuses. Abacha needed more oil fields to divert the world’s attention from the political crises in his country. He also needed more oil fields so as to overcome any economic sanctions on him and his country. He also thought defeating Cameroon over the Bakassi Peninsular would increase his wealth and popularity in his country. As Nicholas Tarlebbea puts it “this newly developed interest of the peninsula immediately oil was discovered, was viewed with suspicion by the Bakassi locals since they suspected that such interest could only be superficial and geared towards personal gain and nothing else” (Tarlebbea, 2010:198)

According to Ngang

It is therefore evident that before Cameroon took the case to the international court of Justice for arbitration both countries were facing severe internal tension therefore engaging in to a conflict with a neighbor over the Bakassi peninsula which was likely going to end in a war would have served government well in diverting internal interest to the external crisis. (Ngoh, 2004:13-14)
In the words of Africa Confidential, the situation was described as follows:

The trial of strength is dangerous, not just because Biya and Abacha believe Bakassi worth fighting for but because both see the dispute as a way to shore up falling domestic support. Their grip on power is threatened by a rise in ethnic nationalism, economic collapse and restive soldiers; while a full-fledged border war would be damaging, even catastrophic, because of the instability it could spark, this prospect may not prevent them from blundering into battle. Given the diplomatic failures that have marked the dispute, the most probable brake on further escalation appears to be the sense of failure of the Cameroonian and Nigerian governments to convince the majority of their people that the peninsula is worth fighting for. (African Confidential, 2005:13)

It is evident from the above glimpses that before Cameroon took the case to the UN for arbitration both countries were facing severe internal tension. Note should be taken of the fact that multi-party politics had just been reintroduced in Cameroon and that the results of parliamentary and presidential which had just taken place reflected the general perception that they were not free and fair. Having a conflict with a neighbor who was likely going to end in a war would have served government well in diverting internal interest to the external crisis. This situation was best summarized by Africa Confidential as follows:

The trial of strength is dangerous, not just because Biya and Abacha believe Bakassi worth fighting for but because both see the dispute as a way to shore up falling domestic support. Their grip on power is threatened by a rise in ethnic nationalism, economic collapse and restive soldiers; while a full-fledged border war would be damaging, even catastrophic, because of the instability it could spark, this prospect may not prevent them from blundering into battle. Given the diplomatic failures that have marked the dispute, the most probable brake on further escalation appears to be the sense of failure of the Cameroonian and Nigerian governments to convince the
of their people that the peninsula is worth
fighting for (Calvert, 1990:15)

Of course, there is no shortage of competing explanations of the decision of the
International Court of Justice in this case. In its official statement on the decision, the
government of Nigeria claims, for purely political reasons, the Court, headed by a French
President, upheld a legal position which is contrary to all known laws and conventions.
This was therefore presumably otherwise an easy, open-and-shut case in favor of Nigeria.
Why then did Cameroon run the risk of mobilizing law, not only with respect to Bakassi
but the whole of our eastern border? Everything being equal, a rational decision-maker is
unlikely to go to law unless the prospects are good, because an unfavorable judgment
may significantly delegitimize one’s claims. Added to this is that Cameroon’s own
experience with the Court before this case has not been pleasant. (Cameroon v. United
Kingdom, 1963)

The explanation offered by Nigeria’s statement is something like this (though not
in as many words): Cameroon got the assurances of their patrons in Paris that they would
see to it that their boy at the ICJ manipulates the law in favor of Cameroon. The French
President of the Court, aided by his co-conspirators, the German and British judges of the
Court, duped the other judges into accepting a vacuous judgment. It is not clear how
seriously the statement is intended to be taken, or how much reflection went into each of
the issues raised therein. Apparently, going by the text, it is principally with respect to the
Bakassi question (i.e. 16 pages of the 150-page judgment) that the 10 October 2002
decision of the ICJ is corrupt, opposed to all laws and conventions, and contrary to
elementary justice. (Price, 2005)

The ICJ ruling is viewed as unjust, reprehensible as it is anachronistic. AhamNjoku, a lawyer and Director of Constitution Watch, viewed that “the constitution
of that court (ICJ) and the voting pattern of its members clearly show that its decisions
are reached not based on the merit of each case but by lobbying which is tainted with
political undertones” (Mbuh, 2004:47). But, by making appearance at the court, we have
impliedly subjected ourselves to whatever ruling it may deliver. Hence, the rule of law
has to takes its course. The law must take its course even if the heavens fall, the say in
law the law is an ass.
This newly developed interest to the peninsula after oil had been discovered was viewed with suspicion by the indigenes since they suspected that such interest could only be superficial and geared towards personal gain and nothing else. The Nigerian and the Cameroonian regime at the time could say that conflict started as a result of the scramble for oil but for the indigenes of Bakassi, conflict was as a result of a much more complex reality although the discovery of oil was one of them. Much more serious to the indigenes was the sometimes separation of families and tribes from their ancestral ties, burial grounds and religious sites due to displacement not only generated by the effects of the scramble of Africa but because of the internal conflict experienced over the newly discovered treasure. Although oil played a fundamental part in the conflict, deeper issues related to fighting, destruction and displacement were equally played key roles in the whole saga. (Anene, 1970)

It is obvious that a state will use all its available resource to fight to protect its sovereignty. For a state to be considered as a sovereign state, it must demonstrate internal supremacy and external independence. That is to say, for a state to be recognized as a sovereign state, it must be able to show that it has political supremacy over its territory above all other political authorities within its borders (do not mean supremacy over another state) Potte (2004) and also a state must be able to demonstrate actual independence from its peers. It should be able to control movements along its borders etc. A state is considered to be a failed state if it cannot provide certain political goods to its citizens, which means the responsibility of states is to deliver political goods such as security, health and education, economic opportunity, good governance, law and order, and fundamental infrastructure requirements like transport and communications. The activities in the Bakassi peninsula threaten the sovereignty of Cameroon and Nigeria. For the Cameroonian point of view, the constant immigration of Nigerians in to the peninsula was a violation of its sovereignty and a sign of weakness and failure just as mentioned above a state should be able to control movements along its borders. The Cameroonian government felt it was losing control of part of it territory and therefore wanted to gain back control of the Bakassi peninsula and to secure it sovereignty. Since the peninsula was much closer to Nigeria, and since this area had been under Nigeria for some time, the people have close cultural ties with Nigeria than Cameroon and more than three quarter of the population of the Bakassi peninsula is made up of Nigerians. The Nigerian
government wanted to provide security and other basic goods to its citizens in the Bakassi peninsula and she can only do so by claiming sovereignty over the area.

The issue of whether the conflict between the two nations over the Bakassi peninsula was: a struggle for territorial sovereignty or some other issues can be summarized by taking a critical look at the following statement from the Inventory of Conflict and Environment (ICE):

The conflict over sovereignty to the Bakassi Peninsula between Nigeria and Cameroon is much more than just a dispute over a boundary, but also includes issues of national identity and environmental change affecting local fishermen and farmers that creates a need for a porous border. Add to the dispute the concerns of the Anglophone Cameroon secessionist movement and the Nigerian migrant community in disputed territorial areas and the situation is further complicated. The border dispute is over the Bakassi Peninsula in the Gulf of Guinea, the 1,500-km border between Cameroon and Nigeria, and several areas along Lake Chad. The dispute can be narrowed into two main issues: the fight for the Bakassi Peninsula associated with the potential oil development and fisheries off the Peninsula's shores… (Price, 2005:75)

3.5 ECONOMIC QUESTIONS RAISED IN THE BAKASSI PROBLEM
Natural resources are, and continue to remain a foundation of a country’s economy. According to Snarr&Snarr, it is therefore “...not surprising that wars have been fought over natural resources” Snarr&Snarr (2006:287) The case of the conflict between Cameroon and Nigeria over the rich-oil and fisheries peninsular of Bakassi, is not an exception.

It is important to note that late in the 1970s and early 1980s both the government of Cameroonian and that of Nigerian came to realized that the Bakassi region was relatively very rich not only in oil but also other natural resources. There has been the discovery of commercially viable oil deposits on the peninsular itself. Besides this availability of oil, the peninsular and the water bodies surrounding it is located at the meeting point of two great ocean currents. This is an advantage since it serves as a good breathing grown for the growth of huge variety of fish and other forms of maritime resources that are grown and produced. Indeed some scholars even claims that, the fertility of Bakassi as a fishing ground is comparable only to Newfoundland in North America and Scandinavia in Western Europe Maybe this was the reason why the Germans were so keen on securing Bakassi during the days of their presence in the region. Ngang (2007) Natural resources are fundamental building blocks of any state’s economy a resource poor nation will use any method available to have access to these natural resources in order to progress economically and to meet up with the basic needs of its growing populations. The discovery of oil in the Bakassi peninsular was like a blessing to Cameroon because she was suffering from a major economic crisis in the mid-80s with decreasing salaries of civil servants of about seventy percent even though that of the Military doubled. The president declared that the country was undergoing an economic crisis in 1986 from which the country has not recovered till date. Just after his announcement, the currency of the country was devalued by almost one hundred percent following the structural readjustment program proposals by the International Monetary Funds and the World Bank. The country’s economy grew by four percent but ordinary people in the country were still starving. The economic situation in Cameroon was not getting better for it citizens even after the advice of the International Monetary Funds and the World Bank. Ngang (2007) The country needed this peninsular for the survival of her citizens.
Ngang argues further that “While the peninsula itself is a swampy land and generally being considered to be of little value, its ownership has important implications for fishing and oil rights offshore” Ngang (2007:33) At first the Bakassi peninsula seems to be of less important for both countries maybe is because at that time the remote region was considered just as a swampy land, with no resources that could bring income into the country and again inhabited by poor fishermen who had nothing to offer to the government. Nigeria under British rule transferred sovereignty of the peninsular to Germany and even after the independence of the two countries no claims of sovereignty were laid on it by the Nigerian government. Nigeria even asked for permission from the Cameroonian government before it ships could pass through the area. On the other hand Cameroon largely saw Bakassi as its own but failed to do anything to develop it since nothing useful was discovered in the area at that time. The Cameroonian government saw the development of Bakassi as waste of funds that was why Nigerians were tolerated to inhabit and create their institutions in the peninsular without any serious form of control by Cameroonian authorities except in terms of more or less arbitrary tax collection. Ngang (2007) Therefore the discovery of oil reserves in the Bakassi peninsular and the sale of fishing rights became the reasons which motivated Cameroon and Nigeria to fight over the control of the peninsular especially in the case of Cameroon, where she had been experiencing revenue decrease in oil exploitation over the last decade despite the constant increases in the price of oil products on the world market. Even though the discovery of oil in the region is put forward by many politicians, local people, and the media in both countries as the main cause of the Bakassi conflict, the dispute was really about the offshore border and the precise delineation of the approach Channel to the Calabar port. Omoigui (2010) The issue of the conflict was to define the navigable channel around the region which was very important for both countries.

Labour Mobility was also a big problem as the access of people into market as well as the supply of labour could not be met with. Information gotten from the online interview depicts that since 1993 the family farm size dropped from 5 to 1.5 hectares and income that was gotten from trade of foodstuffs also diminished at 80-90% at the height of the crisis. At this point, people fell back on subsistence production and some petty trading within Cameroon. (Mbuh, 2003) Many fishermen that were operating in the Bakassi region lost their gear, catch and sometimes their boats to Cameroonian armies
that were stationed at Bakassi to discourage people’s presence in the military zone. (Menjo, 2010)

Looking at the development of this conflict back to the days of the Anglo-German Treaty of 1913, it becomes evident that something concrete took place that ignited the use of military force. As indicated in part one of this work, both countries were more or less not very interested in the predicament of Bakassi. Nigeria under British rule ceded the territory to Germany and immediately after independence no claims of sovereignty were laid on it by the Nigerian government. Cameroon on the other hand, largely saw Bakassi as its own but failed to do anything to develop it. Worse still, Nigerians were tolerated to inhabit and create their institutions there without any serious form of control by Cameroonian authorities except in terms of more or less arbitrary tax collection. It was not until it became clear after the discovery of large deposits of crude oil in adjoining offshore waters around the Rio del Rey area in the late 70s and early 80s that both countries realized that the peninsula may indeed be a treasure of immeasurable economic value. A good number of multi-national oil companies have been carrying out surveys in the area. Though no concrete discovery of commercially viable oil deposits have been made on the peninsula itself, it is highly believed to be just a matter of time.

Besides oil, the Bakassi Peninsula and its surrounding waters is located where two Great ocean currents meet making conditions very favourable for a large variety of fish and other forms of maritime wildlife to grow and reproduce. The fertility of Bakassi as a fishing ground is comparable only to Newfoundland in North America and Scandinavia in Western Europe. This is one of the reasons why the Germans were so keen on securing Bakassi at the Anglo-German Treaty of 1913. While the peninsula itself is swampy land and generally being considered to be of little value, its ownership has important implications for fishing and oil rights offshore. (Menjo, 2010)

So the prospect of discovering oil reserves in Bakassi and the sale of fishing rights are definitely reasons which motivated both countries to fight over sovereignty for it especially in the case of Cameroon, where revenue from the exploitation of oil has been on the decrease over the last decade despite increases in the price of oil products on the world market.
The ICJ rulings had far reaching impacts and effects for the Nigerians due to the fact that the loss of Bakassi did not only place the multi-million Naira Export processing zone (EPZ) in serious danger but also the Calabar region who had depended solely on this important segment. Thus with respect to the ICJs ruling, the port was now handed to Cameroon out rightly. But in case the Nigeria wanted to continue using it, they will have to pay charge when using it.

Nigerian loosed 100million barrels of oil deposit and four cubic feet of gas deposit. This is because these oil companies were they had invested huge amount of money felt within the territory of the peninsula that was to be handed to the Cameroonians. The implication of this is that the huge revenue that was realised as a result of the “Bakassi oil” will be lost. A nation like Nigeria who at the time was facing economic problem and was striving to improve the lot of its people during the inception of the conflict will face a big problem by utilizing their sources adequately. At this point the rulings of the court were not only severely felt but had a great impact on it economic situation since this oil has been use for export and in balancing their economic situation at the time. (Aghemelo and Ibhasebhor, 2006)

What are the implications of this judgment for the Nigeria state? For one, there are fears that losing Bakassi to Cameroon may mean the loss of the entrance to the Calabar port to Cameroon. This is because the entrance to the Calabar port lies in the Calabar channel and going by the terms of the 1913 agreement between Britain and Germany which the World court relied upon as the authority for Cameroon’s claim to Bakassi, the channel belongs to Cameroon. Secondly, the loss of Bakassi has also placed the multi-million Naira export processing zone (EPZ) in serious danger. This is because the Calabar EPZ depends largely on this important segment, it would only mean that the port belongs to Cameroon out rightly or Nigeria will have to pay charge. There is also the danger of losing 100 million barrels of oil deposit and also four trillion cubic feet of gas deposits in the peninsula.

This will be a result of the oil companies having to leave the area and relinquish the oil wells to the Cameroonians, the implication of this is that the huge revenue got from “Bakassi oil” will be lost to Nigeria. A nation striving to improve the lot of its people by adequately utilizing their sources of revenue will surely feel the severe impact of this type of judgment on the entire economy. (Akpan, 2006)
3.6 SOCIO-CULTURAL QUESTIONS RAISED IN THE BAKASSI PROBLEM

Africans are fundamentally cultural beings and this culture defines their identity and shapes their personality. Redefining boundaries and un-willfully separating indigenous populations by colonial masters deeply violated African culture and unquestionably lead to conflict. Individual families in Africa collaborate with each other and gradually grow in numbers to form a tribe. Thus Mbiti contends, I am because we are and since we are therefore I am. The African family is extended and covers a sum total of brothers and sisters of parents, with their families as well as grandparents. Relationships between uncles and nephews can be just as close as and even closer than between actual parents and their children. Children tend to be closer to their grandparents than their own parents because grandparents care for the children throughout the day while the parents are away working. A person then has many people who could be considered their fathers and mothers as well as a gamut of brothers and sisters. This deep sense of community living does not end at the level of the extended family but continues to the larger community of the tribe and even the clan which is not only limited to those living but extends backward to the ancestral spirits who constitute a vital part of the community. To Mbiti then existence in relationships sums up the pattern of the African way of life. From the above worldview, it is certain that redefining boundaries and separating people under the pretext of colonization was deeply offensive to Africans values, thus conflict. (Mbiti, 1969)

This study on the Bakassi Kingdom provides an insight to the impact of Western-constructed boundaries on ethno-cultural affinities in Africa. Many border conflicts tend to emanate from the permeable and ill-defined nature of the boundaries that divide ethnic language groups with little discernible logic. Similarly to the demarcation lines imposed by the colonial powers, the International Court of Justice did not take into consideration the interests of the Bakassi indigenes when rendering its 2002 judgment. The signing of the Green Tree Agreement clearly demonstrates the ability and willingness of the International community to resolve border disputes in a peaceful and harmonious Fashion, but again, did not appreciate the concerns of the indigenes of Bakassi. The situation has resulted in several groups laying claim to the Bakassi Kingdom, all with ethnic, cultural or historical ties to the peninsula. While the international community guides the Cameroonian and Nigerian states in
the process of transitioning the peninsula’s administration, the indigenes of Bakassi continue to be uneasy and dissatisfied with the arrangements. The future of the Green Tree agreement is therefore in doubt, because those who claim the Bakassi Kingdom are yet to fully internalize its implementation. (Avuruch, 1998)

Additional questions are raised by the participation of the international community in this settlement of a potentially crisis-ridden border dispute. A cynical reading of the situation requires that one note that the process involved the diplomatic participation of countries other than the two in question. The United States participated because of its interests in Nigerian and Cameroonian oil reserves. In fact, the Green Tree Agreement was signed in New York. Equatorial Guinea was involved in the process because the maritime borders involved demarcating coastal waters between Nigeria, Cameroon and Equatorial Guinea. The former colonial powers, Great Britain and France were involved as well. Each of these observations supports the contention that the struggle to control resources has been exacerbated by the unleashing of ethno-cultural forces that will not easily be assuaged. (Ross, 2009)

According to the indigenes of the area, the International Court of Justice judgment was a great tragedy of unimaginable magnitude and dimension for the Bakassi peoples. The considered the ICJ judgment to be ill-fated, godless and unjust as well as humiliating and demoralizing to the Nigerian indigenes in the peninsula. The estimated 150,000–300,000 inhabitants of the peninsula who have condemned Nigeria’s decision to cede what they consider their ancestral land. Ross (2009). A group called the Bakassi Self Determination Movement (BSDM) declared its independence from both Nigeria and Cameroon in November 2006. (IRINnews. 2006) The group’s leader, Tony Ene, stated, We insist on our natural right to determine our future … If Nigeria does not want us, we choose to go it alone and not with Cameroon. At an independence ceremony called by the BSDM prior to the official handing-over ceremony, residents waved the territory’s new blue-and-white-striped flag at EkpotAbia, which was part of the land handed over by Nigeria to Cameroon in August 2006. During the ceremony, Tony Ene proclaimed ‘The people have declared their own republic!’ Ene claims to speak for all the peninsula’s residents, though only a few hundred turned out for the special ceremony. This ceremony, in spite of low turnout, was an indication of rejection of the ICJ verdict by the Bakassi peoples. With the handover, many residents have declared their intention to evacuate to mainland Nigeria expressing anxiety about what the future holds under Cameroonian rule. (IRINnews. 2006)
The Bakassi people are interested in how to feed their families, their daily fishing and they want to remain Nigerians (Akpan 2006). The various Anglophone Cameroon separatist movements have expressed support for the Bakassi peoples, claiming them as a part of Southern Cameroons. The people may not share a common goal with the separatist movements but the general feeling, according to them, is that if Southern Cameroons is able to get the independence it is seeking and becomes a republic encompassing the peninsula, the people of Bakassi will no longer have problems with *La Republique du Cameroun* and the neglect of the Nigerian government will stop. But he would have preferred a situation whereby the ICJ would have considered the Bakassi inhabitants. The Bakassi people strongly believe in the Nigerian context and that the Federal Government is big enough and interested in every Nigerian no matter where the Nigerian lives. (Akpan 2006)

It is glaringly obvious that the indigenes of Bakassi are clamoring for continuity of their lifestyle under the Nigerian administration. Meanwhile the Southern Cameroons secessionist movements are also contesting the Green Tree agreement that gave *La Republique du Cameroun* sovereignty over the Bakassi Peninsula. The Bakassi indigenes and the Southern Cameroons secessionists regard the ICJ judgment and the Green Tree Agreement as irrelevant. “More importantly, the indigenes of Bakassi, both those who consider themselves to be Nigerian and those who consider themselves to be Cameroonian, are not willing to strain their relationships with one another” (Ross, 2009:15)

A delicate balance has been achieved in terms of lifestyles and division of labor among the indigenes. Those who claim Cameroonian citizenship are accustomed to traveling inland to sell the fish and other products provided by their Nigerian neighbors. For this reason they have documents that verify their Cameroonian citizenship and are accustomed to dealing with Cameroonian laws. The Nigerian indigenes, on the other hand, do not necessarily have residence permits and other legal documents permitting them to reside and engage in business in what is now legally Cameroonian territory. The Nigerians fear potential harsh treatment by agents of the Cameroonian government while Cameroonians fear the destruction of their way of life. In this way, all the indigenes of the region are unsure about their future under Cameroon. (Price, 2005)

The Green Tree Agreement and its implementation would not resolve the issues in Bakassi. The indigenes of the Bakassi region continue to express discontent. Most are disillusioned with the slow integration into Nigeria of those who wished to exercise Nigerian
nationality. They are to be resettled into Nigeria, into an area that has been designated as New Bakassi Local Council, which is contiguous with Cameroon’s Bakassi territory. The Nigerian Senate repudiated the Green Tree Agreement on 22 November 2007, declaring the ceding of the territory to Cameroon to be illegal because the agreement was never brought before the Senate for ratification. In late November 2007, 21 Cameroonian soldiers were killed in Bakassi. Early reports suggested that militants either from the Niger Delta or from Bakassi were responsible. A group calling itself the ‘Liberators of the Southern Cameroon People’ claimed responsibility. IRIN (2007) Investigations into the event continue and the circumstances remain unclear. What is clear is that this particular event may have been an indication of the continued displeasure of any one of a number of constituencies that have interests in Bakassi. (Becker, 2003)

Both Cameroon and Nigeria are making efforts to meet the needs of the indigenes in the region. In April 2008, Cameroon’s Social Affairs Minister, Catherine BakangMbock, visited the Bakassi region, which falls into the Ndian Division of the South West Province, distributing toys, radios, hearing aids and food, among other items, to the inhabitants (Mbonwoh 2008). Nigeria has established a National Boundary Commission that has as one of its charges conducting an ethnographic study of the communities of Akpabuyo, Akamkpa and Odukpani. A sub-committee of the boundary commission also undertook a number of activities with the purpose of providing the Commission with adequate information on the current situation of the displaced persons; the experiences of the host local government areas who bear the brunt of mass returnees; the present experiences of the displaced returnees in their host communities as well as the nature of the maritime border communities which among other things serve as the gateway to the hinterlands. (Eno-Abasi, 2008)

Interestingly enough, the oil considerations are becoming ever clearer. Swiss oil company ADDAX Petroleum Corporation has signed a production-sharing contract with the Government of Cameroon to explore the Iroko area of the Rio del Rey basin on the Cameroon–Nigeria border. Lukong (2008) And the Douala/Kribi-Campo Basin will soon be the object of exploration of the Glencore/AFEX Consortium in accordance with a production sharing agreement signed by the Cameroon government and the consortium Lukong(2008). Thus much of the Cameroon coastline will be under exploration in the very near future. The implications of all of these events are particularly clear. The agreement on Bakassi is only one in four agreements that were signed over a year between Cameroon and Nigeria to clearly delineate the 2,300 km boundary that stretches from Lake Chad in the north to the
Atlantic coast (IRIN, 2007). These agreements were definitely indicators of the success of the diplomatic process that produced them. However, a well-concluded Agreement between states does not necessarily mean that the rights of communities are safeguarded.

Some authors dispute these numbers, however, and argue that the plebiscite in Northern Cameroons was manipulated, ceding a predominantly Muslim area of Cameroon to a predominantly Muslim region of Nigeria. Common wisdom holds that the two heads of state at the time Ahmadu Ahidjo and General Gowon were both Muslim and thus were able to negotiate what was in essence a political transaction.

Considering the ethnicity of the population of Bakassi, it is absolutely clear that the inhabitants of Bakassi would prefer to remain under the Nigeria rule. Approximately 90% of the population of Bakassi are of Nigerian descent which therefore supports the fact that before the British even set foot on Nigeria or before its colonisation, Bakassi belonged to Old Calabar. The people of Efik who are Nigerian decent inhabited the area for many centuries. In this light, the Nigerians became so adamant especially in the eastern states not to cede the territory to Cameroon and to resort to war in case the ICJ role in favour of Cameroon. This therefore confirms the fact why the Nigerians appalled immediately following the judgment passed by the court and why they also acted in retaliation to the ICJ rulings was long conceived before the decisions were out. According to them, how can people who have all through have a different culture, language and background be ceded to another nation whose background is completely different from theirs? (Eboh, 2005)

According to the Cameroonians, on their part, this line of argument cannot be considered valid because the same claims could still be made the other way round. According to the Cameroonians, there are also cultural and historical ties between the peoples of AkwaIbom, Benue and Cross River States in Nigeria and the North West and South West Provinces of Cameroon. The English speaking areas of Cameroon have special ethnic and tribal ties between the inhabitants of the Ndian Division in the South West Province and the peoples of AkwaIbom and Cross River States in Nigeria. (Menjo, 2010) Thus the rejection of the Nigerian claiming that the culture of the people of bakassi where different from that of Cameroon is no clear evident and not strong enough for it prolonged retaliation to settle the dispute.

More importantly, other language and other cultural affiliations like traditional dances and local rites and rituals are noticed between the peoples of south eastern Tabara State of
Nigeria and the peoples of the far North West Province of Cameroon. With regards to this point, one can be tempted to conclude without any fear of contradiction that one of the root causes of conflict in Africa is as a result of arbitrary demarcation of borders by European powers. However, because 90 to 95% of the inhabitants of Bakassi are of Nigerian descent, Nigeria could easily proclaim their legal claim over bakassi to make their point valid not to deny the ICJ rulings on the pretext that both culture and languages where different because it wasn’t enough to hold back the court’s rulings in anyway.(Mbu, 2005)

As has been mentioned earlier, the massive population of the bakassi peninsular was highly made up of the Nigerians descent. Though the Cameroon government have from time to time check on the Bakassi land, this was prior to the referendum in 1972. In 1972 therefore, when the two Cameroons united to form the United Republic of Cameroon, the government of Cameroon now had little time to put on checking and developing the social capacity of the bakassi peninsula. She was now interested in developing its economy. Esambe (2008) The Nigerians government on their part on the contrary who populated the area constructed a few schools, hospitals and improve the Infrastructure. In this light, it became very difficult for the Efik-speaking people who saw themselves as Nigerians to evacuate the land. This is a land where they have been living for over a century thus to suddenly become Cameroonian overnight was not as easy as the ICJ thought.

The big question now recedes on the fact that -What was going to become of all those who earned their livelihood through fishing and agriculture in this area? The end result was no doubt resentment from the Efik people who were of the Nigerian decent to result to conflict because they didn’t want to evacuate bakassi and neither did they wanted to become Cameroonian with different culture altogether.

All the infrastructural facilities that included hospitals, schools, and recreational centres, put in place originally by the Nigerians government were at risk of being forfeited and handed over to the Cameroon government. The end result will be a fruit less effort and loss of income. (Akanmode, 2002)
3.7 ARGUMENTS OVER HISTORY AND LOGIC

Nigeria and Cameroon have disputed the possession of Bakassi for some years, leading to considerable tension between the two countries. In 1981 the two countries went to the brink of war over Bakassi and another area around Lake Chad, at the other end of the two countries' common border. More armed clashes broke out in the early 1990s. In response, Cameroon took the matter to the International Court of Justice on 29 March 1994.

The case was extremely complex, requiring the court to review diplomatic exchanges dating back over 100 years. Nigeria relied largely on Anglo-German correspondence dating from 1885 as well as treaties between the colonial powers and the indigenous rulers in the area, particularly the 1884 Treaty of Protection. Cameroon pointed to the Anglo-German treaty of 1913, which defined spheres of control in the region, as well as two agreements signed in the 1970s between Cameroon and Nigeria. These were the Yaoundé II Declaration of 4 April 1971 and the Maroua Declaration of 1 June 1975, which were devised to outline maritime boundaries between the two countries following their independence. The line was drawn through the Cross River estuary to the west of the peninsula, thereby implying Cameroonian ownership over Bakassi. However, Nigeria never ratified the agreement, while Cameroon regarded it as being in force. With this government hardening its negotiating position, the chances of an early, fair and reasonable settlement of the Bakassi boundary dispute have retarded. The International court of justice (ICJ) has thrown clear hints that no fast-track settlement, for which the mechanism of the special representative was created, is possible. Even the settled principles for boundary demarcation agreed to in 2002 are no longer held sacrosanct. It appears that the negotiations at various levels have yielded very little over the years and are destined to drag on unless we agrees to alter the existing status quo along the still-undefined line of actual control and make further territorial concessions. (Anene, 1970)

During a meeting, between President Paul Biya and Olusegun Obasanjo; on the sidelines of the previous green tree negotiation, the former Nigerian president urged that mutual differences, as surfaced delineation over the issues Bakassi peninsula which Cameroun claims, ought not to be highlighted and that the boundary issue was not yet ripe for solution, but the two countries should concentrate on improving relations in various spheres including economy, trade, culture, science and technology and possibly, military and take those to a new high.
Bakassi, a peninsular extension of the African territory of Calabar into the Atlantic Ocean is currently ruled by Cameroon (to the north) and Nigeria (to the south) following the transfer of sovereignty from neighboring Nigeria as a result of a judgment by the International Court of Justice. On Thursday, the 22 of November 2007, the Senate of the Federal Republic of Nigeria sitting in Abuja rejected the transfer of the Bakassi Peninsula to Cameroon, since The Green Tree Agreement ceding the area to Cameroon was contrary to Section 12(1) of the 1999 Constitution. (Esiemokal, 1994)

Cameroun has never linked the boundary issue with overall strengthening of relations with its biggest neighbor, and hopes that with the boundary dispute out of the way, the relations would make a quantum jump and the two countries could together realize the African century. It has reaffirmed the Cameroun position that Nigeria is its greatest neighbor and his government would do everything possible to further cement the relations. The 56.8 per cent increase in bilateral trade in the first four months of 2007 over the corresponding period of last year and having crossed $11.4 billion is cited as an example of improved relations. But as regards the boundary question everything has been put on hold as the recent rounds of talks at the level of the SRs have been unproductive.

The focus during these talks was on devising an agreed framework for a settlement of the issue on the basis of the political parameters and guiding principles. In a joint statement issued in 2005 it was declared that both sides should in the spirit of mutual respect and mutual understanding make meaningful and mutually acceptable adjustments in their respective positions on the boundary question so as to arrive at a package settlement. The wording of the statement with its reference to the concept of adjustments implied a give and take of territory, invoking the old western-eastern sector swap idea once again. In the intervening time Nigerian and Cameroun leaders both have emphasized that pragmatism is key to an early solution. (Avruch, 1998)

The decision to raise bilateral negotiations to the political level came after dozens of rounds of border talks, joint working group meetings and exerts level discussions achieved no breakthrough. Despite these discussions stretching over a quarter century, little innovative thinking on the boundary question is in evidence. Nigeria has not even agreed to define on maps the Line of Actual Control (LOAC), or the verification of alignments of respective areas on mountain tops, rivers and lake. Even though the two countries are committed to maintaining peace and tranquility along the disputed border, the forces entrusted with this
task still do not know where the LOAC is, which they are supposed to hold and treat as sacrosanct. After having exchange maps of the least disputed Middle Sector of the boundary, a High Court Sitting at Abuja called off the exercise and has refused to continue the work on the un-demarcated Western and Eastern sector of boundary. The completion of the exchange of maps showing each other's presently-held military position was without prejudice to rival territorial claim and a final settlement.

Having broken off the exercise, Nigeria insisted that the laborious work done over the years to define the frontier, or at least the LOAC which each country could hold pending a final settlement, should be abandoned and, instead, the focus should be on finding an overall border settlement. The move appeared to be dilatory tactics intended to disguise breach of earlier commitments. During the Abuja visit of Cameroun authorities in April 2005 it was agreed that the focus of talks should be to apply the six agreed principles to device a basic framework for negotiations. This means that the two sides are nowhere near discussing any package settlement idea.

When the external affair minister met his Cameroun counterpart earlier on the sidelines of the Green Tree Agreement meeting, the latter caused a surprise by telling him that the presence of settled populations in regions under dispute would not affect Nigeria's determination to cede those regions. A statement which contradicts one of the key principles for resolving the boundary dispute agreed to by the special representatives in 2005. Article VII the guiding principles clearly stipulates that in reaching a boundary settlement, the two sides shall safeguard settled populations in border areas. This implies that if settled populations along the border strengthen Cameroun's claim over areas, Nigeria would disregard the commitment made by the SRs in pushing its claim to the area. With even the agreed principles now in doubt, Cameroun obviously does not know where it stands on the boundary question vis a vis Nigeria. Even after the many exercises at various levels, the situation seems to revert to the pre-1942 position. (Price, 2005)

After which Bakassi was found within 1450 by the Efik and was incorporated within the political framework of Calabar Kingdom along with Southern Cameroons. During the European scramble for Africa, Queen Victoria signed a Treaty of Protection with the King and Chiefs of Calabar on 10 September 1884. This enabled the United Kingdom to exercise control over the entire territory of Calabar, including Bakassi. The territory subsequently became de facto part of the republic of Nigeria, although the border was never permanently
delineated. Interestingly, even after Southern Cameroons voted in 1961 to leave Nigeria and became a part of Cameroon, Bakassi remained under Calabar administration in Nigeria until ICJ judgment of 2002.

Nigeria’s non-recognition of the Lake Chad line and its territorial claim over the whole of EtinyinEtimOkonEdet are well known. Nigeria has been dealing with them since the Cameroun invaded and occupied the peninsula in 1950. But what surprises the Cameroun officialdom is the irritating behaviour of the Nigeria officialdom in denying visas to any Cameroun citizens from the peninsula. This comes at a time when there a new warmth in the relations between the people of the two countries and a growing sentiment across the border with Bakassi for restoration of the traditional contact and multi-faceted co-operation in keeping with the improved political relationship between Calabar and Southern Cameroun. The Cameroun has shown extraordinary flexibility by offering to negotiate on a practical and realistic basis, with the political thrust on the final disposition of the unsettled border.

In contrast, Nigeria has hardened its negotiating position on Bakassi Peninsula and by retiring that the entire Cameroun state is Nigerians territory. In making fresh claims on the lawsuit tract in this State, deep inside Cameroun Territory, The Bakassi indigenes were clearly disavowimg the mutual agreed principle that there shall be no exchange of territories along the border with settled population. When the Cameroun Government cancelled the Nigeria visit of the entire batch of IAS officers, the Nigerian Government reacted by saying that until the boundary was settled, mutual differences should not be brought to the front, affecting exchanges between the two countries. Obviously, such caution does not apply to Nigerian officials, such as, the Bakassiindigenes, who declared without any provocation that the whole of Bakassi Peninsula was Nigerian territory, thereby causing an unprovoked controversy which impacted on the Mr. President otherwise successful visit could had made visible the following year. (Omoigui, 2006)

Nature and the creator is not to blame for whatsoever predicament each and every Bakassi people finds himself but if exactly such accusing fingers should be pointed, it is the people who found time to put in pen and paper how to enslave all Bakassi community outside a land of opportunity called Nigeria. This land is fortunately blessed with abundant resources, yet we lack. I see a lot of people crying for marginalization. The North says I am being edged out to the Sahara Desert, no portable water, no health measure, no government
presence and no assistance, the west says I'm being intimidated, denied political contents and shed off from national monument, whereas the south which gave bath to two children; the south with a middle name east and south which took from the parents name south to give duel names south-east and south-south were busy fighting and killing their political future for political autonomy and resource control since the Biafran War, they bemoan the enslave treatment incurred rather than kingly honor just as the goose that lay the golden egg.

To confront this situation, something better than an argument need to be look at. The Nigeria/Cameroun borders and ports are insecure Yes, illegal immigrants hurt some Nigerians. Only the solutions differ. The ultimate solution, as with all people, is to have two clear paths on which to proceed. One which leads to a unanimous agreement and win-win approach and the other that leads to unavoidable free movement within the disputed Bakassi land by both Nigeria and the Cameroun citizens, taking out of the way, hell of incarceration for encroachment activity. (Etim-Bassi, 2002)

We have absolute facts and proof that some international courts and lawyers do not apply the law equally to the poor and minorities like the Bakassi people, thus denying them due process. Regardless of the innocence or guilt of the defendant, they have a right to unbiased and impartial application of the law. The guilty sometimes are freed and the innocent punished due to the fairness or unfairness of the mode of legal system. For the fact that the controversial peninsula is being ceded, the two countries in question failed to make the land habitable. How can the aborigines of Bakassi get protection from responsible governance? No settlement, no solution at sight.

These keepers of the judicial system have corrupted, conspired and destroyed the trust and faith in people's Justice. Bakassi indigenes become dejected in a land-of-no-tag traditionally called Bakassi. No Nigerians responsibility, no Cameroun recognition, no world relevance. Children are being denied family inheritance, thrown out of Bakassi community just to force them into poverty. With the new ruling from the Abuja High Court, the people's sovereignty would get a second look. The ICJ verdict which deprives the poor and poverty stricken Bakassi indigenes of Equal Protection and their Constitutional Rights would get a legal redress.
CHAPTER FOUR
BAKASSI AND THE INTERNATIONAL COURT OF JUSTICE

The United Nations is one of the world’s largest organizations that is currently dealing with conflict resolutions and conflict management in the quest to make the world a better place. Its inception is based on the failure of the League of Nation that was founded in 1918 to provide world peace. In this respect, in 1945, the United Nations was formed to replace the league of nation that has failed to provide world peace. Before going into details in discussing the role played by the United Nations in the conflict, it will be important to look at the United Nations, its organs and how they function so as to better appreciate the role of the International Court of Justice as an organ of the United Nations in the Bakassi conflict.

At its inception in 1945, the United Nations was determined to save the world by providing lasting peace to the zones and areas of conflict and the rest of the succeeding generations from going to war with one another. It also aims principally at reaffirming the faith in the area of human rights basically with respect to the equality between men and women and also to bring forward conditions whereby justice will be respected and international law maintained *inter alia*.

However, one of the main functions or objectives of the United Nations was to bring all the nations of the world together and enable them to work for peace and development. It also bases its function on the principles of human right, justice, and the well-being of all people. The United Nations is made up of six organs and the Secretary General is the chief administrative officer. (Mingst and Karns, 2007)

1. The General Assembly,
2. The Security Council,
3. The Economic and Social Council,
4. The International Court of Justice
5. The Trusteeship Council, and
6. The Secretariat.
In this preamble, the United Nations makes it emphatically clear that it will provide international peace and security. For this to be effective, it will apply collective measures that will prevent and remove all sorts of threats to world peace. This mechanism is envisaged in the Bakassi crisis as the International Court of Justice worked in collaboration with the United Nations with it visiting missions to the disputed area to prevent an outbreak of a fatal conflict. The United Nations in its preamble will also suppress all acts of aggression that are tantamount to world peace through peaceful means. In respect to its principle of justice and international law, she will adjust and settle international disputes which might lead to war. Here, it's without doubt that with international negotiation, the United Nations respected the reasons for which they were created by providing lasting peace in Bakassi while using the International Court of Justice. (Official website of the United Nation accessed 20 Nov.2010)

In Article 1, of the United Nations charter it states that the United Nations aims at developing friendly relations among nations basing it principle in relation to the principle of self-determination. This mechanism was highly used by the United Nations in the Bakassi (Official website of the United Nations). In solving the dispute, the United Nations via the International Court of Justice base it ruling and judgment on the fact that the boundary between Cameroon and Nigeria were fixed by treaties of the colonial period and thus it rulings must uphold the validity of those treaties in order to respect the principle of self determination. This is why the rightful owner of Bakassi was proclaimed Cameroon even though this area from its inception has been inhabited by Nigerians. (Official website of the United Nation, 2010) By rejecting the historical consolidation put forward by the Nigerians, the Court was passing it judgment with respect to the Anglo-German Agreement of 11 March 1913. With regards to this ruling, the sovereignty over Bakassi lies with Cameroon (Fanso, 1986 and Mbuh 2003)

We will not go into details in explaining the functions of all the organs of the United Nations because that will be deviating from the subject matter and the main theme of this thesis. In the subsequently, we would rather look at the ICJ which is one of the main organs of the UN that was directly involved in settling the disputes of Bakassi.
4.1. THE INTERNATIONAL COURT OF JUSTICE (ICJ)

The International Court of Justice (ICJ) is the most principal and judicial organ of the UN and it falls amongst the six principal organs of the United Nations. The international court of Justice is located in New York and it’s the only organ that is based in New York. According to article 1 of the charter of the United Nations, established the International Court of Justice and listed it as the principal judicial organ of the United Nations. In this respect it shall function in accordance with the commission of the present Statute.

How the International Court of Justice works

Being an important organ of the United Nations, one of its main functions is to settle legal disputes between member states and give advisory opinions to the United Nations and its specialized agencies. This role is clearly envisaged in the Bakassi via the functions of the International Court of Justice considering the number of meetings and commission held at Bakassi by the International Court of Justice. (United Nations, Charter, 2010).

The International Court of Justice being the judicial organ of the United Nations as has been mention before functions in accordance with the annexed Statute. In this respect, Article 93 of the Charter states that “all the Members of the United Nations are facto parties to the Statute of the International Court of Justice” Official website, United Nations (2010:34). Thus being a facto to it statute, any decision made by the ICJ should be approved by all the members of the United Nations. This notwithstanding, the General Assembly and the Security Council may at one point request the International Court of Justice to give an advisory opinion on any legal question that they deem necessary

The African continent has been noted to be plague with a series of conflict accounting to over 8million refugees and displaced persons. The effect of this conflict was far reaching as the effort to foster long term stability and prosperity in Africa are undermined. Kofi Annan, the then United Nations Secretary General noted that preventing those conflicts or war is no longer a matter of defending states or protecting allies but a matter of defending humanity itself. For any conflict to be prevented effectively there must be the need for Comprehensive strategies that will integrate security and development. Thus it’s only by integrating security and developments that conflict prevention and peace building can be enhance par excellence. For peace to be built in today's conflicts there must also be the need for a long term commitment that will establish an infrastructure across the levels of the society. This infrastructure in a way will empowers the resources that will be needed for
reconciliation from within that society and the contributions will thus be managed from outside. The United Nation is one of such Organization an international body that has since its inception been involved in conflict resolutions and conflict prevention.

Today, the decision by Cameroon and Nigeria principally with the help and intervention of the United Nations and the ICJ to resolve dispute peacefully through preventive actions is an important example for resolving disputes and a call for other African countries to follow suit. This chapter and the aforementioned points has therefore given some of the description on how the United Nation intervene in Bakassi and provided lasting peace while using the International Court of Justice.

In 1998 the case filed between Cameroon and Nigeria on the Bakassi peninsular was looked into by the International Court of Justice handed to it by the United Nations. In 2002, it also mediated the case of Bakassi and awarded Bakassi to Cameroon. It rulings were not easily accepted by the Nigerians. The Nigerians rejected the court rulings and opted that they were ready to go to war in any case than to leave Bakassi. In reaction to this, The then United Nations Secretary General Kofi Annan prevented full-fledged war between the two states by intervening and resolving the conflict by explaining and justifying the court’s ruling in favor of Cameroon (Asiwaju, 1984)

According to the United Nations and the International Court of Justice, the 2002 ruling was based on the 1913 treaty between Britain and Germany. The ICJ in October 2002 also summarized in a speech by the then President Guillaume that:-

The boundary between the two countries was fixed by treaties of the colonial period and these rulings uphold the validity of those treaties. Acting in accordance, the court out rightly refused the historical consolidation that has been put forward by Nigeria and also refused to take into account the opinion of the Nigerians who claimed to be the owner of the Bakassi. In this light, acting in accordance with the Anglo-German Agreement of 11 March 1913, the Court decided that the sovereignty over Bakassi lies with Cameroon(International Court of Justice, Press Release 2002:26)

By accepting that Cameroon is the rightful owner of Bakassi, the court respected the validity of the Declarations of Yaoundé II and Maroua, pursuant to which the Heads of State of Nigeria and Cameroon had in 1971 and 1975. International Court of Justice, Press Release (2002) However, given the difficulties of resolving border conflict in Africa and the world at large, this case is an indication that diplomacy can prevail. Thus the International Court of Justice’s ruling has some lessons for us and raises important issues.
To begin with, “two competing perspectives of sovereignty are revealed with respect to the Courts rulings one is related to historical aspect which is Nigeria and the other off course which is Cameroon is related to Western aspects”. (Molen, 2006:115) The fact that the ICJ relied sully on the Cameroon’s conventional title indicates without any fear of contradiction that they gave precedence and upper hands to contemporary Western philosophy and the notions of boundaries and sovereignty to the detriment of the historical and consolidation argument that was put forward by Nigeria. (IRIN news.Org, 2006)

As early as 1981, Nigeria and Cameroon had mooted the idea of submitting their maritime boundary disagreements to an international tribunal. However, after diffusing the tensions caused by the May 1981 shooting incident, the idea fizzled out until the next major crisis in 1994. On March 29, 1994, Cameroon filed at the registry of the International Court of Justice (ICJ) an application instituting proceedings against Nigeria. The dispute was described as “relating essentially to the question of sovereignty over the Bakassi peninsula”, coextensive to the rest of the maritime boundary, the delimitation of which has remained a partial one despite many attempts to complete it” ICJ Report, (2002:19) Ahead of the court action, Cameroon signed up to the compulsory appearance clause of the ICJ to which Nigeria had signed on September 3, 1965. In any case, ICJ being an integral part of the United Nations system to which both Nigeria and Cameroon had acceded at independence, the latter could still have proceeded with the application as a member of the United Nation.

Two months after the initial application, Cameroon on June 6, 1994 filed in an additional application for the purpose of extending the subject of the dispute to include the lacustrine area of Lake Chad and its basin. In the additional application Cameroon also requested the Court to examine the entire frontier between the two states from Lake Chad to the Atlantic. This additional application Cameroon explained was designed to be an amendment to the initial one, implying that Cameroon desired the two to be treated as one case file. The ICJ and Nigeria consented to this modification and the stage was set for the proceedings. It was however, to take many months of procedural delays and objections raised by Nigeria before the substantive matters of the dispute could be presented to the Court.

Thus, Cameroon’s action did not come as a surprise. Certainly, there has been no lack of precedence to resolve international conflicts, especially boundary one, involve important legal questions. Such legal questions were no less present in the Nigeria-Cameroon case. To African examples readily come to mind: the Libya-Chad boundary dispute and the Mali-Burkina Faso while the records of tribunals in resolving international disputes may not be
very impressive generally, they have done better when it concerns boundary disputes. (Holsti, 1996)

4.2 PARTIES TO THE CASE

Cameroon (plaintiff), instituted proceedings against the Federal Republic of Nigeria (defendant) in a suit that took eight years (1994-2002) for the International Court of Justice to adjudicate. In the course of the proceedings, the Republic of Equatorial Guinea, on 16 November, 1998, requested and obtained to the Court by the parties. This request was in earnest, a step towards an application for permission to intervene in the case pursuant to Article 62 of the Statute of the ICJ on 30 June, 1999. The Court on 21 October authorized Equatorial Guinea to intervene base on the fact that, the latter has sufficiently established it had interest to be protected in the case and the principal parties raised no objections against this. Although Equatorial Guinea expressly stated in its request that it did “not seek to become a party to the case”ICJ Report (2002:15), it was given the opportunity to state its opinion, not only in writing, but also orally like the principal parties.

4.3 ISSUES AT STAKE AND ARGUEMENTS OF THE PARTIES

As stated, in general, “any dispute, either from the outset or over the life of it, is on close view a tissue of component disputes…”Northedge & Donelan (1971:70) so is the Nigeria-Cameroon dispute. This dispute can be reduced to four fundamental aspects, twirled by composite disagreements, which for convenience, shall be examined in four sections from Lake Chad to the Atlantic Ocean.

1. Lacustrine Border on Lake Chad:

This constitutes the main element re-introduced by Cameroon its initial case file on June 6, 1994. Nigeria and Cameroon disagreed over the location of the boundary in the lake region, which resulted in a territorial contest over certain islands in this area, notable Darak, Katti, KimeChika’a and Naga’a. Underneath this aspect of the dispute was a divergence over the interpretation of delimitation instruments of this undemocratic boundary. These instruments postdate the First World War as the border arrangements were borne out of the war spoils as explained above in the previous chapters. The instruments delimiting this section of the boundary include, the Milner-Simon Declaration of 1919, which was annexed to the mandate agreements for Cameroon, the Thompson-Marchand Declaration of 1929-
1930 and the Henderson-Fleuriau Exchange of Notes of 1931. More fundamentally, the parties disagreed over the very basis on which territory can be claimed by a state or the relative importance of the contending principles on which territory can be claimed.

In its case file, Cameroon contended that the boundary in Lake Chad was definitively established by the Milner-Simon Declaration of 1919 and further clarified by the subsequent delimitation agreements of 1929 – 1930 and 1931, pending a demarcation exercise envisaged by Britain and France, the mandatory’s in this section of the intra – Cameroon international boundary, but it was never carried out. These instruments defined the boundary as a straight line linking the tripoint designated at coordinates 13°05 N and 14°05 E to the mouth of the Ebeji River, situated at coordinates 12°32 17 N and 14°12 E as specified by the Lake Chad Basin Commission (LCBC) panel of experts. According to Cameroon, the coordinates of the tripoint and the Ebeji were determined and stated in the instruments to protect them from hydrological and other changes. Consequently, sovereignty over all territories, including the above named islands, to the east of this line is vested with Cameroon on conventional treaty basis.

As evidence, Cameroon pointed to the fact that the Lake Chad Basin Commission subcommittee created to resolve the fallouts from the Nigeria-Chad clashes in the lake in 1983 had as its assignment, the demarcation of the boundary in this area, which presupposed accepted delimitation. In spite of the loose use of the word ‘delineation’ ascribed to this committee’s assignment, Cameroon contended, “an examination of the mandate given to the commissioners and experts charged with the operation leaves no room for doubt” its role was that of demarcation to the exclusion of delimitation since the subcommittee retained as working documents instruments agreed on at bilateral level between Germany and France, Germany and Britain, and France between 1906 and 9131, including all those Cameroon upheld had defined the boundary. Cameroon further argued that, Nigeria raised no objection to this point of reference, even though Nigerian delegates along the line criticized the demarcation operation of the subcommittee. But after their misgivings were addressed, they ultimately declared themselves stratified. In any case, the misgivings of the Nigerian commissioners were not even based on the delimitation instruments themselves but rather with technicalities dealing with the position and identification of some and not all the beacons on the demarcation line. It was only at the stage of ratification of the final work of the subcommittee that Nigeria rejected the exercise and Cameroon argued that, the rejection in no way impugned the validity of the delimitation instruments used. Cameroon also provided as evidence, certain maps annexed to the boundary agreements, which according to it,
Never been the subject of the slightest representation nor objection from the UK or the Federal Republic of Nigeria and that there exists no map, not even a Nigerian one, showing a boundary as claimed by Nigeria in Lake Chad (ICJ Report, 2002:39).

Nigeria on the other hand disagreed with the existence of a definitive delimitation in the Lake Chad area, as claimed by Cameroon. According to Nigeria, the instruments claimed by Cameroon to be definitive were only transient pending further clarifications, which were never made. To elucidate this fact, Nigeria argued that the Thompson-Marchand Declaration of 1929-1930 did not amount to a final determination of the Anglo-French boundary in regard to Lake Chad but provided for delimitation by a boundary commission, since in a note signed by the Secretary of State, Henderson, the Thompson-Marchand Declaration was referred to as a “preliminary survey” and that “the actual delimitation would be entrusted to the boundary commission envisage for the purpose by Article 1 of the Mandate”. In addition to this fact, Nigeria also regarded the use of ‘approximately’ in relation to the coordinates of the tripoint and the location of the mouth of the Ebeji and the fact that its mouth has shifted with time, to be indicators to the non-definitive status of the delimitation operation. In the absence of such delimitation, the proposed delimitation and demarcation under the auspices of the LCBC, which Nigeria had refused to accept by not ratifying the final report, was not binging on Nigeria. According to Nigeria meanwhile, sovereignty over the above named areas with Nigerian settlements belonged to it as a consequence of historical consolidation of title and the acquiescence of Cameroon. On the sidelines of this dispute is a contention of the relative importance of the competing principles on which territory can be claimed in international law.

The ultimate task of the Court in regard to this phase of the dispute was thus to determine the status of the boundary: whether or not it had been delimited and also to rule on the contending bases on which the parties claimed title over the disputed villages. In doing this, this Court assessed the validity of the supposed instruments defining the borderline on which the parties sharply disagreed as presented above. The ICJ upheld that the Milner-Simon Declaration of 1919, the Thompson-Marchand Declaration as approved and incorporated into the Henderson-Fleurielau Exchange of Notes, established binding agreements on the parties and have the status of international agreements that in progressive detail, delimit the present Nigeria-Cameroon boundary. Each of these documents attempted a delimitation intra-former German Cameroon international boundary between Britain and France, which were annexed to either of the mandate agreements or the trusteeship
agreements over Cameroon. These agreements taken together with the accompanying maps, according to the Court, show that “certainly by 1931, the frontier in the Lake Chad area was indeed delimited and agreed between Great Britain and France” (ICJ Report, 2002:44)

With the status of the instruments clarified, it became clear that certain territories claimed by Nigeria fell to the east of the boundary line delimited by these agreements and as such were on the Cameroon side of the frontier (as shown in the following two maps below). But Nigeria had further grounds on which it claimed ownership of these outlying villages. This was contained in Nigeria’s argument above was based on three separate but related principles, which together or separately, bestowed sovereignty on Nigeria. These principles are historical consolidation, *effectivité* and acquiescence.

The Court ruled that historical consolidation remains a controversial means of claiming territory and such may not take precedence over a conventional title from treaty rights claimed by Cameroon. Thus the Court recalled that it had ruled on a number of occasions on the legal relationship between “*effectivité*” and titles. In the frontier Dispute (Burkina Faso/Republic of Mail), it pointed out that,

> Where the act does not correspond to the law, where the territory which is the subject of the dispute is effectively administered by a State other than the one possessing the legal title, preference is given to the holder of the title(ICJ Report, 1996:75-76)

This decision as the Court pointed out is not novel. It emphasis the superiority of treaty rights emanating from succession or cession in this case, Shaw, (1997) over other modes of acquiring territory a contended by the parties. Nigeria’s claims based on historical consolidation, *effectivité* and acquiescence are elements of what may be considered as prescription or occupation in international law rubric. Meanwhile, prescription according to Shaw;

> Is a mode of establishing title to territory which is not terra nullius and which has been obtained either unlawfully or in circumstances wherein the legality of the acquisition cannot be demonstrated? It is the legitimization of a doubtful title by the passage of time and presumed acquiescence of the former sovereign...” (Shaw, 1997:343-344)

Thus in the wake of protest from the former sovereign, which can take any of several forms including, diplomatic note verbal protests, severing of diplomatic relations, proposition of arbitration or judicial settlement, a territory cannot be claimed on this basis. Nigeria could
not thus, claim any of the disputed territories in the Lake Chad basin and the Bakassi Peninsula given the protest from Cameroon.

2. Land Boundary between Lake Chad and Bakassi Peninsula:

The dispute between the parties in this segment of the border is largely, as the ICJ observed, “Over certain points on the land boundary…and the interpretation or application of particular provisions of the instruments delimiting that boundary” ICJ Report (2002:60). Both sides were generally agreed on the delimitation instruments, which in addition to those relevant in the lake region include the British Order in Council of 2 August, 1946 and the Anglo-German Agreements of 11 March and 12 April 1913. However, Nigeria disagreed with what it called the “Bakassi provision” contained in Articles XVIII to XX of the March 1913 agreement (relating to the status of the Bakassi Peninsula that will be examined more closely below.)

Cameroon in its amended application asked the Court “to specify definitively” the course of the land boundary as fixed by the relevant instruments of delimitation. Nigeria on its part in the preliminary phase of the case on its admissibility argued (albeit unsuccessfully) that there was no dispute over the land border but conceded subsequently to disagreement at specific locations on the land boundary, which, in its view, called for the Court’s consideration. According to Nigeria, this was because either the “delimitation instruments themselves were ‘defective’, or because they had been applied by Cameroon in a way which was ‘manifestly at variance’ with their terms”. ICJ Report, (2002:60) Nigeria therefore, requested Court to “clarify” the delimitation in those areas where there were defects in the instruments and correct the boundary line claimed by Cameroon in areas which the latter has allegedly misinterpreted the clearly spelt out instrument. Cameroon acknowledged there were some ambiguities and uncertainties in the instruments.

Even with this convergence of views, the parties were hardly agreed on what role the Court would play. While Cameroon stressed on the Court confirming the instruments and warning against any attempt to effect a delimitation de novo in such areas as purportedly requested by Nigeria, the latter on its part insisted on the Court to “clarify” the instruments, especially in situations where they seemed not to be accurate or cases where some geographical features like marshes have dried up, or rivers have changed their courses, or a reference is made to an ill-defined tributary meanwhile on the ground, there are sever. The Court on this aspect took a position closer to what Nigeria had pleaded: that in order to specify the course of the boundary in this area definitively, it is bound to examine the
instrument more closely; clarifying where the instruments are inaccurate and ambiguous, and reconciling divergent interpretations where necessary. For this purpose, the Court in collaboration with the parties identified seventeen such areas in doubt for scrutiny.

A content analysis of this phase revealed that of the seventeen identified areas in contention [Limani, the Keraua (Kirawa or Kirawa) River, the Kohom River, the watershed from Ngosi to Humsiki (Roumsiki)/Kemal/Turu (the Mandara Mountains), from Mount Kuli to Bourlia/Maduguva (incorrect watershed line on Moisel’s map), Kotcha (Koja), source of the Tsikakiri River, from Beacon 6 to WamniBudungo; MaioSenche; Jimbare and Sapeo; Noumberou-Banglang;Tipsan; crossing the Maio Yin; the Hambere Range area; from the Hambere Range to the Mburi River (Lip and Yang); Bissaula-Tosso; and the Sama River], the Court adopted almost entirely Nigeria’s position in six of them and partly so in one. On the other hand, Cameroon’s claimed boundary line was accepted five times and partly so in one. On five of them, the Court rejected the claims of both parties and spelt out a new boundary line. These figure however, tend to obscure perhaps the most interesting aspect of the land boundary ruling. In three of the six positions the Court ruled in favor of Nigeria’s claimed boundary line, Cameroon benefited compared to the de facto situation before the judgment. In the neighborhood of Humsiki as well as Jimbare and Sapeo area and Noumbou-Banglang area, the boundary line claimed and show on Nigerian maps, which the Court considered to be accurate appeared to be more favorable to Cameroon than that shown Cameroon’s maps.

One can surmise form this observation that Cameroon gained more than she bargained for in regard to the land boundary. Essentially, it can also be said that the land boundary was not what took Nigeria and Cameroon to court. This came in as an appendage to the main territorial disputes in the lake, Bakassi and maritime regions. Both sides appeared not to have prepared well for this part of the case. One would imagine that if there were adequate preparations, Nigeria under normal circumstances would not produce evidence in court more favorable to Cameroon. Else, they would have reconciled their positions and not for them to allow the Court point out situations where Nigeria’s cartographic evidence and otherwise appeared to favor Cameroon rather. This also brings us face-to-face with some other contradictions or absurdities involved in boundary disputes. Nationalist feelings are exclusivist and seldom give room for objectivity, lest such illogicalities would very easily be identified.
3. The Question of Sovereignty over the Bakassi Peninsular:

The territorial contest over ownership of the Bakassi Peninsular and the adjoining islands constituted the crux of the boundary dispute between Nigeria and Cameroon. It is this and the maritime that were the subject of Cameroon’s litigating at the ICJ in March 11, 1913 Agreement between Britain and Germany. This agreement placed the Bakassi on the Germany side and Nigeria and Cameroon as successor states to these colonial powers are bound by it according to the principle of uti possidetis. Whereas Cameroon rested its claims mainly on colonial treaties, Nigeria claimed the territory based on title held by the kings and chiefs of Old Calabar which Nigeria supposed they retained as at 1913 and beyond until the territory passed to Nigeria at independence in 1960. Great Britain was thus unable to have ceded the territory to Germany as conceded in the March 1913 and treaty, because the former had no title to pass on (nemodat quod non habit). Based on the fact that title over the area did not belong to Britain in 1913, the relevant provisions of the Anglo-German Agreement of March 11, 1913 must be regarded as ineffective given that Britain acted ultra-vires, according to Nigeria. Nigeria further argued that besides the above weakness, the 1913 agreement was defect because the German Parliament, contrary to the General Act of the Conference of Berlin of 26 February, 1885 and contemporaneous German domestic legislation did not approve it. In addition, the agreement was abrogate as a result of Article 289 of the Treaty of Versailles of 28 June, 1919, by which it was provided that pre-war bilateral treaties concluded with Germany had to be revived by notification to Germany by the other party and since Britain did not, the agreement was according abrogated and as such Cameroon could not have succeeded to it.

In response to the above arguments raised by Nigeria, Cameroon’s position is that the German government considered the arrangements of 1913 as simply rectification of boundaries, which did not indeed require parliamentary approval. Cameroon also contended in response to the argument that Britain had no right to cede the Bakassi that the “colonial protectorate” entered into by Britain and the Kings and Chiefs of Old Calabar in the practice of the period was essentially in international law, the same with colonies. Like in the case of colonies, external sovereignty passed to the protecting state and this was manifested through “the acquisition and exercise of the capacity to cede part of the protected territory by international treaty, without any intervention by the population or entity in question” (ICJ Report, 2002:101).
Cameroon also argued, even if the hypothesis that Britain had no right to cede the Bakassi were correct, neither Britain nor Nigeria had before sought to claim that the agreement was invalid on these grounds. Rather, as Cameroon recalled:

….. Until the start of the 1990s Nigeria unambiguously confirmed and accepted the 1913 boundary line in its diplomatic and consular practice, its official geographical and cartographic publications and indeed in its statements and conduct in the political field. (ICJ Report, 2002:101)

This was of course, not shown in the course of the negotiation that led to the Maroua Accord. It was only from the 1990s that Nigeria began making claims to the Peninsular. Also, Cameroon contended that the agreement of March 11, 1913 is indivisible and that it is not possible to sever from it certain parts. Cameroon asserted that treatise accepted as valid must be interpreted as a whole and all the provisions accepted and applied and that, parties to a treaty cannot “pick and choose” which sections to apply unless provided so by the treaty. Cameroon also avowed that having included the Peninsular in the 1961 Plebiscite, the UN had recognized it as part of British Cameroon as was indeed shown on the map annexed to the Report of the Plebiscite Commissioner. The Southern Cameroons that it formed part of, had voted to join Cameroon and Nigeria voted in favor of General Assembly Resolution 1608 (XV) to actualize the Plebiscite result without registering any protest.

The ICJ in its judgment decided that sovereignty over the Bakassi lies with Cameroon. It upheld the sanctity of the Anglo-German Agreement of March 11, 1913, in its entirety. But on accepting the boundary claimed by Cameroon in this area, the Court first ruled on the various counts on which Nigeria thought the agreement of 1913 should be invalidated. It dismissed Nigeria’s claim that the treaty failed to meet up with German internal rules governing such. The ICJ opined that Germany obviously considered that the procedures prescribed by its laws were and Britain (the other party to the treaty) did not raise any objections. Even more importantly, this agreement was officially published in both Germany and Britain. As such, it is irrelevant that the German Parliament did not approve it. The Court could not also reject the 1913 treaty on grounds of the prescription of Article 289 of the Treaty of Versailles of 28 June, 1919, which Nigeria claimed Britain did not meet up with. The Court noted that since 118 and 119 of the Versailles Treaty, Germany officially relinquished title to its overseas territory. So Britain did not need to reactivate the 1913 treaty in line with the provisions of Article 289 of the Versailles Treaty.

The Court also decided contrary to Nigeria’s argument that Britain was not impeded from ceding the area in question by treaty obligations with the Chiefs and Kings of Old
Calabar. Going by the practice of the day, not ever treaty of protection had the same status. Unlike the ease of the protectorates of Morocco (1885), Tunisia and Madagascar (1895) in the treaty relations with France, or the case of Bahrain and Qatar in their treaty relation with Britain, in sub-Saharan Africa such treaties termed “treaties of protection” were entered into with important indigenous rules and not with states. In effect, there were no significant differences between such and ones of annexation. In support of this reasoning the Court recalled that Max Heber, sitting as arbitrator in the Island of Palmas case, explained that such a treaty

Is not an agreement between equals, it is rather a form of internal organization of a colonial territory…. And thus suzerainty over the native states becomes the basis of territorial sovereignty as towards other members of the community of nations. (ICJ Report, 2002:103)

The Court was of the opinion that the choice of a protectorate treaty by Britain was just a question of the preferred manner of rule. Going by the tenets of international law, the legal consequences of the treaties concluded at that time in the Niger Delta have to be inferred as administering the territories comprised in the 1884 Treaty, and not just protecting them. In this regard, Consul Johnston reported in 1888 that “the country between the boundary of Lagos and the Germany Boundary of Cameroons was administered by Her Majesty’s Consular Officer, under various orders in council” (ICJ Report, 2002:103-104).

From the above the Court concludes that, under the law at the time, Britain was in a position in 1913, to determine its boundary with Germany in respect of Nigeria. The ICJ found no evidence of protest by the Kings and Chiefs of Old Calabar against this action. The Court also found that during the Mandate and Trusteeship periods up to independence of Southern Cameroons in 1961, British colonial administrative actions gave no doubt that the area formed part of the mandated and later trust territory. Right to the Plebiscite of 1961, the international community, including the League of Nations and the United Nations, also recognized this. Having vote in favor of UN General Assembly resolution 1608 (XV), which terminated the trusteeship and proved the Plebiscite results, Nigeria too recognized the above fact. Accordingly, the Court found that Nigeria from the wealth of available evidence, accepted it was bound by Articles XVIII to XXII of the Anglo-German agreement of March 11, 1913, as well as Cameroon sovereignty over the Bakassi Peninsular.

Nigeria also laid claim to the Bakassi on other counts, which the World Court had to consider independently of the treaty title above. In this regard, Nigeria emphasized that it had title over the disputed peninsular on the basis of historical consolidations, together with
acquiescence in the period since independence. As evidence, Nigerian alluded to its state activities in the area and population statistics showing a preponderance of Nigerians in the area, not only in terms of their kin ethnic relations with neighboring Cross River and Akwa Ibom states, but also in their possession of Nigerian identification documents. The Court however, reiterated its earlier position stated in connection with the lacustrine border that, the invocation of historical consolidation cannot “vest title to Bakassi in Nigeria, where its ‘occupation’ of the peninsula is adverse to Cameroon’s prior treaty title” and more so, the possession has been for a limited period. The court also decided that, even though there is no reason to doubt the Efik and Effiattoponymy of the settlements, or their relationships with Nigeria acting a titre de souverain, the protest or resistances to this on the part of Cameroon, be it limited, suggests that Cameroon did not acquiesce to allow its treaty rights over Bakassi pass onto Nigeria. As the Court made clear in the frontier dispute (Burkina Faso/Republic of Mali), “where there is a conflict between title and affectivities, preference is given to the former”(ICJ Report, 2002:112) the boundary was upheld to be as established by the Anglo-German Agreement of March 1913 and thus, sovereignty over the Bakassi, lies with Cameroon.
From Left to Right, the then President of Cameroon Paul Biya, Kofi Annan of the United Nation and the then President of Nigeria Obasanjo. An accord of peace and reconciliation in New York-2008

Source: Adopted from (www.uno.org)

4. Maritime Boundary Dispute:

The dispute over the maritime zone between the parties for convenience is considered in two parts. The first part is defined by existing (albeit, disputed) agreements from the three miles delimited by the Anglo-German Agreement of 11 March 1913 to point “G” located at coordinates 8°22’ 19” E longitude and 4° 17’ 00” N latitude defined by post-independence agreements between Nigeria and Cameroon. Unlike the first part, there are no agreements in the second part of this maritime border from point “G” up to the ill-defined tripoint with Equatorial Guinea.

Cameroon’s claims in the maritime region are invariable linked to the fate of the Bakassi Peninsular. It is obviously so because the alternative boundary claimed by Nigeria if adopted would have fundamentally changed the point of “anchorage” of the respective inner sea claimed by the parties. As such the very first issue at stake in the maritime dispute is the
relevance of the Anglo-German Agreement of March 1913 to the boundary, which the Court had ruled to be authentic in its entirety. This decision resolves the issue of the first three miles of the maritime boundary delimited by Articles XXI and XXII of the latter agreement.

The second issue underneath the maritime dispute is the relevance of the Yaounde II Declaration of 4 April, 1971 and the maroua Declaration of 1 June, 1975. Cameroon contended that these postcolonial agreements extended the maritime delimitation with Nigeria from the three-mile limit defined above to Point G. Cameroon went further to argue that the Maroua agreement signed by the presidents of Nigeria and Cameroon expressed the consent of the two states to be bound by that treaty without any reservation or condition attached to it and that this instrument was not construed to be subject to ratification.

Nigeria on its part denied the existence of any delimitation agreements on the maritime border. On the basis of its claim to the Bakassi Peninsula, Nigeria argued that the maritime boundary begins at the mouth of the Rio Del Rey and down the median line into the sea. Nigeria further contended that even if Cameroon’s claims to the Bakassi were upheld, the boundary proposed by Cameroon was still unacceptable on several counts, notable Nigeria’s non-recognition of the Yaounde II and Maroua agreements as binding. The former, according to Nigerian was not a binding agreement but simply a record of a meeting in an ongoing process on the maritime boundary that was subject to further discussion. Nigeria likewise contended that the latter was wanting for lacking ratification by the then Supreme Military Council, in line with the Nigerian constitution in force at the time. Nigeria presumes this to have been known or ought to have been known by Cameroon, as a neighbor to Nigerian. Nigeria claimed to have made its disapproval of these supposed maritime boundary instruments known since 1977 and desired that the entire maritime boundary be delimited de novo. Invoking Article 46, paragraph 2 of the Vienna Convention on the Law of Treaties, Nigeria argued that it could not be bound by the provisions of an agreement which has not been duly submitted for ratification by the competent body in line with its constitutional provisions. According to Nigeria, Cameroon should have known that without ratification, the Maroua Declaration was null and void.

The World Court rejected Nigeria’s arguments on the nullity of the Yaounde II and Maroua declarations. In spite of Nigeria’s initial objection to the Yaounde II agreement the reference made to it in the Maroua Declaration indicated that its terms remained binding on the contracting parties and indeed, the latter agreement was an extension of its provisions. The ICJ further stated that the Maroua Declaration, as well as, the Yaounde II Declaration is binding and established a legal obligation on Nigeria. Nigeria, the Court enjoined, cannot
invoke domestic law to invalidate international agreements freely entered into by the head of state that is a plenipotentiary. Given that in negotiating the treaty, the parties did not indicate that ratification was required, the Declaration immediately came into force upon signature. The Court also observed that in July 1975, the parties inserted a correction in the Maroua Declaration; and the in so acting, they treated the Declaration as valid and applicable, and that Nigeria only raised objections to the agreement in 1977 two years later. Given that the Agreement was duly lodged at the Secretariat of the UN, sufficient publicity was made of it. In these circumstances the Court adjudged that:

The maritime boundary between Cameroon and Nigeria up to and including point G must be considered to have been established on a conventional basis by the Anglo-German Agreement of 11 March 1913, the Yaounde II Declarations of 4 April 1971 and the Maroua Declaration of 1 June 1975, and takes the following course: starting from the straight line joining Bakassi Point and King Point, the line follows the “compromise line” jointly drawn at Yaounde on 4 April 1971. . . and passing through 12 numbered points, whose precise coordinates were determined by . . . the Joint Commission meeting in Lagos in June 1971; from point 12 on that compromise line the course of the boundary follows the line to point G specified in the Maroua Declaration. . . as corrected by the exchanging of letters between the Heads of State of Cameroon and Nigeria of 12 June and 17 July 1975 (ICJ Report, 2002:126)

The second part of the maritime boundary between Nigeria and Cameroon has a significantly different background. Beyond point G, there has never been any delimitation agreement on the boundary. Technically it could well be argued that no dispute exists in a legal sense between the parties agree to this. However, the jurisdiction of the ICJ became an issue in itself, which indeed, Nigeria had raised from the outset of the proceedings. The second peculiarity in this part of the maritime boundary is the intervening interests of non-party third states, namely, Equatorial Guinea and Sao Tome and Principe, which had to be taken into consideration.

Cameroon in its application of 29 March, 1994 called on the Court in order to avoid further incidents between the two counties, to determine the course of the maritime boundary between the two countries, to determine the course of the maritime boundary between the two states beyond the line fixed in 1975. Cameroon asked the court to specify the course of maritime boundary with Nigeria alone without prejudicing the interests of third parties by limiting the delimitation to the outer limits of the maritime zone which international law
places under the respective jurisdiction of the two parties. Alternatively, the Court according to Cameroon could well delineate beyond the boundary exclusive to the parties but such should not be binding on third parties states (Equatorial Guinea and Sao Tome) in the Gulf of Guinea. Cameroon’s thrust was that the geography (concavity) of the Gulf of Guinea placed it in a disadvantaged position which should be taken into consideration when delimiting their Exclusive Economic Zones (EEZ). And in effecting the delineation, equity rather than equidistance should be the objective. In the course of the proceedings, Cameroon submitted a proposed delimitation map of this maritime area that became a serious bone of contention.

Nigeria in the first place objected to the admissibility of Cameroon’s request and urged the Court to reject it because, the delimitation affects areas claimed by third states and secondly, because the requirement of prior negotiations has not been stratified. To the extent that what Cameroon requested for infringes on third states, Nigeria argued that the Court had no jurisdiction at all. In any event, Nigeria contended, Cameroon could not be asking the court to fashion a boundary line that would correct its disadvantaged position which indeed is a natural reality and which to Nigeria an attempt to reform nature is or refashion geography.

The ICJ ruled that it had jurisdiction over the case but also upheld Nigeria’s argument that it cannot delineate the boundary to the extent desired by Cameroon, which goes beyond their exclusive common border to areas that overlap third party interests, while also rejecting Nigeria’s argument to a need for prior negotiation. The ICJ noted that negotiation had indeed taken place, even if no agreement was arrived at and concluded that it would proceed with the maritime boundary delimitation between Nigeria and Cameroon in so far as the rights of Equatorial Guinea and Sao Tome and principle are not affected. In carrying out the delimitation, the Court invoked its jurisprudence over the years with respect to maritime boundary delimitation, which in the present case was to determine, with effect from point G, a single line of delimitation for the coincident zones of jurisdiction within the restricted respect of which the Court is competent to give a ruling. This task court observed in 1984,

Can only be carried out by the application of a criterion, or combination of criteria, which does not give preferential treatment to one of the zones to the detriment of the other, and at the same time is such as to be equally suitable to the division of either of them (ICJ Report, 1984:194)

The applicable criteria and principles are embodied in the so called equitable principles/relevant circumstances method, which the Court noted, is very similar to the equidistance/special circumstances method applicable in delimitation of the territorial sea. This entails first drawing an equidistance line, and then considering whether there are factors
calling for the adjustment of that line in order to achieve an “equitable result”. This is in consonance with the decision of the court when it observed that “it is in accord with precedents to begin with the median line as a provisional line and then to ask whether ‘special circumstances’ require any adjustment or shifting of that line” ICJ Reports, (1993:61). Special circumstances are those which may modify the results produced by an unqualified application of the equidistance principle brought by a fact necessary to be taken into account in the delimitation process.

It was on these bases that the ICJ proceeded to establish the equidistance line between Nigeria and Cameroon, which it had been opportune to define as: “the line every point of which is equidistance from the nearest points on the baselines from which the breadth of the territorial seas of each of the two states is measured” (ICJ Reports, 2001:113)

The Court determined the base points for its construction of the equidistance as West Point and East Point situated at 8° 16’ 14” longitude E and 4° 30’ 06” latitude N, respectively; located on either side of the bay formed by the estuaries of the Akwayafe and Cross River. After establishing the equidistance line, the Court found no reason to adjust it as requested by Cameroon. Cameroon raised issues to be present that made it necessary for the adjustment of the equidistance provisional line to make it equitable.

According to Cameroon, the concavity of the Gulf of Guinea placed it at a disadvantaged position and necessitated the shifting of any equidistance line between the parties to make it equitable. But the World Court found out that this was not evident in the section of the boundary it had jurisdiction to rule on in the case. Rather, the concavity of Cameroon’s coastline was especially obvious in the area from Dibundsha Point opposite Bioko Island (Equatorial Guinea) which was beyond the jurisdiction of the Court as it affected the interest of a third state which was not a party to the proceedings. Cameroon as well requested for an adjustment of the equidistance because according to it, the presence of Bioko Island tended to cave in Cameroon since it was closer to Cameroon’s coast than to that of mainland Equatorial Guinea to which it belongs. The Island, the Court maintained, could not be a circumstance to necessitate such an adjustment because its effects come in with regard to Cameroon’s boundary with Equatorial Guinea and not the exclusive boundary with Nigeria. Lastly, the court dismissed Cameroon’s claims that it’s proportionately longer coastline vis-à-vis Nigeria justified a shifting of the equidistance. The Court was of the opinion that Cameroon’s coastline irrespective of where it is measured is no longer than that of Nigeria and thus cannot be invoked as such. In all, the court found no special circumstance.
Cameroon and Nigeria made submissions and counter-claims requesting the court to impute damages on the other for the state’s misconduct over the years in respect of the disputed territories. Cameroon specifically argued in respect of the limitrophe of Lake Chad and the Bakasssi that by invading and occupying its territory, Nigeria has violated and has continued to violate, its obligations under international law. Consequently, reparations are due to Cameroon “on account of the material and moral injury suffered”. Nigeria on its part contended that the occupation alleged to be an invasion by Cameroon was rather peaceful and had been on since independence. Nigeria again strongly maintained that its deployment of forces was mainly for the purpose of resolving internal problems and partly in response to Cameroon’s systematic encroachment on Nigerian territory. Furthermore, Nigeria argued that even if the Court were to award these areas to Cameroon, its presence there was as a result of a “reasonable mistake” or “honest belief”. As such, Nigeria cannot be held responsible for conduct which, Nigeria had every reason to believe lawful.

The ICJ in its judgment ordered that the parties are under obligation to expeditiously and without conditions withdraw any civil administration, military or police forces from areas which pursuant to the judgment, fell within the sovereignty of the other side. Addressing Cameroon’s specific request for reparation, the Court rejected it stating that.

By the very fact of the present judgment and of the evacuation of the Cameroonian territory occupied by Nigeria, the injury suffered by Cameroon by reason of the occupation . . . will in all events have been sufficiently addressed. It will not therefore seek to ascertain whether and to what extent Nigeria’s responsibility to Cameroon has been engaged as a result of that occupation. (ICJ Report, 2002:145)

The court finally concluded the judgment by stating its inability to rule on the many alleged claims of cross-border incidents by Cameroon and the counter-claims of Nigeria on similar incidents, or their importability to the other party, on grounds that they were not proven.
4.4. REACTIONS OF THE RULING

Nigeria:

Despondency characterized the general reaction to the verdict in Nigeria. Newspaper headlines, editorials and columns for several weeks from October 11, 2002, paid much attention to it and captioned it as a “painful end to a tortuous legal battle” Guardian, (2002:40). As the government dropped a clue it might not accept the judgment, the exceptions became more forthright in denouncing it. A Thisday newspaper headline “Bakassi: ICJ Judgment, western imperialist gang-up” Thisday (2002:40) typified the general tempo of the press. In a review of opinions, the Guardian reported that the judgment evoked spontaneous reaction of rejections in the Bakassi (the area that makes up the kernel of the litigation). The people of the Bakassi are bona fide citizens of Nigeria and will forever, inhabiting our Bakassi, remain Nigerians, said Florence ItaGiwa, a representative of the area in the Nigerian Senate. In the same review, the then president of the Nigeria Bar Association (NBA) Chief Wole Olanipekun expressed surprise that Nigeria lost the Bakassi. In his words, “I never expected Nigeria to lose that case, Bakassi is the juiciest part of Nigerian heritage . . . it is most unfortunate that we lost the case”. Guardian (2002:40) The Punch with a similar tone in an editorial described the judgment as a “Bitter pill to swallow for the government and people of Nigeria”. It further rebuked it as “dubious” and a “product of political expedience rather than of equity and; indifference to the relevant historical facts”. Punch (2002:14) A columnist with Thisday justified rejection of the judgment for its being “unwholesome, demaning, a-historical, anti-people, anti-justice and above all superficial and partial”(Thisday, 2002:8)

After almost a fortnight of silence, the Nigerian Federal Government complemented its initial disjointed reaction, (which held that the ruling left no victor nor vanquished) with a communiqué that exposed the bitterness it orchestrated. At the end of an executive meeting convened to examine the ruling on October 23, 2002, the then Minister of Transport, (OjoMaduekwe) read out its official stance on the judgment largely rejecting the Court’s ruling. Perceivably emboldened by the general disgust with the pronouncement of the ICJ, the government cited grave and extensive errors of judgment and bias on the part of the World Court. According to the statement, “For purely political reasons, the court, headed by a French President, upheld a legal position which is contrary to all known laws and conventions, thus legitimizing and promoting the interest of former colonial powers at our expense” (Heron, 2002:11).
The government reaction was specially fine-tuned to coincide with public opinion and the general mood in the country, but appears to be at odds with previous dispositions of African countries on ICJ rulings, concerning territorial and boundary disagreements. Meanwhile, President Obasanjo also, in an interview, rejected having entered into a pact with his Cameroonian counterpart in the presence of then, United Nations Secretary General, Kofi Annan, to abide by the decision of the ICJ. Thisday (2002) The official release and the interview of Obasanjo taken together, illustrate the anguish in which the government of Nigeria found itself after the ruling.

In spite of this obvious tone of rejection, the statement ruled out war with Cameroon and it urged Nigerians to remain calm while the government forged ahead with the quest for a peaceful solution. But the general atmosphere in the country remained that of dejection, shock and disappointment. Notwithstanding the government’s ruling out of war as a means of reversing the unpleasant situation, military strategists in some quarters, continued to discuss the possibility of war. Comet (2002) The Senate even ordered the executive arm of government to get the armed forces “combat-ready any eventuality”, which it considered as a back-up to the continued diplomatic endeavors. Also, the Senate asked for funds to be allocated for the evacuation of the estimated four million Nigerians in Cameroon in the event of a total war to recover the Bakassi lost in the legal tussle. (Thisday, 2002)

In the wake of the public frustration and general disbelief, the temptation of apportioning blame could not be resisted. Much scorn was poured on the government and its handling of the matter. Not only were there trenchant comments against the composition of Nigeria’s team of jurists who handled the defense, but also, strong words were reserved for Nigeria’s acceptance of a French national, Gilbert Guillaume, as president of the bench, to have presided over the case. Again and often, blame was laid on former president Gowon the “feel-good civil war hero” who is widely alleged to have “irretrievably pawned away” the juiciest potion of Nigeria’s territory. (Daily Champion, 2002)
All these helped to strengthen the feeling and resolve that the World Court decision was unfair, and, the government of Nigeria could rely on public opinion at home to be solidly behind jettisoning the ICJ ruling. But as rightly pointed out, though these reactions were patriotic in intent no doubt, they often missed the point, been ill advised or preceded from ignorance. Such words of caution were hard to come by but were deemed necessary to wade off the government from heading towards another precipice in an attempt to follow the promptings of press opinion. Asobie also expressed similar misgivings when he stated that, “The responses and reactions of some Nigerians, including some of those who represented our country Nigeria on the case, at the Hague, do not reflect a thorough understanding of the issues involved in the case” (Vanguard, 2003:18)

Their thrust is that there are elements of the dispute which if known would inform a more moderate and conciliatory reaction from Nigerians. These include the intricacies of “abstruse international law”, which take precedence over the existential struggles of the people on the Bakassi and associated disputed territories. Also to be sieved and ignored are statements made by populist politicians for narrow and usually ephemeral political gains. The
government being better informed was expected by these ‘moderates’ to be more circumspect. And it did.

It was from this backdrop that amidst the official reaction and the cacophony of popular opinions expressed in the press, the federal government embarked on a more constructive tripartite engagement behind the scene, involving representatives from Nigeria, Cameroon and the UN Secretariat. However, before examining the proceedings of the mixed commission, it would be important to note that its substance rests in the desire of the parties to peacefully implement of October 10, 2002 ICJ ruling. President Obasanjo dropped a clue to this effect in a television interview during which he made it known that, in spite of the defiance shown in the initial reactions to the judgment, Nigeria was disposed and actively engaged in the quest for lasting peace with Cameroon and was prepared to use its implementation (that is, the ICJ judgment) as a roadmap to that effect. In the interview, he also admitted after all, that the ICJ stance in the ruling with respect to the limitrophe of Lake Chad is what other members of the LCBC had ratified which Nigeria rejected. Guardian (2003) And it can also be added that, the very contentious part in relation to the Bakassi is what Gowon had conceded to be Cameroonian in 1975.

Cameroon:

Unlike in Nigeria, the ICJ ruling on October 10, 2002 gave reasons for ecstasy in Cameroon especially among the ruling elite who had much domestic political capital to make out of it. However, the sentiments of the man in the street reflected the deep social and political cleavages that are bedeviling the polity and their knock on effect on the perception of national interest. Immediately after the verdict, the government through the then Minister of Communication, Jacques Fame Ndongo, expressed its readiness to abide by the ruling. According to the statement,

The government of Cameroon reiterates its commitment to respect the term of the aforementioned (ICJ) rating”. It was keen to stress that “the government of Cameroon avails itself that opportunity to renew feelings of friendship and fraternity of its people...to members of the Nigerian community...living in Cameroon(Cameroon Tribune, 2002:2)
The Cameroonian hoisted up their National Flag in the Bakassi peninsular to conclude the verdict of the United Nations that gave the land to Cameroon.

**Source:** Adopted form ([www.uno.org](http://www.uno.org))

This was a quip to allay fears of retribution and provocation against Nigerians in the wake of the judgment which most people agreed was more in favor of Cameroon. The then Speaker of the National Assembly, CavayeYedgeDjibril, also hailed Cameroon’s victory and congratulated the Head of State, Paul Biya, for according to him, promoting the course of peace and the image of Cameroon.

Apart from the above government reaction that was obviously upbeat, the general public expressed diverse feelings. The *Post* from a survey of the reactions noted that elements of the military were particularly happy with the ICJ verdict, citing their institutional sacrifices and even expected an increment in salaries of state workers. Many others remained cynical about the verdict: “we all know where oil money goes in this country, so who so ever got the land is of no importance to me” Post (2003:3)stated a disgruntled teacher in a *vox pop*, typical of underprivileged Cameroonian. CPN Vewessee, a trade unionist, saw the victory to be more useful as window dressing for Cameroon since to him Nigeria was unlikely to abide by the court decision. In his view also, the FCFA 15 billion that was spent in the proceeding cannot be justified by the court victory. The same source meanwhile, states that Nigerians in Cameroon were generally indifferent to the ruling, which is of course, understandable.
Perhaps the guard reaction of most Cameroonianians is attributable to what many held (like most Nigerians) to be the inability of the ICJ to enforce its judgment. Speculations were rife in Cameroon that Nigeria will reject the ruling and fall back on its initial objections that the ICJ was incompetent to adjudicate the matter. As the Heron puts it, “The most likely scenario was that Nigeria will most likely reject the verdict, damn the consequences and use force to maintain its current territorial position in the peninsular” (Heron, 2002:2).

So, when the Nigerian government reacted to the ruling with strong objections, it seemed to many a film whose script had been read. The Nigerian government statement was widely reported in Cameroon papers. The Post (2002) Many therefore, perceived the judgment as the beginning of another phase of the conflict. But the Cameroon government in its daily, Cameroon Tribune, maintained the view that Nigeria would abide by the ruling. The then Minister of External Relations, Francois-Xavier Ngoubeyou insisted that, “reasonable delays were to be expected in executing the ICJ decision but it provided true bases for peace within the sub-region” (Cameroon Tribune, 2002:7)

This confidence of the Cameroon government was inspired, as the minister explained, by the commitment made to the UN Secretary General in the presence of French President, Jacques Chirac, in Paris on September 5, 2002 ahead of the ICJ ruling, by presidents Obasanjo and Biya to abide by the judgment. The confidence was sustained by the subsequent regular meetings of the implementation mixed commission. Cameroon also appeared to have understood the fact that public pronouncements of Nigerian authorities in the immediate aftermath of the ruling were influenced by the Nigerian general elections which were about six months ahead.

On the whole, the ICJ verdict left mixed feelings. In Nigeria it was popularly considered as a travesty of justice, while in Cameroon it was in official circles seen as a vindication of their confidence in the power of the law. The faith in the law reflects a general legalistic disposition in the psyche of those who dominate state power in Cameroon. On the other hand there was a popular feeling in both countries that the ICJ ruling could easily be defied. In Nigeria the press actively encouraged the government to ignore the judgment and fall back on diplomatic suasion or out-right war. In Cameroon it was rather apprehension that the “giant of Africa” had its pride at stake and would not quietly implement the court decision. Without a police system to enforce the court decisions as in domestic law, only the willingness or consent of both sides could be allow for any form of implementation, many believed. Little though was given to the possibility of referral to the Security Council.
The UN mechanism provides for recourse to the Security Council for enforcement of ICJ decisions, given that the latter is one of the six major arms of the UN system. Although some countries have defied the court, such either have powerful friends at the Security Council with a veto to prevent the adoption of any radical decision to enforce crippling sanctions, or even military intervention, or are permanent members themselves. Besides, Nigeria and Cameroon have very fragile economies that can hardly withstand sanctions let alone military intervention. Nor do any of them have such a dogged all as the U.S. for example, is to Israel, that can use the veto to shield it. Meanwhile, African countries have generally respected the decisions of the ICJ over territorial and boundary disputes. For instance, the long drawn dispute between Libya and Chad over the Aouzou Strip was finally resolved following ICJ adjudication on the conflict. Similarly, the ICJ ruling on the dispute between Mali and Burkina Faso was also respected. It is difficult to envision this one being flouted.

4.5. CONSEQUENCES OF THE JUDGMENT

Bilateral Relations:

Although the ICJ ruling initially met with discordant cheers and jeers from the principle parties in the conflict giving the impression that their positions are unchanged, it indeed altered the balance of forces in the dispute. The authoritative nature of the court and its influence on international opinion makes its decision difficult to resist. Besides, clear defiance of the court could lead to referral to the Security Council that can enforce the decisions of the ICJ, as noted above.

The ruling provided an impetus for the resumption of conference diplomacy for a final settlement of the Nigeria-Cameroon boundary conflict. This has been taking place within the ambit of the United Nations Mixed Commission for the Implementation of the ICJ Judgement of October 10, 2002. The commission was agreed upon at a meeting in Geneva on November 15, 2002, sequel to that of September 5, 2002 in Paris convened to prepare for the October 10 ruling. Both meetings were held at the behest of UN Secretary General, who extracted from the two countries a commitment to peacefully resolve the dispute by implementing the ICJ judgment. As contained in his press release after the November 15, 2002 meeting:

The two presidents... asked me to establish a mixed commission of the two sides, to be chaired by my special
Envoy, Ahmedou Ould-Abdalla, to consider ways of following up the ICJ ruling and moving the process forward. (United Nations Mixed Commission, 2004:13)

The communiqué stated the essence of the Mixed Commission as being *inter alia*

...demarcating the land boundary between the two countries . . . make recommendations on additional confidence-building measures such as the holding, on a regular basis, of meetings between local authorities, government officials and Heads of State, developing projects to promote joint economic ventures and cross-border cooperation...(United Nations Mixed Commission, 2004:13)

This commission has been steering the efforts to implement the ICJ ruling. Nigeria-Cameroon relations have significantly improved and would likely continue as the Mixed Commission progresses with the arduous task assigned to it; a task that is not limited to the ICJ ruling but largely on the sustenance of peace between the two through functional integration.

**Wider International Relations:**

The October 10, 2002 ICJ ruling also had implications on international law. In the first place, by upholding the treaty rights of the parties as the basis of its award the Court has reinforced treaties as the primordial source of international law. From the disputed villages established on the bed of the receding Lake Chad, through the hotly contested Bakassi Peninsula, up to Point “G” on the maritime boundary, existing treaties prevailed over other principles of international law such as *effectivite*, historical consolidation and acquiescence, on which bases territories could also be claimed.

*Uti possidetis* is another principle of international law whose eminence was upheld by the ruling, especially in relation to international boundaries in Africa. Although the principle has its underpinning in treaties, it gives boundaries in post-colonial Africa greater stability even against moribund colonial treaties. The Court rejected Nigeria’s claims to the Bakassi based on a colonial treaty between Britain and the kings and chiefs of Old Calabar. This agreement since 1913 had seized to be respected and indeed was not evidently taken into consideration in defining Nigeria’s boundaries at independence. African countries having invoked the sanctity of boundaries, as they existed at independence, can continue to rely on this principle for resolution of territorial disagreements. It is hoped that a leaf would be borrowed form here to settle Ethiopia-Eritrea dispute.
4.6. CRITIQUE OF THE CONDUCT OF THE CASE

Composition of the Defense Teams: The composition of the defense teams of both parties presents a tinge, which, the facts of the case aside could have contributed to the outcome of the legal tussle. Cameroon was represented by a team of fifty-seven among them eleven university professors of international law, nine of whom were still in active service and two emeritus professors. In addition to these, two other university dons were part of the team and a retired advocate and minister as well as the then Cameroon Minister of Justice, Amadou Ali, as agent. Apart from the Minister of Justice, the Cameroon case was in the hands of these university dons led by Professor Maurice Kamto. These fourteen legal authorities and the minister addressed the court at public hearings from 18 February to 21 March, 2002.

On the other hand, Nigeria was represented by a team of forty-eight of which five were university professors in international law. Unlike Cameroon whose case was largely in the hands of the university dons, Nigeria’s case was largely handled by political office holders but for foreign members of the team. Indeed, of the nine members of the team that addressed the court at public hearings from 18 February to 21 March, 2002, four were Nigerians by nationality but none was from the faculty and they appeared to be authorities of domestic than international legal matters. Meanwhile, a leading Nigerian scholar of international law, Professor R.O. Chukwurah was not at the centre of the defense, although a member of the team.

One would surmise that the Cameroon team dominated by renowned students of international law had an edge over that of Nigeria, especially with regard to their grasp of contending theoretical issues underpinning international boundary and territorial matters at the World Court. The Cameroon academics were very instrumental in advising the government to opt for litigation at the ICJ and had surely taken a critical review of the facts of the disputes vis-à-vis international legal norms, before foreign legal jurists and experts were hired. Conceivably, if such authorities were brought in timely by Nigeria, it could well have maintained its qualms about going to court in the first place. Such candid advice could hardly have been expected from the foreign experts whom, with all fairness, can be considered as mercenaries for their main motivation is not nationalism (or call it patriotism) but the heavy financial fees paid to hire their services. Most likely, if their reward were pegged on their being successful, they would have taken a harder look at it all before getting involved. We therefore maintain that with a better team, Nigeria could have been advised to go for an out of court settlement or put up a better fight at The Hague. However no matter
how good that team could have been, it would be fantasy to declare that the results would have been very different in court.

**Financial and other Costs:** The elaborate defense teams assembled by the parties were obviously expensive. Not only were they so many (57 and 48) Cameroon and Nigeria, respectively) in terms of numbers, the composition of the teams leaves much to be desired. There were so many in the teams who definitely had little or nothing to do with the legal battle at The Hague. Include in this category are the many local administrators, bureaucrats, journalist and even lawyers who would have been relevant for a suit in a domestic court over land boundaries and not at the international level. These people had gone to The Hague many times during the eight-year spell of the trial. The travel bills and other logistics, including accommodation, were obviously overwhelming. In addition to these expenses, the sheer cost of hiring the services of such distinguished international academics and jurists cannot be overlooked. Considering that the foreign members of these teams had no national colors to defend, handsome financial returns undoubtedly motivated them.

In another sense, the protracted endeavors of the Lake Chad Basin Commission, involving national experts from member countries Cameroon, Chad, Niger and Nigeria and the hiring of the services of IGN-International of France, was following the court action and judgment, largely an exercise in futility. The creation of the Lake Chad Basin Commission team was prompted in 1983, by the disturbances in the Lake Chad area involving the forces of Nigeria and Chad. The heads of state of these countries meeting in Lagos from July 21 – 23, 1983 set up a sub-committee charged with delays caused by funding difficulties, between 1983 and 1994 the subcommittee, and from 1988 to 1993 the contractors worked hard to accomplish the difficult task assigned to them. At the VII summit of the heads of state in Lagos in 1994, a final report on the work was submitted to the chief executives of these countries for signature following its unanimous acceptance by experts from member states. This report was also accepted by the heads of state pending ratification within a year before it took effect Chad and Niger ratified within the one-year period ahead of the next summit. Cameroon delayed the finally did in 1997. Nigeria has not yet done so. But clearly the ICJ ruling has superseded it, at least, as far as the Nigeria-Cameroon lacustrine boundary is concerned and with this is gone the cost of all what was put into this exercise.

This becomes more regrettable when it is understood that the ICJ decision in the Lake Chad area is similar to the conclusions of the Lake Chad Basin Commission’s experts and contractors, it suggested that the oodles of money and time spent the judicial process could
been better spent. In fact, demarcation which the Lake Chad Basin Commission contractor (IGN-International) had carried out will have to be done anew under the auspices of the United Nations Mixed Commission. In the same vein, the ruling in the Bakassi area up point G on the maritime boundary simply confirmed what the Gowon-Ahidjo teams of experts had done in the 1970s. Nevertheless, the Court extended the maritime boundary beyond point G. But this could also have been bilaterally had the channels of communication not broken down.

In addition to the cost in time and money noted above, equally lost is the spirit of sub-regional and bilateral negotiation to resolve border problems. The resolve at bilateral level to negotiate amicably had earlier been severely tested when the Maroua Declaration was renounced by Nigeria and further negotiation on the rest of the maritime boundary suspended. The recourse to adjudication at the ICJ seriously weakened the faith in bilateral mechanisms for resolving territorial disagreements between Nigeria and Cameroon, and even within the LCBC sub-regional body.

_UtiPossidentis Under-utilized:_ *UtiPossidetis* offered a shorter way of determining the Nigeria-Cameroon boundary in the Bakassi area. If colonial practice were given the position it deserved, the detour of establishing the legality of the Anglo-German agreement of March 11, 1913, would have been avoided. By simply examining British colonial practice and the documentation handed down to the parties at independence in 1960/61, the lengthy wrangles in court could have been averted and the proceedings that took over eight years would have taken a shorter time. This is similar to the position taken by Judge Al-Khasawneh when he stated in his separate opinion that the ICJ appeared to have taken the tortuous position of investigating the rights and wrongs of territorial acquisition and claims by imperial powers in the late 19th and early 20th centuries. Going by the principles of *utipossidetis*, the ultimate question is “Where was the boundary at independence?” Of course, the issues of the treaty of March 1913 could have come in but obviously not as a central one. British colonial practice alone could have convincingly answered this question. No one doubts the centrality of the canon of *utipossidetis* in African (as well as Latin American) boundary matters. This principle was freely, imported into African boundary matters by African leaders in 1963 to forestall the many boundary problems anticipated in the continent by cynics Trouval (1972). It is thus surprising that when the moment came for its use, it was not acclaimed as expected.

Secondly, the argument that Britain acted *ultra vires* in 1913 to cede the Bakassi to Germany seems spurious. In 1884 when the British entered into the much talked-of protection
treaty with the kings and chiefs of Old Calabar, they never did this as a part of Nigeria. The ultimate source of legitimacy for Nigeria, Cameroon and most other African countries as political entities is that they are the embodiments of what the imperialist created. Nigeria has quite often been regarded as the creation of Britain and if this is so, there can be no questions of its being defective if purposively done. If Britain left out the Bakassi from its dream of Nigeria, then so be it. No referendum was conducted at any point in time to know if the peoples that today make up Nigeria would have loved to join. The same is true for Cameroon to a large extent and most other African countries or better still, all Africa countries. (European imperialism also shaped even Ethiopia’s boundaries). There cannot be a question of a section of Nigeria being left out of Nigeria by Britain; meanwhile, the very idea of Nigeria indeed in British. This entity was not molded in one swoop in 1900. Rather its morphology (structure and form) was evolved throughout the colonial period. What is really “Nigeria” is what came out of this kaleidoscope in 1960-61 and not what ought to have been in 1913. As late as 1961, following the plebiscite results in British Northern Cameroons, a significant change was introduced to the picture after the independence of most of present day Nigeria. If the decision to create ‘Nigeria’ is legitimate as a colonial fiat, then that of leaving out a part of Old Calabar is also right ipso facto. Otherwise, Nigeria was in the awkward situation of challenging its very existence or legitimacy. The conduct of Nigeria over the Bakassi seems irredentist though, but lacks the critical cutting edge for irredentism.

If the pre-independence boundary instruments defining Nigeria-Cameroon boundary carry a black spot on them as a result of their imperialist origin, post independence ones are safe from such iniquities. Thus the Yaounde II and Maroua Declaration stand unique in that the parties on their own chose to enter into them. Once entered into, Nigeria could not unilaterally withdraw from these agreements on the bougs basis that he latter was not ratified, meanwhile ratification was not expressly spelt out as a sine qua non for its coming into effect as was the case with the abortive LCBC draft delineation and demarcation agreement, which was signed in Abuja in 1994 but was not ratified by Nigeria as stipulated and only belatedly ratified by Cameroon. Thus, the importance of treaties as the primary basis of claiming territory in international law could still have been upheld, as the Court was keen to do, but with emphasis shifted to the post-independence ones.

By choosing to emphasize the centrality of the March 1913 agreement in defining the boundary in the Bakassi area between the belligerents, the ICJ transcendentally exonerated former president Gowon. Many in Nigeria (even after the ruling) continue to indict him to
have allegedly ceded Bakassi to Cameroon. This position is summarized by a trenchant columnist in the *Guardian* who insisted that

> Gowon’s often bland denials that he did not cede Bakassi will not do. He owes Nigerians and posterity and historic duty to fully and truthfully state his own side of the transaction at Maroua and what the intentions were. (Guardian, 2003:35)

But the ruling forcefully placed the Maroua deal to have been in consonance with Nigeria’s existing treaty obligations inherited at independence. Such sentiments and opinion from pseudo-nationalists do not state the truth, which is that the Yaounde II and Maroua Declarations aside, title over the Bakassi belonged to Cameroon by virtue of the 1913 agreement between Britain and Germany, and confirmed by British colonial practice in the area between 1916 and 1961. The allegations that Gowon ceded Bakassi to Cameroon as compensation for Cameroon’s support to the Federal side in the Nigeria Civil War does not seem to be supported by any historical evidence. Nor is the thesis that Cameroon was in a position of strength in the course of the negotiations preceding the agreement, (as Nigeria had not fully recovered from the civil war) relevant to the declaration. Rather the Declaration was intended to be a confirmation of the colonial instrument on this section of the boundary and an extension or projection within the same spirit of this boundary in line with their national declaration on their limits of the territorial sea, beyond the three-nautical miles delimited by the colonial treaty of March 1913.

In spite of the mixed reactions to the ruling, it has provided an enabling environment for a final settlement of the intractable territorial dispute between Nigeria and Cameroon. However, it is left for both sides to fashion out less contentious policies towards the management of trans-border activities by their nationals and also more humane treatment of nationals living in each other’s territory. The United Nations Mixed Commission has embraced this endeavor and it is too early to judge their attainment.

4.7. **PROBLEMS FACED BY THE INTERNATIONAL COURT OF JUSTICE IN BAKASSI**

One of the biggest problems faced by the ICJ in attempting to settle the dispute over the Bakassi peninsula was because the case had a triangular twist. Not only were the Nigerians claiming ownership of Bakassi. The Ambazonians of Southern Cameroon also came in with a much bigger case. This did not only complicate matters for both Nigeria and Cameroun, but caused the latter to be dealt with a very heavy blow.
If the matter became a triangular twist, according to my opinion, it was because the intrigues of the unification process were made known. It was more likely that in settling the dispute, the ICJ could if not very technical and diplomatic would have ended up ruling on the Ambazonian as a nation. Such a ruling could become the biggest outcome of the Bakassi peninsula dispute, especially because the case was solidly planted in historic treaties. Thus a good examination would have reveal more treachery on the Cameroun side than that of Nigeria so to say (Mbuh, 2003)

However, thou it presented itself as a triangular twist, it was merely to complicate things for the International Court of Justice. This is partly because the position of the Southern Cameroons Restoration Movement and the Ambazonian Republic leaders were made very clear on several occasions and meetings. With respect to Bakassi crisis, they were of the opinion that even though Cameroon was jointly administered with Nigeria in 1919-1958 and made the Bakassi peninsula to be recognized as part of Ambazonian territory, the Federal Republic of Cameroon administer Bakassi as part of it Federal Territory. (Mbuh, 2003)

Acting in response and retaliation to the Public Records of the United Kingdom, Susungi notes that President of Cameroon made things worse and committed a fatal mistake when he tried to forge a unification process where the Ambazonians would be integrated in to the territory of Cameroun. This went a long way to complicate things and made the whole situation vulnerable to conflict. In this respect, it didn’t just only put the unification process in jeopardy but made things complicated for international body who still could not understand why part of Southern Cameroon was claiming protectorate over Bakassi that would have been ruled jointly. Ngang, (2002) According to JeuneAfrique, a widely read newspaper, this led to a situation whereby both Cameroun and Ambazonia would be better off if legally separated by the UN. (JeuneAfrique, 1996)

Whatever the case, thanks to the Unification process that united both Cameroons though Ahidjo of Cameroon failed to prepare a draft constitutional document that was to be signed between him and J.N Foncha during and after the Foumban Conference to confirm the fact that the unification process took place. Thus if one should look at the situation of Bakassi with a critical eye, one can conclude that the United Nations Resolution 1608 was never put in constitutional terms because no constitution was signed by the leaders of the two states.

However, in other to balance the above mention facts, in retaliation to the above mention points, Susungi in his article titled "Cameroon-Nigeria: The Bakassi Peninsula Conflict," brings to light the fanfare that surrounded the handing over of Hong Kong to
China on July 1, 1997. In viewing the problem that we are seeing in Southern Cameroons, Susungi is of the opinion that the Southern Cameroons leaders at that time did not have the constitutional mandate that would have helped them to negotiate issues. He went further to note that, even though Hong Kong is full of some of the brightest Chinese... Britain could not have allowed Hong Kong to itself to conduct such negotiations on its behalf with the Beijing authorities. But in 1961, that is what Britain did in Southern Cameroon (Susungi, 1999).

Thus, the declassified file of London show that London had secret deals with Yaounde. This also partly explains why J.O. Field who was the then commissioner lived in Buea instead of Foumban where negotiations had to take place. It is therefore without contradiction that the situation of Bakassi cannot be blamed only on the Cameroon governments itself but also to some of its colonial masters like Britain. The fact that Britain secretly agreed with Ahidjo that the British would create a vacuum of the territory which will be filled by the troops of President Ahidjo attest and even support the claim that she is also responsible for the upheavals that took place in Bakassi. This partly explains why most of the people who grew up in Southern Cameroons have always lived in a perpetual state of emergency which continue to push them into seeking political asylum in foreign countries. A fatal error of this sort makes one to conclude that Britain did not only betray Southern Cameroons by its actions but also abused the mandate entrusted on her by the international community. (Beti, 1978)

Whatever the case, the agreement reached by Nigeria and Cameroon through United Nations’ mediation regarding the Bakassi Peninsula is a good reflection on the international community perspective that the situation has been resolved. The then United Nations envoy Kieran Prendergast and representatives of Britain, France, Germany and the USA were all witness to the signatories of the then Nigerian Minister of Justice BayoOjo and his Cameroonian counterpart Maurice Kamto who signed the official transfer documents ceding the territory in accordance with the 2002 ruling by the International Court of Justice (IRIN; International Regional Information Network 2010)

With this respect, Nigeria’s decision and maturity with which she abides by the court ruling was a glaring example of the peaceful settlement of disputes and respect for international law. Thus other country with similar situation of conflict should learn from the maturity of the Nigerians and follow suit for the world to be a better and peaceful place to live in void of wars. To say the least, the United Nations did not only succeed to avoid war in Bakassi but meet the reasons for which it was created.
4.8 CRITICISM OF THE INTERNATIONAL COURT OF JUSTICE AND THE GREEN TREE ACCORD

The conflict almost entered into a full scale war after the ruling of the ICJ in favor of Cameroon. The court was criticized by Nigeria and most members of the country’s house of assemble even encouraged the Nigerian government to ignore the court’s decisions and go to war with Cameroon. This created fear and tension among the local population of both countries, most people living around the borders of Cameroon and Nigeria began moving inward into other parts of the countries knowing they will suffer high casualties if war should occur between the two countries. It was the goodwill of the then United Nations secretary general Kofi Annan who late pressurized both countries to respect the decisions of the ICJ. It took the Nigerian government a good number of years to finally accept the court decision and to clear away the fear of future war from the mind of the people. It is difficult for resource conflicts to be solved at international level because an international organization like the international court of justice has no standing force to implement her decisions. There is always a very weak interplay between the court passing the judgment and the binding enforcements. If a court should pass a judgment then there is a need for a standing force to implement the decision of the court. “Most of the implementations of the court depend on the goodwill of the countries concerned”[Baye (2010:17)]. In every normal court decisions, there are always winners and losers but the case with the Bakassi peninsula issue, there were not just losers and winners but there were also the victims. While the Nigerian nation was thinking about what went wrong with the case, and the Cameroonian nation busy celebrating on their victory, the inhabitants of the Bakassi peninsula were busy thinking about their future and what will happen to them after the green tree accord. The judgment of ICJ was not welcome by the Nigerian government and it population. The judgment was considered by most scholars to be ill-fated, godless and unjust as well as humiliating and demoralizing because the inhabitants of the peninsula were not taking into consideration. Most Nigerian scholars wanted the issue to pass through a referendum since there were more than three hundred thousand people living in the peninsula who did wanted to become Cameroonian. The scholars believes the inhabitants of the Bakassi peninsula were suppose to decide on their future by voting on a referendum where to go just as they did with the people of Southern Cameroon in the 1961. In 1961 the United Nations made the people of British Southern Cameroon to decide on their future by joining French Cameroon or the Federal Republic of
Nigeria, so this method should have been the best method for the inhabitants of the Bakassi region to decide on the future.
CHAPTER FIVE
THE FUTURE OF THE BAKASSI PENINSULA AND NIGERIA CAMEROON RELATIONS

5.1. FINDINGS

Boundaries remain a critical source of discord among many nations in the international system today. The possibility of border disagreements escalating into war also continues to be real. Confronted by this reality in the world, scholars and experts have developed many methods for the resolution of conflicting border claims in the international community. Many of these depend on a host of factors (including, the historical background of the state involved, their general level of economic attainment, the nature of the borders themselves, the specific socio-economic-cum-political issues along disputed borders, as well as their domestic political and economic structures), for their success in deflecting border crisis. Most of these elements underlie the Nigeria-Cameroon dispute as the subject of our investigation.

The findings demonstrate the connection between European imperialism in West Africa and the problematique of contentious boundaries in the area. Especially exposed are the intrigues of the great European powers at the close of the 19th century to obtain lucrative colonies in the Guinea coast of West Africa to satisfy their overbearing calculation for economic gain in Africa. We have shown that while colonial boundaries were sometimes holy negotiated with passionate arguments against partition of existing political and social formations, arguments for the preservation of such African social and political groupings were mainly invoked where the advocate stood to benefit. Some suspicious or dubious efforts were thus made to determine boundaries in the colonies to avoid dividing African people. This was not accomplished in many instances, not just because of the weak motivation to do so, but also because of the sheer difficulties of attaining neat delineation in area where there was great ethnic mix, like most of the Nigeria-Cameroon boundary zone.

European scramble for, and subsequent partition of, Africa left behind a legacy of artificially superimposed boundaries, separating members of ethnic and linguistic groups from their kith and kin. In fact, it is not uncommon to see a boundary line running through and ethnic group or community. Although the African Union has been advocating for the retention of the colonial boundaries as bequeathed by the imperial powers, there have been irredentist claims and counter-clams by communities whose traditional boundaries were
violated by the imposed European Frontiers Thomas (1969). These groups have accordingly been attempting to alter the colonial boundaries to support their claims. Their false claims have been aided by two factors. In the first place, some cartographers and surveyors, violating professional ethics, have been re-drawing boundaries either because they have been asked by potentates to do so or because they are indolent to enter thick bush or forests, rivers or seas in order to trace out former colonial beacons as shown in old maps. (National Concord, 1989)

Secondly, some unscrupulous people have been removing the beacons and markers used by the colonial powers for identifying the boundaries. Africa thus has many disputed boundaries which have proved to be a rich source of disputes, crises and armed clashes between neighboring nations. The Nigerian-Cameroon boundary falls within this category.

We have also demonstrated that while efforts were made to clearly delineate colonial boundaries such were not to avert future friction between emergent Africa states, but rather, to serve the purposes of colonialists. Also, the fact that the colonial intervention was less felt at the boundaries meant locals were largely allowed undisturbed to continue their pre-colonial activities across the borders. But successor states to the colonial territories for sabotage and other reasons, desire more rigid and clearly defined and respected borders, which invariably run counter to the basic existential pursuits of the people. Here and there doubts existed but we have shown that the area of grey have only provided remote and background motivation for conflicts between successor states to these boundaries. We have argued that while this background might have provided the “structure of risks and opportunities: for conflict behavior, the treaty arrangements between the imperial powers, especially in the case of Britain and Germany (1884-1914) provided sufficient guidelines for amicable resolution of boundary any disagreement if other vested interest do no blur the vision of the leadership of the two African states. Regrettably these vested interests do exist as we have shown in chapter three.

Our findings in this study also support our proposition to the effect that the boundary conflict between Nigeria and Cameroon is inspired and fuelled by concrete issues of economic resources needs rather than strategic (national security) needs. Under chapter three, we have exposed the motivations to the border disputes in our case study. The presence of economic resources in the form of substantial oil deposits and lucrative fishing grounds have made the disputed border area the rallying call for (economic) nationalists in both Nigeria and Cameroon. We have demonstrated that because of these elements, which tend to be beneficial to nationals across the board (big businesses in the petroleum sector and their allies in
government; local potentates with an eye on royalties from oil companies, myopic to the usual environmental degradation when oil is exploited with the notorious impunity we know in the Niger Delta area; petty fishermen as well as big concerns in the fishing industry, one that we have seen to pre-date colonialism; and petty traders who make a living from commerce on the output of the fishermen and those that thrive on provision of supplies to them) have found themselves to be stakeholders in the disputed area. We have also shown that hydrological consideration and pastoral land are also at stake in the border areas although these offer weaker motivation to conflict. These interests that tend to cut across society generated an apparent harmony of interests among the varied and diverse national elements in securing national control of the Bakassi, making it easier for nationalist forces to crystallize. However, it has been known that there is no harmony of interests between those involved in fishing and the oil companies.

The empirical investigations have also amply demonstrated and laid bare the often exaggerated (strategic military) stakes involved in the control of the Bakassi-Penninsul-the holy grail of the boundary dispute-that have been ramped into the minds of many in Nigeria to be spurious. It is hard to understand the security gulf allegedly to be created should Nigeria lose the Bakassi. The importance of this area to Nigeria’s naval command for control of its southern approaches from the Atlantic is more doubtful given that the area does not offer any good harbor. Meanwhile, Nigeria still has a long coastline for naval bases, if it so needed more for its security.

Ironically as we have exposed, the first Nigeria state foothold on the Bakassi was offered during the civil war, when the conservative government of Cameroon under Ahidjo allowed federal forces under Adekunle to patrol the area in order to cut-off supplies to the secessionist Biafran forces. With such support from Cameroon at an obviously critical and dire moment, one wonders the level of security threat presented by Cameroon. For many years as we have shown, dating back to colonial days, many Nigeria (indeed more than Cameroonians) lived happily in the disputed border areas; peacefully subsisting on the natural resources of the area with little or no intervention from state officials from both sides of the neglected border area. There was little concern about maltreatment of Nigerian living in the Bakassi area. However, this situation was transformed when Nigeria laid claims to the area beginning with the subtle efforts of the Murtala Mohammed/Obasanjo military government to revise the Maroua Accord to the overt effort of Generals Babangida and Abacha to annex the Bakassi and Lake Chad area villages militarily. It was following this transformation that Cameroon forces became increasingly more brutal against Nigerians in these areas in an
attempt to stamp the authority of their political masters in Yaoundé. These actions that were not directed at winning hearts and minds boomeranged as Nigerians in these areas increasing appealed to the Nigerian state officials for protection. Consequently, the spiraling human rights violations which were indeed committed by security forces of both sides in the conflict were not the cause of the conflict but in fact, a manifestation. State security concerns are therefore not central to the conflict but in rather used as a pretext to cover other ulterior motives.

The research explained the recurrent elements in the Nigeria-Cameroon boundary disputes for four decades-steady efforts at improving relations by some leaders and conspicuous military adventurism on the part of others. The military regimes of Murtala Mohammed/Obasanjo, Babangida and Abacha espoused revisionism with regard to the Nigeria-Cameroon border. This can be traced to their backgrounds. Basically, the Murtala Mohammed-Obasanjo government had some radical dispositions (like the brief Buhari Junta) to shake-up perceived lethargy after the long rule of Gowon (1966-1975) and had an additional populist tint. These elements required a departure from their predecessor and largely accounted for their reluctance to approve the Maroua Declaration concluded between Gowon and Ahidjo. The less conciliatory stance was meant to satisfy their populist instincts and win them legitimacy.

Obasanjo never offered any objective reasons for clamoring for a revision of the 1975 Accord. Our empirical findings expose the Babangida and Abacha administrations on the other hand, to be unpopular military governments that were facing growing dissatisfaction at home as a result of unpopular economic policies and a bungled democratic transition programme. To close this legitimacy gap, they embarked on a grand strategy to divert attention from the difficult domestic political issues to adventurous military ventures abroad. Liberia proved to be less popular and a new bogey was found in Cameroon. It is therefore this basic domestic element in Nigeria that made the regimes wade into the milky situation of militarily contesting the boundary culminating in sporadic fighting from 1994-1999, which already had a good framework for maintaining harmonious intercourse across the border.

Meanwhile, the more conservative and legitimate governments of Gowon and ShehuShagari appeared more conciliatory. These coincided with the stable leadership of Ahidjo in Cameroon. The successful deflation of the potentially very explosive border incident of May 1981 contrasts sharply with the misguided decisions of Abacha to match troops into the Bakassi in 1993 and Biya’s confrontational response. The finding largely validates our research.
The available evidence and trend points to a lasting solution being found to the boundary dispute and a workable formula put in place for deflating possible sources of disputes. The sporadic fighting and bloodshed of the 1990s have stooped. Both Nigerian and Cameroon have made public pronouncements on their irrevocably committed to implementing the ICJ ruling of October 10, 2002. This ruling largely delimited the boundary between the two countries from Lake Chad to the sea. In addition to this, a United Nations-backed mixed commission made up of officials from Nigeria, Cameroon and the United Nations has been working out ways of implementing the ruling. The commission will also see into the demarcation of the boundary to avoid future doubts. It has been agreed that conspicuous physical symbols be put along the entire boundary to allow for instant recognition by villagers living close to it. This is a proposal that was made as far back as 1965 when the first boundary commissioners of Nigeria and Cameroon met. However, the ultimate solutions to such problems must also be sought in functional cooperation between the two states. The mixed commission is determined to foster this as well.

On the whole, this work shows that contrary to the popularly held narrow view that border conflicts between African countries are largely emanating from errors of the colonial past, imperialist designs of the colonial era provide only partial and largely background explanations. The “leitmotif” for these conflicts lies mainly in nationalistic calculations of economic interests inspired or driven by domestic economic needs and politics, politicians tend to ride in the popular feelings to contest for these economic resources to divert attention from their shortcoming at home. Consequently, their management or miss-management is contingent on the leadership of African countries involved in such conflicts. Greater functional integration on economic matters and sharing of resources offer avenues for mitigating aggressive nationalist tendencies inherent in all nations Mckinnon-Evans, (1989) but, which are especially, very active in new states.

Since the judicial sad news of October 10th, 2002 by way of the International Court of Justice (ICJ) judgment ceding the Bakassi Peninsula to Cameroon, our nation has once again been thrown into judicial mourning after, with respect, the Onshore/Offshore Judgment of 5/4/2002. However, like its municipal counterpart (the onshore/offshore judgment), the Bakassi judgment might as well be incapable of enforcement. Pragmatism, they say, is usually the enemy of principles. There is no problem in delivering judgment or decisions, but rather in their enforcement.

In June 1884, The German government proclaimed a protectorate over the Cameroon region, October 1884: The German government notified other European powers and the
United States of America (USA), in general terms, of the extent of the Peninsula. June 23 and September 10, 1884. The kings and chiefs of Old Calabar signed a treaty placing their territories under the protection of Great Britain. Also in September, other kings and chiefs of the region, including those of Bakassi, signed treaties, acknowledging that their territories were subject to the authority of Old Calabar and were therefore also under British protection. In 1885, The Berlin conference recognized the validity of the British claim to the Bakassi area as the Oil Rivers Protectorate.

In 1893, Bakassi became part of the Niger Coast protectorate. In 1900, Southern Nigeria, still including Bakassi Peninsula, came under the administration of the Colony of Lagos. March 11 and April 12, 1913, Agreements signed redefined the maritime boundary of Akpayofe River, placing the entire Bakassi Peninsula under the German authority. But the kings and chiefs and of the Old Calabar protested to the British parliament that it had no right to sign away their territories. They, however, received the assurance that there was no intention of doing so. Nevertheless, it appeared that the demarcation of the new boundary went ahead.

In November 1913, The Protectorate of Northern and Southern Nigeria were amalgamated into a single Nigeria Protectorate, though Lagos remained a separate colony. By now, however, the status of Bakassi was already in question. The 1913 agreement again came to the fore when the United Nations conducted a plebiscite in the British Trust Territory of Southern Cameroon to allow the local population to decide whether they wanted to form part of independent Nigeria or become part of Francophone Cameroon. The plebiscite included people of Bakassi peninsula, which Nigeria reflecting the 1913 delimitation, now claims to be an irregular procedure.

In May 30 - June 1st, 1975 Gowon and Ahidjo met in Maroua, by which time the Cameroonian authorities had already passed decrees renaming the settlements on Bakassi. The Maroua accord certainly conceded Cameroon sovereignty over to Bakassi and a lot more besides. But, two months later, Gowon had been ousted by the General Murtala Mohammed military junta, who’s Supreme Military Council refused to ratify the agreement. August 1977. Successor to Murtala Mohammed, General Olusegun Obasanjo repeated the repudiation.

On 29th March 1994 after several and persistent violations of our sovereignty and provocation by Cameroon, it lodged an action at the International Court of Justice against Nigeria claiming amongst others, that the Bakassi Peninsula was under Cameroon sovereignty. Specifically, the Cameroonian government requested the International Court of
Justice to determine the course of the maritime frontier between the two States in so far as that frontier had not already been established by the Maroua Declaration.

In its final submissions to the ICJ, Cameroon had asked the court to adjudge and declare: That the land boundary between Cameroon and Nigeria was determined by the Anglo-German Agreement of March 11, 1913. That in consequence, sovereignty over the Bakassi Peninsula is Cameroonian. Nigeria in its final submissions requested the ICJ to adjudge and declare: That sovereignty over the Peninsula is vested in the Federal Republic of Nigeria. That Nigeria's sovereignty over Bakassi extends up to the boundary with Cameroon. (Thisday, 2002)

After nearly eight years of complex and contentious legal proceedings, the International Court of Justice delivered its judgment on 10/10/2002 substantially granting the reliefs claimed by Cameroon, especially sovereignty over the Bakassi Peninsula. In the leading judgment as held by the French President of the Court Justice Guillame and reproduced by Vanguard Newspaper stated thus:

The Court determines the boundary between Cameroon and Nigeria from Lake Chad to the sea. It requests each Party to withdraw all administration and military or police forces present on territories falling under the sovereignty of the other Party. THE HAGUE, 10 October 2002. The International Court of Justice (ICJ), principal judicial organ of the United Nations, has today given Judgment in the case concerning the Land and Maritime Boundary between Cameroon and Nigeria (Vanguard, 2002:5)

In its Judgment, which is final, without appeal and binding on the Parties, the Court determines as follows the course of the boundary, from north to south, between Cameroon and Nigeria: In the Lake Chad area, the Court decides that the boundary is delimited by the Thomson-Marchand Declaration of 1929-1930, as incorporated in the Henderson-Fleurinu Exchange of Notes of 1931 (between Great Britain and France), it finds that the boundary starts in the lake from the Cameroon- Nigeria-Chad tripoint whose co-ordinates it defines) and follows a straight line to the mouth of the River Ebeji as it was in 1931 (whose co-ordinates it also defines) and hence runs in a straight line to between Lake Chad and the Bakassi Peninsula. The Court examines point by point 17 sectors of the land boundary and specifics for each one how the above-mentioned instruments are to be interpreted.

In Bakassi, the Court decides that the boundary is delimited by the Anglo German Agreement of 11 March 1913 and that sovereignty over the Bakassi Peninsula lies with
Cameroon. It decides that in this area the boundary follows the mouth of the River Akpakorum (Akwayofe), dividing the Mangrove Islands near Ikang in the way shown on map TLSGS 2240, as far as a straight line joining Bakassi Point and King Point. As regards the maritime boundary, the Court, having established that it has jurisdiction to address this aspect of the case which Nigeria had disputed fixes the course of the boundary between the two States' maritime areas.

In its Judgment the Court requests Nigeria expeditiously and without condition to withdraw its administration and military or police forces from the area of Lake Chad falling within Cameroon sovereignty and from the Bakassi Peninsula. It also request Cameroon expeditiously and without condition to withdraw any administration or military or police forces which may be present along the land boundary from Lake Chad to the Bakassi Peninsula on territories which pursuant to the judgment fall within the sovereignty of Nigeria. The latter has the same obligation in regard to territories in that area which falls within the sovereignty of Cameroon. The Court takes note of Cameroon's undertaking, given at the hearings, to continue to afford protection to Nigerians living in the Bakassi peninsula and in the Lake Chad area.

Finally, the Court rejects Cameroon's submissions regarding the State responsibility of Nigeria. It likewise rejects Nigeria's counter-claims. The judgment is binding but unenforceable in international law. It must be observed in liming that even though the judgment is binding as augmented by the prior express undertaking of the parties, same appears to be unenforceable in international law. The express undertaking is necessary in international law as Brownie, (1994) submits that:

States do not submit to the jurisdiction of the Court as a result of signing the Statute, and some further expression of consent is required. At best, the judgment of the International Court of Justice is advisory; and at worst, academic. I owe no apologies by playing the devil's advocate on this issue. I am deeply propelled by an unflinching loyalty to my country to make sure that "the labors of our heroes past shall never be in vain (Brownie 1994:720)

The effectiveness of the judgment of the International Court of Justice has formed a vexed issue in international law. The United Nations most difficult headache has been how to enforce the judgment of the International Court of Justice. In point of fact, its predecessor the Permanent International Court of Justice (PCIJ) founded in 1920 performed better in terms of judgment enforcement. However, the International Court of Justice which was created in
1946 after the Second World War has completely failed in judgment enforcement. It is in the real word a lame duck or a toothless bulldog. Accentuating this contention, a doyen of international law, Harris (1998) submits thus:

At the same time it has yet to be established that two other problems with which the Court has been confronted have been resolved in several cases in the 1970s and 1980s, the Court experienced the phenomenon of the non-appearing defendant. Iceland boycotted the proceedings in the Fisheries Jurisdiction cases and in five cases since then the defendant state has not appeared this can as in the Nicaragua case present difficulties in ensuring that the Court has all of the evidence it needs in order to decide a case(Harris,1998:988)

The other problem is part of the more general weakness of effectiveness that international law faces whereas the judgments and orders of the Permanent Court of .International Justice in contentious litigation were all complied with, the record of the International Court of Justice. Since the Second World War has been less satisfactory. The judgments in the Corfu Channel case, the Fisheries Jurisdiction cases, the U.S. Diplomatic and Consular Staff in Tehran case, and the Nicaragua case, were not respected, and nearly all the orders for interim measures have not been followed. The judgment in the Right of Passage case was soon negated by the Indian invasion of God.

In 1986, the U.S. vetoed a draft Security Council resolution calling for full and immediate compliance with the Nicaragua case judgment (Underlining supplied for emphasis) that the International Court of Justice lacks the power of compulsion is embarrassingly buttressed by the fact that it can only assume jurisdiction by consent of the parties. Again, a scion of international law and one of our Lord advocates in this case, Brownie (1994) observed thus:

The Court has jurisdiction in contentious cases between states on the basis of the consent of the parties The Court has often referred to the fact that the jurisdiction of the Court to hear and decide a case on the merits depends on the will of the parties” (Brownie,1994:718)

In his contributions, the quintessential Senior Advocate of Nigeria, Chief AfeBabalola, SAN, who for this purpose, observed thus: “The World Court's decision is only advisory; it is not binding and cannot be enforced. The World Court has no enforcement
powers. It is not like a Nigerian municipal court whose decisions can be enforced by agencies of the state.” (Punch, 2002:12)

Indeed, for Cameroon to enforce this judgment of the International Court of Justice, it must get the approval of the Security Council. Thus, Article 94(2) of the UN Charter provides thus:

If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment (U.N. Report, 2002:19)

J.G. Starke, comments on Article 94(2) thus:

Also, under Article 94 paragraph 2 of the Charter, if any State, party to a case before the International Court of Justice, fails to perform the obligations incumbent upon it under a judgment rendered by the Court the Security Council may upon application by the other State party to the same case make recommendations or decide upon measures to be taken to give effect to the judgment (Starke 1976:27)

This is the legal conundrum awaiting Cameroon if it attempts to enforce the judgment instead of opting for a diplomatic solution. The Security Council might not consider the enforcement of this judgment as a priority in view of the tension of imminent war against Iraq and the urgency to fight terrorism worldwide. Above all, since oil is in issue, Nigeria should be able to divide the Security Council or at worst get one permanent member to veto any Cameroonian application for enforcement. A reward of oil for such a member is sufficient inducement! That was how the United States vetoed the judgment of the International Court of Justice against it in the Nicaragua case (supra). Let us apply lobbying. This is the view of the erudite Dr. Edwin Madunagwu in his interview in the Guardian Newspaper “We must learn to lobby, says Edwin Madunagwu.” The eminent scholar submitted thus:

I would suggest that the Nigerian government should also learn how to lobby. We have a problem because we have been having military rule for so many years. They should learn to lobby. The United States is more powerful than all the other powerful countries combined, including Europe, yet it lobbies. It lobbies small countries; Qatar it will lobby, Afghanistan, it will lobby, Pakistan it will lobby and even tiny countries such as the Vatican, it will lobby. Nigeria should also learn to lobby. You don't just sit down and be playing politics and claiming
money in Abuja. They should learn some diplomacy and diplomacy does not just mean running round from capital to capital but actually working out positions. Having people, intellectuals, think tanks to work out these positions and lobby for these positions. There can still be a political settlement, which can still protect the interests of the people in the Bakassi, protect the interests of the people in Cross River State and protect the integrity of the Nigerian nation through political lobbying (Guardian, 2002:2).

The implication of the judgment means that that portion of Bakassi Peninsula as appended to the map of Nigeria with all its rich natural resources both mineral and agricultural will become that of Cameroon. That portion will be excised from Nigeria. Above all, Nigerians occupying that territory will now owe allegiance to the President of Cameroon as they remain politically bastardized.

In addition, the 1999 Constitution has to be amended to remove Bakassi Local Government from Cross River State as listed in the First Schedule, Part One of the 1999 Constitution. Thus, the Local Government Areas in Cross River State will be reduced from 18 to 17. Above all and more devastating is the one described by the erudite Prof. Bola Akinterinwa, a Senior Research Fellow at the Nigerian Institute of International Affairs (NIIA). In his contribution in the Punch Newspaper of 13/10/2002 at page 19, he stated thus:

Does that mean that federal lawmakers from the area should resign? Of course, because there is no basis, going by the ruling, whom are they representing? When you are in the Senate, you represent a state and in a state, you have three senatorial constituencies. The implication for Cross River State this time around is that they would no longer have three senatorial districts as other states have, but two. These are some of the constitutional implications. (Punch, 2002:19)

On 12 June, 2006 the presidents of Nigeria and Cameroon signed an agreement that settled the border dispute over the oil-rich Bakassi Peninsula. This action followed intensive mediation by United Nations Secretary-General Kofi Annan, who wants to avert a potential crisis flashpoint in already troubled West Africa. The signing ceremony which has brought us together crowns a remarkable experiment in conflict prevention by Cameroon and Nigeria. Mr. Annan said of the agreement which provides for the withdrawal of Nigerian troops within 60 days, with a possible 30 day extension. The agreement was reached at a ceremony.
at the Green tree Estate in Manhasset outside New York City, United States of America and
the agreement was named the Green tree Agreement.

Under the agreement transitional arrangements will be completed in two years for the
Peninsula, which was the last of four areas to be demarcated in accordance with the ICJ
decision. There were also Permanent Representatives of France, Germany, United Kingdom
and the United States of America, who is witnesses and who will help implement the
agreement.

Nigeria began to withdraw its military, comprising some 3000 troops, beginning 1st
August 2006, and a ceremony on 14th August marked the formal handover of the northern
part of the peninsula. The remainder will stay under Nigerian civil authority for two more
years.

The Nigerian Senate ruled on November 22nd, 2007 that the handover of Bakassi
Peninsula to Cameroon is illegal. The government handed the final parts of Bakassi over to
Cameroon on 14th August 2008 as planned, but a court had stated this should be delayed
until all accommodations for resettled Bakassians had been settled; the government did not
seem to plan to heed this court order and did set the necessary mechanisms into motion to
override it. The solemn handing over ceremony was observed by delegates from Nigeria and
Cameroon while the international community and states served as witnesses. The final
transfer of authority took place in Calabar. Fishermen displaced from Bakassi had been
settled in a landlocked area called New Bakassi, which they claim is already inhabited and
not suitable for fishermen like them but only for farmers.

Some 3,000 pillars are being planted to demarcate the border between Cameroon and
Nigeria. The U.N. sponsored project will end in 2007. The representative of the U.N.
Secretary General for West Africa and chairman of the Cameroon-Nigeria Mixed
Commission Said Djinnit are overseeing the project. The placement of the markers is a
significant milestone in achieving lasting peace between Nigeria and Cameroun. According
to Djinnit, it is a border which is meant to bring people together, not to separate them. He
says it gives people an opportunity to work freely within a context of clear borders that will
prevent further disputes so that all the energies, resources of the two countries are channeled
towards addressing the real socioeconomic problems of the people.

The $12 million (U.S.) needed for the pillars come from a U.N. Trust Fund.
Cameroon and Nigeria are each contributing three million U.S. dollars, with Britain and the
European Commission providing the rest. Technical experts are using motorbikes and canoes
and are trekking over mountains and through thick forests to trace the over 2000-km
boundary from Lake Chad to the Gulf of Guinea. They say the undertaking is tedious but are optimistic their work will end next year says the report.

However, Nigerians doing business across the border still complain of harassment and extortion at the hands of Cameroonian gendarmes. In Bakassi, the predominantly Nigerian population says its rights are not being fully protected.

**The Aftermath of the Peace Process**

After the peace process and the return of Bakassi to the Cameroonians, the people of Bakassi peninsula were always complaining of harassment by the Cameroonian gendarmes. Nigerians continue to flee Bakassi every day because of these harassments. Punch Newspaper reported that the camp in EkpriIkang, Cross River State has swelled to 1,500 refugees. A camp initially meant for 400 people (Punch Newspapers, 2009).

Apart from the harassment of the indigenes, various activities have been going on in the Bakassi peninsula like the hijacking of a Nigerian cargo ship. The hijacker’s demanded a ransom of 1.5 dollars before the ship, captain and one of the crew members can be released. Two weeks before that time a group calling itself the African Marine Commando hijacked a Chinese fishing vessel in the area with seven man crew on board (Punch Newspapers, 2010).

The suffering of the Bakassi people is unimaginable and their call to the federal government went unheeded. People of Bakassi then reopened the case against the federal government for compensation to the tune of N456 billion. Punch Newspapers, (2009). It was stated that the federal government did not carter for the people of Bakassi and the Bakassi people also wanted a new local government council. Indigenes of various states like Delta, Imo States that formerly reside in Bakassi are moving back and the various state governments have providing for them, making their life meaningful. People are of the opinion that former President Olusegun Obasanjo that ceded Bakassi to the Camerounians never had the people of Nigeria at heart. People complained of how he signed the Green tree Agreement without getting anything for Nigeria. Allegations were made that he ceded Bakassi to Cameroun and that he would even cede his hometown Owu to the Camerounian because he never had the people of Nigeria at heart. (Punch, 2008)

As at now, Bakassi peninsula is now deserted because people have left fearing for their lives. Nigeria was to hand over the peninsula to Cameroun finally by 2011 according to the Green Tree Agreement, and then the tax drives and other forms of harassment will be fully initiated.
5.2. CONCLUSION

The work shows that contrary to the popularly held narrow view that the border conflicts between African countries are largely emanating from errors of the colonial past, imperialist design of the colonial era provide only partial and largely background justifications. The motifs of these conflicts lie mainly in nationalist calculations of economic interest inspired or driven by domestic dynamics. Consequently their management and mis-management is contingent on the leadership of African leadership involved in such conflicts. Greater functional integration on economic matters and sharing of resources offer avenues for mitigating aggressive nationalist tendencies inherited in all nations but, which are especially, very active in new states.

The genesis of the modern-day Cameroon-Nigeria boundary can be traced to 1885, when in the wake of the Berlin West Africa Conference, a line running from Rio-dey-Rey to Ibi subsequently extended to Yola was fixed. Similarly, in an Anglo-French convention of 1890, the boundary between the two powers was fixed. In 1893, the boundary to separate British from German territorial acquisition was fixed. Similarly, the Franco-German boundary was fixed in 1894. In 1903, German borders were defined and in 1912-13, in 1903, in accordance with the Anglo-German agreement the boundary between Yola and Lake Chad was finally fixed. These arrangements remained effective till the defeat of Germany in the First World War, when German Kamerun was repartitioned between France and Britain, in accordance with the “London Declaration” of July, 10th 1919, Britain’s share was divided into two parts, i.e. Northern and Southern Cameroons, the former administered as part of the Northern Region of Nigeria, the latter as part of the Eastern Region. In 1961, plebiscites were held in the two sections of the British Trust Territory, Northern Cameroons voting to join the Republic of Nigeria, Southern Cameroons opting to join the Republic of Cameroon. Thus, the Nigeria-Cameroon boundary was finally established, the Anglo-French boundary serving as the boundary in the North, the Anglo-German boundary being the boundary in the south.

The Cameroon-Nigeria boundaries, like most of the boundaries in Africa Super-imposed by the colonial powers were primarily interested in acquiring territories which were suitable not only of economic, ethnological and historical ties binding the people. Consequently, they drew a boundary, which cut through kingdoms, ethnic groups, polities, towns and villages, thus separating people from their kith and kin. The kingdom of Adamawa was dismembered. In Borno, the boundary cut off former Mandara district of Disa and Doure, and merged them with Nigeria. There is even the ridiculous case of Banki and Amchide that
were chopped into tow by a footpath which traversed the community and served areas as boundary.

Those who lived in the border areas generally ignored the boundary as they crossed it the border areas generally ignored the boundary as they crossed it whenever they liked and lived their normal pattern of life. They also took advantage of the situation to create administrative problems. In particular, some acquired dual citizenship and conveniently used it to evade payment of taxes. Moreover, the ease with which people took to trans-border migration encourage illegal activities as unscrupulous people took to smuggling, theft, armed banditry, etc, and fled across the boundary to seek refuge among their relatives. There were also occasions, when chiefs and other peoples, accompanied by security personnel crossed the border and harassed people on the other side of the boundary.

The colonial powers were able to handle effectively problems created by the artificial boundary. Crises were promptly resolved by diplomatic means. Moreover, through a system of frequent exchange of visits and consultation, they were able to identify possible areas of dispute and discussed complaints of subjects and solved problems before they got out of hand furthermore, they solved the problem of trans-border migrations by introducing a system whereby those who lived in the border areas were allowed to cross the boundary freely while other immigrants had to satisfy normal immigration formalities.

When the independent countries of Cameroon and Nigeria inherited the boundary, they took over the immigration formalities established by the colonial powers. In due course, the two nations taking due cognizance of their African identity and their membership in the Organization of Africa Unity (now the African Union) liberalized immigration formalities, thus facilitating trans-border movements. There are however, two main areas of dispute on the boundary, namely the Lake Chad area and the area of Bakassi Peninsula. Though Cameroon seems willing to discuss the question of the Lake Chad area, she seems to regard the question of the Bakassi peninsula area as a fiat accompli and thus non-negotiable. Underlying the intensity of the dispute in the Basassi Peninsula area is the availability of crude oil there. Cameroon has installed oil-drilling rights there, and is determined to maintain her hold over the area and has been organizing unprovoked invasions and annexations of Nigerian village in the area. Cameroon’s activities in the Bakassi peninsula area have led to a number of armed clashes, resulting in insecurity, breach of peace as well as considerable loss of lives and properties.

Cameroon’s claim to the Bakassi peninsula area is based on alleged cession of territory by the General Gowon’s regime. There is also apparent attempt to buttress the claim
with physical evidence of possession such as the illegally installed oil-drilling rings, the illegal annexation of Nigerian villages, and cartographic evidence, which supposedly shows that, as far back as 1924, the Bakassi peninsula was part of Cameroonian territory. In making her claims to the area of Bakassi peninsula, Cameroon conveniently ignores the disputable evidence that the people inhabiting the peninsula and the neighboring villages did not participate in the 1961 plebiscite, thus indicating that this area was not a part of British Southern Cameroons which voted to join the Republic of Cameroon. Nor does Cameroon take into consideration the fact that Ikang, by its location, allegiance, name, culture and the identity of its citizens, is Nigerian. Finally, Cameroon refuses to discuss the question of the ownership of Bakassi peninsula and the neighboring villages, and rather takes to unprovoked aggression and illegal collection of taxes, levies, etc in the area.

On Thursday 10th, October 2002 the International Court of Justice, Hague delivered Judgment on the disputed oil-rich Bakassi peninsula and gave ownership to Cameroun over Nigeria. The court decision was based on the Anglo-German agreement of 11th March 1913. The court’s decision was that the boundary follows the mouth of the River Akpakorum, dividing the Mangrove Island near Ikang as far as a straight line joining Bakassi point and King point. In that judgment, the court requested Nigeria to expeditiously and without condition withdraw its administrative and military or police force from the area of Lake Chad falling within the Cameroonian sovereignty and from the Bakassi peninsula. It also requested Cameroon to expeditiously and without condition withdraw any administrative or military or police forces which may be present along the land boundary from Lake Chad to the Bakassi peninsula on territories, which pursuant to the judgment fall within the sovereignty of Nigeria.

What are the implications of this judgment for the Nigeria state? For one, there are fears that losing Bakassi to Cameroon may mean the loss of the entrance to the Calabar port to Cameroon. This is because the entrance to the Calabar port lies in the Calabar channel and going by the terms of the 1913 agreement between Britain and Germany which the World court relied upon as the authority for Cameroon’s claim to Bakassi, the channel belongs to Cameroon. Secondly, the loss of Bakassi has also placed the multi-million naira Export processing zone (EPZ) in serious danger. This is because the Calabar EPZ depends largely on this important segment, it would only mean that the port belongs to Cameroon out rightly or Nigeria will have to pay charge. There is also the danger of losing 100 million barrels of oil deposit and also four trillion cubic feet of gas deposits in the peninsula. This will be a result of the oil companies having to leave the area and relinquish the oil wells to the
Cameroonians, the implication of this is that the huge revenue got from “Bakassi oil” will be lost to Nigeria. A nation striving to improve the lot of its people by adequately utilizing their sources of revenue will surely feel the severe impact of this type of judgment on the entire economy. The social implications of the ruling are that Nigerians, who have lived in Bakassi all their lives, will have to face the sad reality of having to evacuate a region that is part and parcel of them immediately. Most people living in that areas have their businesses located there and so leaving the area will mean detaching them from their source of income. Moreover, all infrastructural facilities, including hospitals, schools, recreational centers, that were originally put in place by the country stands the risk of being forfeited resulting in a fruitless effort and loss of income. Another far-reaching implication of the judgment is the strategic or security implication for the Nigerian state. The victory of Cameroon will make the nation lose its eastern access to the Atlantic. This implies that without Cameroon’s approval, Nigeria’s naval ships cannot move freely to southern Africa and for security reasons this is not too pleasant and not in the interest of the nation.

In the successive phases of the European partitioning of Africa, the lines demarcating spheres of interest were haphazard and precipitately arranged. The European agents and diplomats were primarily interested in grabbing as much African territory as possible, and were not unduly concerned about the consequences of disrupting ethnic groups and undermining the indigenous political order. Similarly to the demarcation lines imposed by the colonial powers, the International Court of Justice did not take into consideration the interests of the Bakassi indigenes when rendering its 2002 judgment. The signing of the Green Tree Agreement clearly demonstrates the ability and willingness of the international community to resolve border disputes in a peaceful and harmonious fashion, but again, did not appreciate the concerns of the indigenes of Bakassi. Nigeria and Cameroon have been commended for the matured manner they handled the Bakassi issue yet the Nigerian government cannot deny the fact that the ruling had some negative effect on the nation.

As it is well known, several boundary disputes have broken out between African states and, so far there is no acceptable criterion which may afford the best guide to a settlement of an Unhappy Legacy of Colonialism. It is therefore hoped that the maturity and high level diplomacy exhibited by these two countries will be emulated by other African States with similar border problems.

This research has suggested possible solution or remedies for disputes on the Nigeria-Cameroon border. It identifies two options, namely the need to retain the status quo i.e. remaining as two independent countries with a common boundary or a change of the status
With respect to the first option, it seems that its viability would depend on the commitment of the two sides to peaceful co-existence and mutual cooperation. This would entail sincere efforts to resolve boundary disputes or to draw a new mutually acceptable boundary, the establishment of a Joint International Boundary Commission, the introduction of Joint Nigeria-Cameroon security patrols on the border and the education of ‘borderers’ to infused into them due respect for the law of the countries on either side of the border. It seems, however, that to achieve this, Cameroon would have to change drastically its attitude-refusal to cooperate, obstinacy and aggressiveness if this option is to succeed. Failing that, Nigeria should make constitutional amendments making it possible for the Presidency to deploy troops abroad without seeking for the approval of the National Assemble, and giving Nigerian security agents in the border areas discretionary powers to react promptly against unreasonable acts by Cameroonians security agents. Clearly, therefore, the first option demands from Cameroon such change of attitude which she might not be capable of and, if Nigeria should react, as expected, in the event of Cameroonian aggression, the outcome would undoubtedly be a full-scale clash of arms. The inability of Cameroon to meet the first option and would suggest a radical change in the attitude of Nigeria and Cameroon and, indeed, all African States, who seem to accept with complacency the balkanization of Africa. It is suggested that Cameroon and Nigeria and, indeed, all Africa States should remove the colonial heritage of boundaries, and form regional political entities, which would eventually blossom into the United State of Africa (USA). But since Nigeria and Cameroon and indeed, all African countries may not be able to remove totally the colonial heritage of European boundaries, the two countries (Nigeria and Cameroon and indeed, all African States should continue to encourage mutual respect for the boundaries and for the laws of each other countries so as to maintain good neighborliness.

I have above investigated whether the presence of natural resource in the Bakassi peninsula has been the main cause of the conflict between Cameroon and Nigeria. From my analyses it is quite clear that natural resources has been the major factor behind the conflicts in the region.

Long before the discovery of oil in the Bakassi peninsula, Cameroonians and Nigerians living in the Bakassi peninsula were living in harmony and peace with little minor ethnic clashes which I believe is normal in every society. The governments of both countries did pay very little attention to the area maybe because it was just a remote area inhabited by poor fisher men who were not seen as important to both governments. But when oil was later discovered in the area both countries and even their colonial masters diverted their attention
to the region thus creating tension, arguments and in some cases death which later led to armed conflict in the peninsula.

Thus if oil would never have been discovered in the peninsula Cameroon and Nigeria would not have cared about the poor, remote and marshy peninsula of Bakassi and its inhabitants.

We argued that the Bakassi conflict between Cameroon and Nigeria, even if the various governments continued to deny this allegation, was not just an ordinary border conflict but a natural resource conflict because of the presence of Oil in the peninsula. Just as Wasson argues, natural resources are fundamental building blocks of any state’s economy and also a vital component of military might. A resource poor nation that cannot obtain these resources through trade with other nations may need to pursue other methods to access these natural resources if they wish to progress economically, improve their military capabilities, and to meet up with the basic needs of their growing populations. Wasson (2007) this is the reason why both countries wanted to gain access to the Bakassi peninsula. Before the late 1980s, no serious claims were levied on the peninsula, it was only after the discovery of mineral resource (oil) in the area that Cameroon and Nigeria started claiming ownership of the peninsula.

There are so many other territories which are legally Cameroonian territories occupied by Nigerians but no conflict has been seen in those areas. For example, I have visited some villages in Cameroon during my NYSC days in Cross River; I discovered that there are no Cameroonian administrators in those Cameroon villages that shear boundary with Nigeria. Most of the villagers use the Nigerian Naira instead of the Cameroon CFA. Most of the education, health services, roads etc are obtained from Nigeria, there are no trafficable roads linking these villages to Cameroon except for foot tracks which will take days to get to Cameroon. Since there are no natural resources in those areas, no physical claim of ownership is heard in that area, no military confrontation between Nigeria and Cameroon is witnessed in those villages because the area is not worth fighting for as compared to Bakassi peninsula which is rich in oil. The former president Gowon of Nigeria won’t have signed any agreement with Cameroon if he knew of the existence of oil in the region. Again, the fact that the ICJ did not propose for a referendum for the people to decide since there were more than three hundred thousand Nigerians living in the peninsula means the court was more concerned about the resources present in the peninsula and not the inhabitants.
Even though it can be asserted that the conflict between Cameroon and Nigeria over the Bakassi Peninsular is a conflict over natural resources, other issues like territorial sovereignty cannot be completely ruled out. For example, with the case of Nigeria, it can be easily summarized that the conflict was a struggle for the control of the abundant natural resources in the peninsular but maybe because of the traditional ties the inhabitants of the Bakassi peninsula have with the Calabar people of Nigeria made the Nigerians to remain sceptical of the whole issue despite the official handling of the peninsular to Cameroon by the International Court. This is also because the nearest Bakassi village (Archibong town) is less than forty minutes’ drive to Calabar while from this Archibong Town to EkondoTiti which is the nearest Cameroun village to the Bakassi peninsula is about fifteen hours journey going through the swamps and jungle. With the case of Cameroon it can be said that it is both a struggle for territorial sovereignty to protect its citizens, as well as a struggle to control the plenty of natural resources discovered in the Bakassi peninsula, such as oil and fisheries. This is because the former president of Cameroon Ahmadou Ahidjo long before the discovery of natural resource in the area was agreeing with President Gowon, the then president of Nigeria on a defined border between the two countries from the Lake Chad Basin to the Bakassi peninsula. To avoid future border incursion, the Cameroonian government should carry out effective occupation in all her borders by providing all the basic needs to her citizens like schools, pipe borne water, roads, health services, telecommunications and other infrastructures.
5.3. RECOMMENDATIONS

It goes without saying that a situation in which two neighboring nations are constantly having boundary disputes and engaging in armed clashes to press their respective claim is undesirable. It is imperative therefore, that Nigeria and Cameroon make serious efforts to bring to an end boundary disputes and attendant military clashes. In this connection, one basic to retain the status quo or not, i.e. whether they wish to remain as two independent Nations with a common boundary or not. If they decide to retain the status quo, then they should take sincere and concrete steps to ensure that peace and tranquility are maintained in the border area. In other words, there should be peaceful co-existence between the two states. To achieve this goal, the two countries need to adopt some measures.

In the first place, Nigeria and Cameroon should take to mutual cooperation. In this exercise, the two countries need to emulate the attitude of the colonial powers, which bequeathed the Nigeria-Cameroon boundary to them. We have already observed two incidents, the Maigari raids of November, 1905 and the Bobbo-IIIagol episode of June, 1930, when potentially explosive disputes were promptly resolved through diplomatic means. Cooperation between France and Britain was intensified as from 1940 when colonial officers exchanged visit and held consultations frequently to resolved uneasiness and tension at the border area. Consequently, in one of their meetings, they agreed to solve the problem of borderers’, who complained of separation from their kinsmen by reverting to the 1920 boundary arrangement. Moreover, according to Barkindo the two sides agreed that “the rigid law at the border” Asiwaju (1984:44) should be relaxed to make it possible for groups, which had been separated to move freely across the border. Attempts were also made by the colonial powers to ensure that people whose farmlands were on the common border were not deprived of them. Henceforth, regular meetings between the colonial officials were usually summoned, to review their cooperation in practice.

If Nigeria and Cameroon should emulate the example of the colonial powers, taking to mutual cooperation and arranging visit and consultations by officials on a regular basis, they would be in a position to give constant attention to matters relating to their common border and to solve problems promptly. In this exercise, boundary disputes could receive prompt attention by referring to the original boundary bequeathed by the colonial powers. If, however, the original boundary lines could not be determined, they could seek the assistance of the formal colonial powers, which, presumably, have records of the authentic boundary. Moreover, the two countries need not adhere strictly to the original boundary. Since it is clear
that the boundary drawn by the colonial powers failed to take into consideration ethnic, historical and linguistic ties of the peoples among other issues, Cameroon and Nigeria could rectify their anomalies by modifying the original boundary. Admittedly, this is not easy but with mutual cooperation and a spirit acceptable boundary, it would be better than the boundary inherited from the colonial powers.

We need to know that Nigeria and Cameroon can hardly be accused of failure to establish channels of communication and co-operation. There is a Joint Cameroon-Nigeria Boundary Commission which was established in 1972, and originally assigned the responsibility of delimiting the maritime border between Nigeria and Cameroon. The commission has been meeting occasionally to discuss boundary disputes between the two countries. The commission however, has proved very ineffective and there can be no doubt that it cannot serve a useful purpose if it should remain as it has hitherto been. Perhaps, the Commission could be rejuvenated by transforming it into a joint International Boundary Commission whose membership should be drawn from the countries bordering Nigeria, via Benin Republic, Niger, Chad, Cameroon, and countries of the Gulf of Guinea, especially, the Equatorial Guinea, Sao-Tome and Principle. This enlarged commission, a sort of sub-regional commission, is likely to encourage serious deliberations, since members whose countries are not directly involved in a dispute, would serve as impartial participants, thus exerting the due pressure on the recalcitrant member state.

Cooperation between Nigeria and Cameroon in an attempt to ensure peace and tranquility in the border areas could extend to joint patrols, of the security agents of the two countries. In this connection, we need to know that quite a number of the border disputes were precipitated by the aggressiveness of Cameroonian security agents especially the gendarmes. Lack of cooperation between the security agents of the countries seems to have resulted in a situation in which the Cameroon Gendarmes seem to think that they are in a state of war with battle lines drawn. By originating joint patrols and given the security agents firms instructions about their roles in the border areas, the two countries will be translating cooperation into practice, tension would ease considerablv and hostility between the two groups of security will be replaced by mutual understanding.

Efforts to promote peaceful co-existence between the two countries should include the education of those who live in the border areas especially, about the implication of the boundary. In this connection, it is interesting to note that, some border communities hardly know the exact limit of the boundaries let alone observe and obey border laws. This is mainly due to the fact that public functionaries do not sufficiently educate the borderers’ on the
actual demarcation of their boundaries, but are only pre-occupied with collecting taxes and levies in these areas. Certainly, if those who live in the border areas respect and obey the laws, both of their own countries and of the country of the other side of the boundary, peaceful co-existence would be enhanced and border clashes would be greatly reduced.

The suggestions made so far are likely to have the desired impact if the two countries are sincerely committed to peaceful co-existence and they cooperate in good faith to solve boundary problems. Such sincere commitment and cooperation have no room, for clandestine schemes to out-manuever the other side and to make unreasonable claims. Where disputes arise, there is the need to consider them objectively, this can be done by putting aside self-interest, recognize the other side’s genuine claims and thereby arriving at a compromise, which would be satisfactory to either side. Cameroon’s attitude in her border disputes with Nigeria shows clearly that she need to do a lot to reach the requisite level of commitment to peaceful co-existence and cooperation. As already indicated in the previous chapters, Cameroon’s attitude has been characterized by obstinacy, unfriendliness and refusal to cooperate. Under such circumstances, Nigeria’s “big brother” attitude and her preference for the diplomatic option are not likely to yield fruitful dividends. If, therefore, the two countries desire to maintain the status quo, i.e. remain as independent countries with a common border, then there is need for Nigeria to take steps to protect her interests and image.

Nigeria’s failure to respond promptly to Cameroon’s aggressions is principally attributed to constitutional restrictions. Basically, the presidency or executive wing cannot deploy soldiers abroad without the approval of the National Assembly (in a civilian regime). Moreover, Nigerian security agents do not have discretionary powers to react promptly whenever Cameroonian security agents act unreasonably, it would serve as a definite deterrent to Cameroon’s aggressiveness.

To retain the status quo, therefore, Nigeria and Cameroon need to show sincere commitment to peaceful cooperation and co-existence and must cooperate in good faith. Failing this, each country should adopt necessary measure to be adequately prepared for military confrontation, when the other side acts unreasonable. It seems clear therefore, that the retention of the status quo is potentially dangerous, since it could ultimately lead to war. Even though it is essentially myopic, and inadvertently designed to boost the ego of petty potentates and retards the progress of the African continent as a whole. The balkanization of Africa in the wake of the ‘scramble for Africa’ which served the interest of the colonial powers to the detriment of Africans has now been seized upon by post-colonial rulers. Thus, the political map of Africa is dotted by petty states, some scarcely noticeable, each ruled by a
potentate, who is pre-occupied with parochial and selfish interests and hardly gives a thought to the welfare of citizens and development of Africa as a whole.

The plight of these petty states stands in sharp contrast to the strength and opulence of large states such as U.S.A., Russia, Germany, China, etc. Recently developments in Europe show that the continent is moving in that direction. Obviously, it is time for the continent of Africa to wake up from its slumber and contemplate seriously the formation of regional political entity in the form of a confederation or a federation. This option seems preferable to the option of retaining the status quo. It thus becomes clear that Nigeria and Cameroon could contribute meaningfully to the welfare of the citizens and the development of Africa in general by removing the colonial heritage of their common border and uniting to become a single nation with such coalescence going on in various parts of Africa before long, there could be a United States of West Africa, a United State of East Africa etc, probably leading to a powerful and opulent United State of Africa. This scenario makes better sense than the present situation in which petty states fight over boundaries super-impose by colonial powers that have withdrawn from the colonial and probably give no more thought to the boundaries.

The Research therefore recommended for Nigeria the following,

(a) **Revision of the Judgment.**

By virtue of Article 61 paragraph 1 of the Statute, a party which is dissatisfied with a judgment of the International Court of Justice may apply for a review of same if it satisfies some conditions. This procedure was highlighted with clarity in the International Court of Justice Year Book 1987-1988 thus: Revision of a judgment

An application for revision of a judgment may be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision, always provided that such party's ignorance was not due to negligence (Statute, Art. 61). A request for revision is made by means of an application (ICJ Year book, 1987-1988:53-54)

Thus, if Nigeria can satisfy these conditions, we can further throw in more obstacles in the enforcement of this judgment as we negotiate a diplomatic solution. Government needs to seek review of judgment. In that commendable contribution, it was advised government to the suit for a stay of execution of the ICJ ruling, pending the determination of the plea for a review of the judgment.
This is a very viable option as we seek a diplomatic solution to the matter. In addition its adjuncts the parties to maintain the status quo until a determination of the application for review which can take another eight years as the case itself.

**(b) Diplomacy.**

Nigeria should retain with all its might the physical occupation of the Bakassi Peninsula whilst exploiting the procedural difficulty of enforcing this judgment by Cameroon. Every obstacle must be put in place to further add to the difficulty of enforcing this judgment. At the same time, super powers like Russia, United Kingdom, and United States as well as our newly found friend China should be conscripted to plead our predicament and interest in the Peninsula with a view of negotiating the judgment. Thus, it was reported that: “The UN reaffirmed that the Organization was ready to assist both countries in the implementation of the Court's decision” (Guardian, 2002:2)

***(c) Self-help as a last Resort.***

According to the proficient Prof. Akanbi: “There is the self help principle in international law and I think we can still go into the area to make sure our people are safe” (Vanguard, 2002:2) This is augmented by Article 51 of the UN Charter which provides thus:

Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security (Vanguard, 2002:2)

This provision is our last card! We must be ready, willing and able to use it. This was well demonstrated by the statement of assurance made by the then Governor, Donald Duke of Cross River State as reported thus, “This is your own fight and you should remain vigilant against possible invasion into Bakassi Peninsula” (Punch, 2002:13). The Constitution in Section 24 lists out the duties of Nigerian citizens to include inter alia: Help to enhance the power, prestige and good name of Nigeria, defend Nigeria and render such national service as may be required. It specifically obliges us to: Respect its ideals. The National Flag, the National Anthem, the National Pledge.
The Federal Republic of Nigeria and its citizens must therefore rise up to the occasion to defend her territorial integrity by any means necessary. Indeed, it is a duty we owe ourselves since us all: Pledge to Nigeria our country, to be faithful, loyal and honest, to serve Nigeria with all our strength, to defend her unity, And to uphold her honor and glory. So help us God!

Accompanying measures by Cameroon, Nigeria and the international community, as well as other socio-economic and political developments emanating from the entire border conflict settlement are needed to enhance the peace dividend. The government of Cameroon needs to carry out important infrastructural developments in the health, education, road, water and telecommunications domains in the Peninsula. This will ease the precarious living conditions of the Bakassi residents and act as incentives for other Cameroonians to accept working there. This will also help to discourage any social movements that may be nurturing the intention to instigate the Bakassi indigenous people to reject the peace dividends that they stand to gain from the implementation of the Green-tree Agreement. (Forbinake 2008)

On the whole and due to their relative advantage in terms of material and human endowments, Nigeria and Cameroon have natural roles to play as vehicles for achievement of sub-regional integration. Both must be determined, especially Nigeria, to facilitate Africa’s development and the realization of the concept of an African Union government for the continent which the Nigerian leadership has espoused. The attainment of the goals of the African Union with regard to the United States of Africa and the options and concepts espoused by the Nigerian political leadership as a driving force Behind the African Union, cannot be achieved in an atmosphere of armed conflict, mistrust and contentious litigation. Multilateralism could be a good forum where such disputes could be effectively handled. The United Nations, African Union, Commonwealth and the African Petroleum Producer Association (APPA) of which both are members could actively be disposed to act as facilitator, should the dispute arise again. However, because both countries have recognized the unproductive character of armed conflict, there is a genuine desire and spirit from both sides of the Bakassi Peninsula that the present status quo should be maintained. However, for the status quo to be maintained, this research argues that:

The Cameroon/Nigeria Mixed Commission should be a permanent structure where concerns and problems arising from the management of the disputed areas should be debated and solutions proffered. Joint control will also encourage increased trades between both countries and with other countries in the region. It will equally set the way for efficient management of the supposed abundant natural and maritime resources in the area. It will also
show and proof that, Africa and Africans have come of age. It may also help end the stereotyping of the continent that, is claimed to be full of people who bicker on nothing and are never ready to negotiate anything independently. Above all, the joint ownership of Bakassi will help to rebuild and consolidate the lost cultural and historic bridges between Cameroon and Nigeria. Joint ownership though most unlikely to occur, given that the decision is irreversible and that Cameroon will not consider it, is therefore one possibility to avoid future confrontation.

5.4. PROJECTIONS

Even after the ICJ ruling we might not have come to the end of disagreements along the Nigeria-Cameroon boundary. In the first place, a major hindrance to Nigeria leaving the disputed Bakassi is the accumulated rhetoric over the years especially during the administrations of Babangida and Abacha. After so much publicity about the mineral wealth and strategic value of territory, Nigeria will find it difficult to withdraw without losing face. Notwithstanding this dilemma, the fact that the country is no longer firmly in military hands gives an opportunity for a break with the covetous policies and militarism of old.

We therefore, believe that Nigeria will likely conform to the decisions of the international court of justice, if its democratic experiment persists. Usually for a country to accept the jurisdiction of a tribunal in a dispute, it consents to the prevailing principles of international law, at least those relating to the case. We do not expect old arguments to be rehearsed at the United Nations Mixed Commission, since in awards, hard nose bargaining ceases when both sides have agreed to adjudication.

Cameroon’s conspicuous neglect of its borderlands will continue to create a vacuum likely to attract its giant neighbor. Cameroon has regrettably failed to learn some basic precepts from empire builders (or better still, nationalists) like Lord Curzon. According to his dictum, “He would be a short-sighted commander who merely manned his ramparts… and did not look beyond” Tinker, (1964:209). To support this maxim, Lord Curzon points to the example of Logju, which was for shown on British maps as belonging to India but no attempt was made to provide a good administrative and social framework for the area until after the Second World War. This area became the first point of thrust by China in 1954 when it began to intensify activities to seek a readjustment of the Himalayan border to conform to what China described as claims of the past (“terra irritenda”) Tinker (1964). This is a characteristic
The fact is there will always be conflicts in the African continent if there is no proper management put in place to manage the profits and revenues from available resources. Even though many scholars believe that most of the resource conflicts in Africa are based on corruptions and lack of democracy, there are far more important issues than corruptions and lack of democracy. For example there will always be conflicts if the distribution and management of the resources does not benefit the local population and especially the resource producing communities. Countries with more accountability and democracy like Nigeria still faces resource conflicts not because of lack of democracy nor lack of accountability but because a portion of the population in the resource producing area don’t feel as if they have any control of the country’s natural resources endowment meaning most often the revenue that the government receives from those natural resources does not have an impact on the population of the oil producing communities in the country. From the above, just as Abiodum argues,

All conflicts in Africa concerning natural resources can be linked to the way natural resource sectors are being governed, he argues that most countries in Africa do not have good structures put in place to manage the existence of natural resources in a way that will avoid the outbreak of conflicts. (Abiodum, 2007:278)

As Abiodum said,

Crucial issues such as ensuring equity and fairness in the allocation of benefits and the opportunities coming from the natural resource extraction, striking an acceptable balance between local claim and national interest, proper definition of the limits of the activities of foreign multinational corporations, institutionalization of credible property rights, and host of other considerations that can ensure harmonious intergroup relations in the management of natural resources are either completely absent in most African countries or merely selectively efficient… (Abiodum, 2007:278-279)

Even the prolongation of resource conflicts in African can also be attributed to management of the resources.

From the above, the questions we should ask here are: Why African countries are still not able to put in place good management structures in the management of these resources to prevent natural resource conflicts? What are the actions taken globally to ensure that resource conflicts are minimized? How can the governments in African countries prevent conflicts
surrounding natural resources? Dealing with the above questions, can lead us to a possible solutions to the issue of natural resources and conflicts. Providing good answers to these questions could lead our governments to initiates good policies which may change the face of resource conflicts not only in Africa but in other parts of the world facing these types of conflicts.

The way the resource conflict between Cameroon and Nigeria over the Bakassi peninsular was handled is a way forward for other countries in African and around the world facing the same type of crisis. If other countries could copy the example of the Bakassi conflict resolution then resource conflicts in African would be reduced. Even though it took so long for the Nigeria government to finally accept the decision of the international court, it final acceptance to acknowledge the decision of the court and the withdrawal of her military forces and administration from the Bakassi peninsular despite its richness in natural resources indicates that resource conflicts in Africa can be solved amicably without bloodshed. It’s a way forward for other countries in Africa.
BIBLIOGRAPHY

BOOKS


**JOURNALS**


**NEWSPAPERS**


INTERNET SOURCES


