

Chapter One

General Presentation

1.1 Introduction

The eruption of most territorial conflicts around the world generally stems from ideological or religious differences, nationalism, colonialism, and competition for natural resources. While some easily degenerate into prolonged conflicts or wars that eventually involve the use of heavy weaponry, others get settled through diplomatic moves, coercion by the international agencies or agreements. With a compromised historical heritage, it is not surprising that post-colonial Cameroon and Nigeria were marred by a number of border disputes but the territorial claim surrounding the Bakassi Peninsula stands unique; not only was it the most serious of all disputes between the two countries, but it ended in the most spectacularly unexpected manner against all odds. The Bakassi crisis took public stage when it became clear that it was very rich in natural gas, petroleum and fishing. It was even more so after the discovery of potential oil reserves in its surroundings. The mounting of tension between the two countries in the 1990s urged the Cameroonian government to adopt a legal approach by filing a law suit to the ICJ against the Nigerian Federation on March 24, 1994 in which Cameroon sought an injunction for the expulsion of Nigerian forces, which was said to be occupying the territory.

Nevertheless, the conflict can be traced back to the colonial era. With the Natives' loss of control over their lands in the Berlin Conference of 1884-85, new boundaries emerged that did not consider ethnic groupings. These borders were sustained through agreements between the colonial powers, followed by the League of Nations and lastly the UN. As time would have it, these arrangements proved to be a time-bomb after WWII and at the dawn to self-determination. In the singular case of the Bakassi peninsula however, the peaceful outcome took a triangular form that involved bilateral negotiations, the show of arms, the international agencies and back to bilateral negotiations. Negotiations facilitated the creation of a favorable environment for dialogue and understanding. The show of arms exposed the risk of more hurtful devastations like tribal squabbles and military aggressions that led to the losses of

human lives¹. On their part, the international agencies showcased the benefits of peaceful coexistence emanating from justice and the respect of international institutions.

While the dynamics surrounding the resolution of the Bakassi crisis would be further elaborated in the chapters that follow, it is primarily necessary to have a prior knowledge of the historical events that are connected to the crisis in order to have an in-depth understanding of the topic under discussion.

1.2 Historical Background

Although the Bakassi conflict between Cameroon and Nigeria caught the eyes of many around the globe only in recent times, its origin predates the independence of both Cameroon and Nigeria. For this reason, this historical background knowledge is necessary in order to not fall prey to contemporary limitations. This historical background knowledge therefore aims to cover all related issues to the crisis prior to the independence of Nigeria in October 1960 and that of Cameroon in January 1960.

What is today known as the Bakassi Peninsular became a part of the British protectorate on September 10, 1884 following the signing of an agreement between the Obong of today's Nigeria and the British. This agreement included the extension of "British protection" to the Obong and their chiefs who promised not to enter into further agreements with other foreign powers without prior permission from the British government. As an outcome of the Berlin conference of 1884-85², Britain and Germany had to define their spheres of influence in Africa and as a result reached several agreements³. On November 15 1893, the two powers defined their boundaries on the continent without neither resistance nor consultation of the Obong⁴. A supplementary agreement defining boundaries was reached on March 19, 1906 to

¹ Olumide, I. "Letter from Attorney General of the Federation to the Ministry of External Affairs." Punch (October. 12, 2002), p.7

² John Idumange, The Bakassi Crisis in an Historical Perspective. Available on <http://www.pointblanknews.com/artopn2377.html> (Consulted on 03-07-2012)

³ Arrangement between Great Britain and Germany, relative to their respective Spheres of Action in portions of Africa (coast of Guinea; Cameroons: Victoria, Ambas Bay: Santa Lucia Bay; Coast between Natal and Delagoa Bay; Customs; and etc.), April-June, 1885. British and Foreign State Papers (BFSP, Vol. 76, 1884-5, pp. 772-778.

⁴ Agreement between Great Britain and Germany, respecting Boundaries in Africa. Signed at Berlin, November 15, 1893. BFSP, Vol. 85, 1892-3, pp. 41-43.

cover British and German territories stretching from Yola to Lake Chad⁵. The result of these territorial arrangements saw the creation of Northern and Southern Nigeria as British colonies and *Kamerun* for Germany with the Bakassi Peninsula subsuming under the territorial confines colonized by Germany. Having established territorial boundaries, the powers saw the need to define clear-cut regulations to cover navigation from Yola to the area between Nigeria and the Cameroons. This was made complete after the signing of two agreements, the first of which was signed in London on March 11 1913 titled “The Settlement of the Frontier between Nigeria and the Cameroons from Yola to the Sea”⁶ and later “The Regulation of navigation on the Cross River”, signed at Obokum on April 12, 1913 by W.V. Nugent and Hans Detzner for Britain and Germany respectively⁷ (Detzner 1913); (Nugent 1914). The need for this sea border settlement was largely triggered by two major reasons: first, the Germans had interest in shrimps and an undertaking that the British would not seek extension eastwards and second, the British needed an uninterrupted and secure sea lane access to Calabar to serve as a key trading post. The *thalweg* became an important measuring rod to determine the maritime border. As a result, the following provisions were included in the 1913 treaty:

“XIX. Should the thalweg of the Lower Akwayafe, upstream from the line Bakasi-Point King-Point, change its position in such a way as to affect the relative positions of the thalweg and the Mangrove Islands, a new adjustment of the boundary shall be made”⁸.

XX. Should the lower course of the Akwayafe so change its mouth as to transfer it to the Rio del Rey, it is agreed that the area now known as the Bakassi Peninsula shall still remain

⁵ Agreement between Great Britain and Germany respecting the Boundary between British and German Territories from Yola to Lake Chad (Nigeria and Cameroons). Signed at London, March 19, 1906, BFSP, vol. 99, 1905-6, pp. 366-370; also United Kingdom Treaty Series No. 17 (1906), Cd. 3260 (with 4 maps).

⁶ Agreement between Great Britain and Germany respecting (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. Signed at London, March 11, 1913. BFSP. Vol. 106, 1913, pp. 782-787; also Treaty Series No. 13 (1913). United Kingdom Cd. 7056

⁷ Nugent, W.V., "The Geographical Results of the Nigeria-Kamerun Boundary Demarcation Commission," *Geographical Journal*, 1914, pp. 630-51.

Detzner, V.H., "Die Nigerische Grenze von Kamerun Zwischen Yola und dem CrossFluss," *Mitteilungen aus den deutschen Schutzgebieten*, Band XXVI (1913), pp. 317-38.

⁸ Omoigui Nowa, *The Bakassi Story*. Available on http://www.omoigui.com/files/the_bakassi_story.pdf

German territory. The same condition applies to any portion of territory now agreed to as being British, which may be cut off in a similar way.”

Considering that the Germans already had Douala and its environs as a port option, they gave away the “navigable portion” of the border to Britain. On her part, Britain conceded the Bakassi Peninsular to Germany. In January 1914, following the amalgamation of different British colonies, the country called “Nigeria” was created and led to the extension of the railway system from Northern Nigeria to the sea before the breakout of WWI in July of that year.

The advent of WWI marked a turning point in the history of German colonialism. Following a British invasion of *Kamerun* in 1916, Germany was defeated and this marked the end of German occupation as the territory was partitioned between Britain and France at the treaty of Versailles like mandated territories under the League of Nations⁹. Britain took over the control of Southern Cameroons while France took over the rest of former *Kamerun*. On July 10, 1919, a Franco-British Declaration between Viscount Milner of Britain and Henry Simon of France defined boundaries of the mandated territories¹⁰. By this agreement, the Bakassi Peninsular and Southern Cameroon were placed under British mandate¹¹. While Britain retained the 1913 border, she administered this newly acquired territory from its Nigerian administration without merging it as part of Nigeria¹². This was later codified by the December 29, 1929 and January 31, 1930 agreements between Sir Graeme Thomson, Governor of the Colony and Protectorate of Nigeria for Britain and Paul Marchand, Commissioner of the French Republic in Cameroun for France. On January 9, 1931, the Declaration was ratified and incorporated in an exchange of notes between the British

⁹ British Mandates for the Cameroons, Togoland and East Africa. January, 1923. United Kingdom Command (Cmd.) 1794

¹⁰ It is commonly referred to as the Simon-Milner Declaration

¹¹ British Order in Council providing for the Administration of the Mandated Territory of the British Cameroons. London, June 26, 1923. BFSP, Vol. 117, 1923, pp. 60-63.

¹² Declaration made by the Governor of the Colony and Protectorate of Nigeria and the Governor of the French Cameroons defining the Boundary between British and French Cameroons. France No. 2 (1930), United Kingdom Cmd. 3612.

Foreign Minister and the French Ambassador in London¹³. While France administered Cameroon as a single body, Britain gave birth to two Cameroons, namely Northern and Southern Cameroons on August 2, 1946 in an Order-in-Council¹⁴.

With the advent and end of WWII, the UN replaced the League of Nations. Similarly, the British mandated territories of the Cameroons and the French mandate of *Cameroun* were replaced by trusteeship agreements. After the UN General Assembly's approval on December 13, 1946, the agreements were once again ratified without a change of the prior borders which had been previously codified by the Anglo-German and the Anglo-French agreements¹⁵. As the heat for independence mounted, the British Secretary of State for Colonies defined the borders between the eastern region of Nigeria and Southern Cameroons. Similar calls for independence from Nigerians and *Camerounians* urged the UN to request a clarification of the wishes of those living in the trusteeship territories of Southern and Northern Cameroons from Britain. In reaction to this request, the people of Northern Cameroons decided to gain independence by joining an independent Federation of Nigeria in a 1959 plebiscite, while the wishes of those living in Southern Cameroons was postponed as a result of insecurity that was justified by guerilla warfare between the forces fighting for independence and the colonial administration. When Cameroun gained independence on January 1, 1960, political instruments between France and Cameroun that brought about this new country renewed all colonial boundaries as defined by previous agreements under colonial rule. On her part, Britain followed the same pattern when Nigeria gained independence on October 1, of the same year. Following reduced tension of insecurity, it was possible to conduct a plebiscite in the Southern Cameroons on February 11, 1961, during which the people living in Southern Cameroons opted for independence by joining the independent Republic of "*Cameroon*" though many preferred self-determination¹⁶. By

¹³ Exchange of Notes between His Majesty's Government in the United Kingdom and the French Government respecting the Boundary between British and French Cameroons. London, January 9, 1931. Treaty Series No. 34 (1931), United Kingdom Cmd. 3936

¹⁴ Order in Council providing for the Administration of the Nigeria Protectorate and Cameroons under British Mandate. London, August 2, 1946. BFSP, vol. 146, 1946, pp. 298-303.

¹⁵ Nowa Omoigui, *The Bakassi Story*. Available on http://www.omoigui.com/files/the_bakassi_story.pdf (Consulted on 01-07-2012)

¹⁶ UN General Assembly resolution 1608 (XV) of 21 April 1961

spelling it “Cameroon” instead of “Cameroun”, a window was created by the UN for some Southern Cameroonians to lay claims that “they never voted to join Cameroun”¹⁷.

This historical mindset makes it interesting to dually investigate the circumstances that might have triggered a conflict over a territory that seemed to have been justly and transparently administered by both the Natives and the colonial powers on the one hand and the trusteeship council on the other. How this juxtaposition of events influenced the crisis and its outcome would be unraveled in the following pages.

1.3 Problem Formulation

There has been a dramatic surge of conflicts in post colonial Africa. The common denominator has been the transformation of seemingly petty disagreements, dissatisfaction, misunderstanding or rebellious uprisings into major conflicts or wars as they escalate to greater proportions with devastating consequences on the people, the resources and the African image around the world. In attempting to resolve these conflicts, various states and non-state actors have often adopted different approaches spanning from economic sanctions, diplomacy or outright use of force. Failed attempts to peacefully resolve most of these conflicts in recent times have resulted in the erection of new ones or the deterioration of old ones. The unfortunate outcome of this dilemma has led to: the springing of ideological wars, distorted progress, division, new boundaries, widened political exclusion, abuse of human rights, increased poverty and power struggle as it continues to affect the relationship between states. This prompts the understanding that a continent that seeks to promote unity is naturally expected to be more vibrant in resolving crises without causing more harm than good and without trying to break some barriers while constructing new ones at the same time.

This is where the peaceful resolution of the Bakassi conflicts comes in. In wanton contrast to warfare on the continent, the efforts of a few men committed to peace and encouraged by the desire to massively assert the dignity and worth of human nature found it necessary to develop an unassailable and majestic roadmap tampered enough to render bare all possibilities of a major warfare between two neighborly countries. In the face of this significant achievement, new pages in history were written as the editorials of morning newspapers revisited their drafts to include this happy episode about a continent whose drama is generally painful.

¹⁷ Omoigui Noma, *The Bakassi story*

However, this peaceful resolution was not won without power-confrontation of the forces of power of both countries. If power is understood as the ability to achieve purpose and the strength required to bring about the desired purpose, then it is plausible to understand that this achievement was not only possible due to the absence of the forces of power demanding the use of force, but the presence of the forces of power dedicated to the preserving of peace. Besides, it is desirable to recognize that the peaceful resolution of the crisis over the Bakassi Peninsular could dually be termed as a drop of water in the ocean but also as a tip of the iceberg that exposes a few of the many human values if given enough room for expression. Also, this thinking springs to mind several questions aimed at determining the factors that account for the overwhelming imbalance and success in the peaceful resolution of conflicts on the continent. These reasons and understanding make it interesting to investigate the circumstances that account for the successful resolution of the said crisis without resorting to a major warfare. As a result, this thesis will centre on the peaceful resolution of the crisis between Cameroon and Nigeria over the Bakassi Peninsular with a focus on exploring the factors that made the peaceful outcome possible. A keen attention will be placed on how it came about, was pursued, and why it was possible to reach a peaceful settlement. Thus, the research question in this work is geared towards providing a special understanding on the following topic:

- What causes led to the crisis between Cameroon and Nigeria over the Bakassi Peninsula and why was it possible to reach a peaceful resolution?

By focusing on this, the research is expected to provide a deeper understanding on historical facts, the role of state and non-state actors, and the international community that altogether contributed to the peaceful settlement of the conflict. Also, it seeks to explore the various advantages that surround the settlement of conflicts through peaceful means rather than war and how this landmark could serve as a pool of knowledge from which various interest groups could freely drink in order to redress other conflicts which are on the rise around the globe. The importance of this study therefore needs not be overemphasized considering the huge implications involved in putting an end to such unprecedented devastations, chaos, instability and so on brought about by failure to peacefully resolve conflicts.

Finally, it is necessary to increase awareness on the disparity that exists between crisis resolved through war and peace.

1.4 Methodology

Methodology here refers to the process of creating new knowledge, new findings, new contributions by following procedures and rules applied to reach conclusions in this research on conflict resolution.

To start with, theories though considered by Robert Cox as always meant to serve some people's agenda¹⁸ (Cox 1996), the window of analysis would center on a relevant theory from which to test the findings included in this research. Also, there shall be the use of data most of which shall largely be secondary like journals, research reports, official statistics, credible electronic materials and books. The reason behind this choice stems from the fact that it gives room for analysis, description, evaluation, generalization, interpretation, and synthesis of the primary data as well as an in-depth understanding of the historical facts while providing room for independent conclusions or remarks.

More so, the collected data for analyses shall be both qualitative and quantitative. This dual choice is reflective of the intersection between historical facts and contemporary realities whose dual combination continues to affect the lives of people today. It also reflects the notion that though the case under study is limited in context, the concept is not confinable in space and time as it could serve as a springboard from which to approach similar cases around the world. Apart from its flexibility which is neither predetermined nor predicted by the researcher, qualitative interpretation focuses on quality which cannot be ignored when seeking to understand the nature of things since quality is said to reflect what, how, when and the where of a phenomenon through the use of words, images and descriptions of how decisions are taken, why they are taken, how they are applied, why they fail here and succeed there or simply why they are ignored in some situations. Besides, the research is deductive beginning with more general themes to specific ideas as follows:

- Research area: Conflict resolution.
- What are the building blocks of the conflict?
- How and why was the crisis over the Bakassi Peninsular resolved?

¹⁸ Cox. W. *Approaches to World Order*, Cambridge: Cambridge university Press, 1996, p87

- What lessons can be learned: how does the peaceful resolution of the conflict serve as a model?

Concerning planning, the structure of the work is tridimensional: it includes the theoretical and analytical parts as well as the synthesis. Part one which is centered on introduction is an embodiment of the first chapter and aims to provide a general understanding of the topic under discussion. Part two includes the second, third and fourth chapters while the last part is related to the synthesis. While the second chapter shall deal with the theories, the third shall treat the case study for analysis while the fourth on its part shall be analytical. The fifth and final chapter on its part shall center on any relevant recommendations and concluding remarks.

Furthermore, this piece of work shall not be without limitations. For this reason, there is need for a concise and comprehensive research based consultation. Unfortunately, a number of factors bound findings to be limited within a certain framework but without undermining succinct data necessary to achieve the goal of the study. One of such limitations is the absence of primary data such as interviews from major actors who played significant roles in bringing about a peaceful resolution, frontline soldiers in the conflict, former and present administrators of the Bakassi Peninsula, Natives, chiefs as well as present and former inhabitants in the area. There is also the absence of exhaustive research and scholarly material on the issue. One of such limitations is the absence of a concise map showing Bakassi and King points which emerged out of the 1913 Anglo-German agreement and its border demarcations. For this reason, constructive criticisms from those conversant with more salient details on the issue, who might feel that I have been neglectful, are expected. Consequently, while encouraging further research, I behold and stand as beneficiary to all the criticisms, suggestions and succinct details which would be very useful for future research.

1.5 Significance of Study

The decision to explore this crisis is not only inspired by the futile losses of human lives and the interest it has ignited on Cameroon, Nigeria and the international community, but equally as a result of the significance of its peaceful resolution to world politics, diplomacy, peace and the clash between tradition and modernity involving the haunting of the contemporary Cameroon's and Nigeria's reality by the history of the pre-colonial Kingdom of Calabar.

Chapter Two

Concepts and Theories

This chapter is divided into two parts. The first part aims to provide explanations to some of the salient dictions deemed necessary to be given a prior explanatory platform before diving into the heart of the work. The second part on the other hand concerns with presenting the theories used and how they serve as a window through which discussions and analyses are drawn. Where necessary, questions are being raised for further discussions, criticisms or analyses.

2.1 Concepts

2.1.1 Colonialism

Colonialism is captured by Ronald Daus as “the establishment, maintenance, acquisition and expansion of colonies in one territory by people from another territory” The colonized territory then becomes known as a colony. The process involves the claiming of sovereignty by the metropolis over the colonized territory with a radical change of the socio-cultural, political and economic structure of the colony by the colonizers who then govern from the metropolis. It breeds “unequal relationships between the metropolis and the colony and between the colonists and the indigenous population”¹⁹

2.1.2 Conflict resolution

This concept refers to the sum total of techniques, processes and methods involved to facilitate the ending of a dispute through peaceful means. It generally involves the efforts of committed individuals, groups or institutions that are willing to engage in active communication in order to express their ideological differences and make their conflicting motives known to others involved. Though there are various procedures and methods involved in conflict resolution, the commonly applied ones are through diplomacy, mediation, negotiation, nonviolent resistant measures and building an atmosphere for peace.

2.1.3 Crisis

¹⁹ <http://en.wikipedia.org/wiki/Colonialism> (accessed on 21-03-2012 at 24:54)

A crisis is conceptualized as the occurrence of any event that results to, or is susceptible to resulting to a dangerously unstable situation with devastating effects on individuals, a group of people, community, a country or the world at large. A major characteristic of crises is that their occurrence is often sudden, though sometimes preceded by seemingly unnoticed events which accounts for their great devastation on the environment, security, socio-economic or political affairs of the affected environment. Seeger et al posit that these sudden events then trigger a climate of uncertainty which threaten or are perceived to threaten “the organization’s high priority goals”²⁰ (Seeger et al. 1998).

2.1.4 International Court of Justice (ICJ)

The ICJ which also played a significant role in the peaceful settlement of the Bakassi crisis is the UN’s main judicial organ with the power to pass rulings over disputes that have been legally submitted to it by states. It can also give advisory opinions on legal issues that have been submitted to it by authorized international agencies, organs and the UN general assembly²¹.

2.1.5 League of Nations Mandate or Mandated territory

Either of these concepts refers to the authorization granted to members of the League of Nations to govern a former colony of WWI losers. In accordance with this system, the former German colonies of Africa were divided between Britain and France and was based on the compromise between the Allies’ wish to retain control of the former German and Turkish colonies and their November 5, 1918 pre-armistice declaration that they had no intentions to annex the colonies but to prepare them for independence since they were deemed unprepared for self-governance. Eventually, Kamerun went to France which administered it as such until 1946 when the mandate system was replaced by that of the UN Trusteeship²².

2.1.6 Protectorate

²⁰ Matthew Wayne Seeger, Timothy Lester Sellnow, Robert R. Ulmer. *Communication, Organization, and Crisis. Communication Yearbook 21*. New York: Routledge, 1998. pp231-275.

²¹ <http://www.icj-cij.org/jurisdiction/index.php?p1=5> (Consulted on 16-07-2012 at 13:32)

²² <http://www.britannica.com/EBchecked/topic/361608/mandate> (Consulted on 17-07-2012 at 12:50)

This concept historically has two distinct meanings. In its earlier dimension, which has now been adopted by international law, it signifies the kind of military or diplomatic protection given to an autonomous state by a stronger one against other third party states. By so doing, it becomes referred to as a protected state while it retains its sovereignty. Such arrangements cover a great variety of relations but in most cases, a protected state gives up a part or its entire control over foreign relations while retaining a great deal of control over internal affairs and for this reason, the protectorate remains territorially distinct and its citizens cannot become nationals of the protector. This often stems from a threat or use of force by the dominant power or when the protected state sees some advantages in the arrangement.

The second meaning relates to the nineteenth century European colonialism but is different in that the protectorates were not regarded as separate states under international law and could thus become so subordinate to the protector that they lose their statehood of independence.

2.1.7 UN Trust Territories

This concept refers to former mandated territories from 1946 following the replacement of the UN by the League of Nations. The main objective of trusteeship was to prepare the trust territories for independence and majority rule. Having fulfilled this aim, the council was suspended on November 1, 1994 following the independence of Palau which was the last UN trust territory. Unlike the League of Nations, the UN established the Trusteeship Council as an organ with the main task of “supervising the administration of Trust Territories placed under the Trusteeship System”²³.

2.1.8 Thalweg

Also referred to as “talwec” or “talweg”, the thalweg refers to the deepest inline within a watercourse system or a valley²⁴ which signifies that the line joins the lowest points along the entire length of a valley or stream channel. In simple terms, the lowest or deepest point of a channel or river section is the thalweg. Since it collects sediments from one side of the bank and deposits them on the other side, it may form point bars where the sediments are deposited. This makes it to affect sediments distribution in a river and by so doing, the

²³ <http://www.un.org/en/mainbodies/trusteeship/> (Consulted on 18-07-2012 at 14:35)

²⁴ <http://www.webster-dictionary.net/definition/Thalweg> (Consulted on 25-07-2012 at 04:18)

thalweg may result to a change in the course of the river. The thalweg can thus be problematic, especially if seasonal changes affect the size of the river. Such changes can particularly occur during the dry season when water volumes drop, thereby causing “the residual channel to be asymmetrically located away from the middle of the river valley”²⁵. This explains why the thalweg was instrumental in the 1913 Treaty.

2.2 Theories

2.2.1 Social Constructivism

Social constructivism focuses on human awareness or consciousness and the place it occupies in world affairs. The starting point of this school is grounded on the rejection of the neorealist position which stresses on the anarchy that prevails in international relations and the concept of self-help. Unlike the neorealist, the constructivists believe that the identities and interest of states are not given but created by their ideas during the process of social interaction with each other.²⁶ In Wendt’s view, the creation of structures like the League of Nations, the UN, the ICJ, bilateral or multilateral agreements are products of human interaction and remain powerless or inseparable from the process²⁷. This indicates that the action of states is governed by the meaning attached to it. In accordance with this, the Social Constructivists infer that each actor, be it the nation states or international organisation acquire its identities with specific roles and expectations based on a collective meaning. In this light, African countries came to acquire their present boundaries during the process of the *scramble for Africa* alongside the consent of the Natives through various agreements that became law. These laws were based on a global meaning or status ascribed to them and legitimized by the international agencies. Wendt stresses on the interaction between states in an anarchical culture within the world system. As such, he identifies three ideal types of anarchy alongside the degree of internalization- the Hobbesian, Lockean and Kantian.

The Hobbesian culture stresses the adversity between states which constantly war against each other for survival. This system was popular until the seventeenth century. This tense

²⁵ Omoigui Nowa, *The Bakassi Story*. Available on http://www.omoigui.com/files/the_bakassi_story.pdf

²⁶ Jackson and Sørensen in Wendt, *Introduction to International Relations: Theories and Approaches*, 3rd edition, New York, Oxford University Press, 2007 :168

²⁷ Jackson and Sørensen, *Ibid*.

relationship has some constraints in the Lockean culture whereby this rivalry is restrained by the recognition of the rights of existence of other states characteristic of the world system after the Peace of Westphalia in 1648. Lastly, the Kantian culture centred on the friendship between states based on peaceful settlement and support during threats and crisis, popular after World War II. These cultures are internalised differently by each state²⁸. The Bakassi crisis clearly fits in the shoes of all these cultures. On the first platform, it is observed that the result of the Berlin Conference was the emergence of rivalry between colonial powers over Africa. In the same vein, the various agreements between post-colonial Cameroon and Nigeria was the result of rivalry over the Bakassi peninsula. The Lockean culture is justifiable by the recognition of these countries' independence by former colonial masters, the international agencies and other new neighboring sovereign states. Finally, the peaceful resolution of the conflict through political activities is representative of the Kantian culture as stipulated by Wendt.

This classification however ignores the national factors emphasized by Finnemore and Sikkink which is based on the identities and interests of states as defined by international agencies. She focuses on the norms that are enforced by international agencies and their impact on state behavior and national policies. A case in point is the Customary International Law which became crucial in determining the fate of the Bakassi Peninsular and that currently serves as an enforcement tool of the UN through the ICJ. These laws underpin the expectation of appropriate behavior of states during severe crisis. They therefore argue that the enforcement of these norms by international agencies can influence national guidelines by policing states to adopt them within their national policies. The social constructivist school thus emphasizes the influence of the international society on state identities, interests and policies. In their view, actors generally attempt to change the norms which guide and shape their state identities and interests²⁹ (Finnemore and Sikkink 1998). This leads to the Constructivists argument that the normative structures usually shape important features of the game of politics as well as the identities and strategies used by states. This is equally in harmony with the crucial mediation role played by the ICJ and the then UN Secretary General Kofi Annan.

²⁸ Op. Cit.

²⁹ Martha Finnemore and Kathryn Sikkink, *International Norm Dynamics and Political Change*, London: Cambridge University Press, 1998. Pp.887-917

This constructivist school is also interested in how actors respect the rules of the game or become “rules followers”. For norms are generally created and sustained by the identities, interest of the powerful states and their preferences as well as the need for legitimacy of international order. The greatest challenges today rest on the concept of “The end of history” and the homogenization or internalization of norms by modern states. The internalization and institutionalization of norms is diffused throughout the population by socialization. One of the main methods of diffusion is institutional isomorphism which emphasizes on the subsequent convergence of states or organizations to the same norms within similar environment. The emergence of independent African countries directly became members of the UN. By so doing, they adhered to all treaties and agreements recognized by that body especially considering the fact that their preparation for self-determination was enshrined in it through the Trusteeship Council. Over the years, the international agencies have focused on the internalization and institutionalization of laws regarding human rights, equality sovereignty, non-intervention and so on. The internalization process is marked by the identities and interests of states as they vie for legitimacy and recognized status within the international community³⁰. This partly explains the resilience of the two countries to engage in an open warfare and their eventual commitment to the ICJ verdict.

Generally, norms are institutionalized through coercion as practiced during the colonial and post-colonial periods by more powerful states as central to the spread of democratic principles - equality, freedom, the respect of human rights and rule of law. States also institutionalized norms due to competition, uncertainty, symbolic standing and the need for resources signalling their membership to the international club. While these norms primarily regulate behaviour, they equally reflect state identity and interests. They generally evolve through a political process; of key importance are the stages of internalization of norms also known as the “life cycle of norms” by Finnemore and Sikkink who identify three stages of norms: norm emergence, norm cascade and norm internalization.

Norm emergence deals with the persuasive stage in which norm entrepreneurs convince a group of states to accept new norms. This is done through the use of language to name, interpret and dramatize issues as central after WWI and II. These norm entrepreneurs seek to create a framework from a broader perspective adopted as new ways of identity and

³⁰ Ibid

understanding of issues. These entrepreneurs often work with the state, NGOs and international organization to promote the norms. When the norms are institutionalized as internal rules within an organization, it is diffused to other states as “norm followers”. This is where post-colonial Africa steps in and this largely justifies Nigeria’s inability to resist further following the ICJ ruling because any resistance would have been considered disrespectful, unruly and inviting of the international community’s wrath. This second stage of norm cascades or institutionalization is facilitated by a combination of pressure for conformity coupled with the desire for international legitimacy and the need to enhance self esteem. From this stage, the norm in the third stage becomes internalized or respected without debate or contradiction³¹ (Baylis et al 2008).

Finally, Peter Katzenstein focuses on the domestic environment to explain the variation of the impact of international norms on nation states across the globe. This highlights the constructivist claim that culture, norms and identity influences national policies and security. It stresses on the domestic normative structure and its influence on state identity, interests, and policies.³² An understanding of the concept of self-determination, the 1961 plebiscite, various summits, agreements and meetings related to the Bakassi imbroglio is salient to the peaceful resolution that ensued since this school believes that the socio-political world is shaped by shared social norms, rules and beliefs rather than what is apparent.

³¹ Baylis et al. *The Globalization of World Politics. Fourth edition*. New York: Oxford University Press, 2008 p.170

³² Jackson and Sørensen , 2007 :170

Chapter Three

Presentation of case study

3.1 The Bakassi Crisis

Like any other peninsula, the Bakassi Peninsula is a piece of land bordered by water on three sides with connection to mainland on the other side. The area is some 1.000km of mangrove swamp and half submerged islands which are occupied by fishermen settlers for the most part³³ (Anene 1970). Linked to the Eastern part of Nigeria and the South Western part of Cameroon, this piece of land has a population of about 150.000 people. Being located between the Cross River and the Rio del Rey estuaries in the extreme eastern end of the Gulf of Guinea where the warm east-flowing current of the Guinea meets the north-flowing current, leads to the formation of huge foamy breakers that endlessly thunder ashore. The importance of the Bakassi Peninsula therefore needs not be over emphasized because this creates rich-in-shrimp submarine shoals and other marine resources, making it a large fishing ground comparable to the Newfoundland in America and the Scandinavia in Europe. Its extensive oil and gas reserves make it the richest peninsula in Africa with oil reserves estimated to several billions of barrels. Besides, it is thought to hold several trillion cubic feet of natural gas belts. Its location equally makes it a potentially strategic base for military operations; coupled with the fact that it offers a pathway by virtue of the two sea ports (Douala and Calabar) that it harbors³⁴ (Ogen 2012). Its strategic importance further became vivid during the Biafra war and following the December 1972 involvement of the former BBC reporter, Frederick Forsythe “in an unsuccessful 100,000 pound sterling scheme to take over Fernando Po Island (across from the Bakassi peninsula), using mercenaries and former Biafra soldiers [to] overthrow Macias Nguema and make Emeka Ojukwu the Head of State of Equatorial Guinea”³⁵. Such is the piece of land that was at the center of tensions between the two mainland countries for over five decades since their attainment of independence.

³³ J.C. Anene. *The International Boundaries of Nigeria, The Framework of an Emergent African Nation*. London: Longman. 1970, p56.

³⁴ Olukoya Ogen, *Ethnicity, Economy and Historical Deconstruction in the Bakassi Borderline*. Munich: Grin 2012. p7

³⁵ Omoigui Nowa, *The Bakassi Story*.p28

Having completed the transition from League of Nations mandate to UN trusteeship, Dr. E.M.L. Endeley became president of the Cameroons National Federation in 1949 with the Bakassi Peninsula being a part of the territory that was jointly administered with Nigeria by the British. In May 1953, a dispute erupted in the Eastern House of Assembly at Enugu in which nine out of thirteen delegates from the Southern Cameroons opted to remain neutral on grounds that they were not Nigerians although they had been elected to the House on the premise of the National Council for Nigeria and the Cameroons. In reaction to this dispute, S.T. Muna who was the only Southern Cameroonian in the Eastern Executive Council was dismissed and the name changed from national Council for Nigeria and the Cameroons to National Council for Nigerian Citizens³⁶.

Driven by fear of “Nigerian domination”, Endeley tabled a request for the unconditional separation of Southern Cameroons from the Nigerian Eastern Region to an independent region in line with its trusteeship status during the London Constitutional Conference of July 1953. British’s consent to this request led to separation in 1954 as Southern Cameroons became a semi-autonomous quasi-region of the Nigerian Federation with an independent House of Assembly and an Executive Council with headquarters in Buea.

On allegations that Endeley was moving away from his initial stance of pro-unification to that of integration with Nigeria, a split occurred in Endeley’s party in 1955 that led to the emergence of John Ngu Foncha as his rival under the banner of a new party called the Kamerun National Democratic Party with the aim to completely secede from Nigeria and reunite with Cameroun. The immediate consequence of this split saw Endeley being replaced by Foncha in the Southern Cameroons elections of January 1959 which saw the participation of Bakassi residents. Coincidentally, a Bamileke³⁷-based Camerounian Nationalist Union called the “*Union des Populations Camerounaises*” (UPC) or “The Cameroun People’s Union” was engaged in fierce guerilla warfare with French forces. This warfare often pushed them to seek sanctuary on both the Cameroons and the would-be Nigerian lands. As part of plans to prepare Southern Cameroons for self-determination, the 1st Queen’s Own Nigeria Regiment (IQONR), based in Enugu was deployed to train in Southern Cameroons. This

³⁶Omoigui Nowa, *The Bakassi Story*

³⁷ A Cameroonian tribe that extended from both Camerounian and the Cameroons lands as a result of the Post WWI partition into British and French mandated territories.

move was perceived by the UPC sympathizers as counter-insurgency in support of the Camerounian colonial administration. Increased violence led to increased and reinforced QONR battalions from the northern town of Bamenda to the southern town of Kumba near the coast. The local population felt offended by this show of military might and despised Nigeria as a result³⁸.

Nevertheless, the independence of Nigeria in 1960 meant that Southern Cameroons was now under British UN trusteeship. Thus, Britain ordered Nigeria to withdraw her troops in replacement of a British battalion. This common observation urged many Cameroonians to be in favor of self-determination by gaining independence that excluded joining an independent Nigeria or Cameroun. This notwithstanding, their political will became subverted as a result of the presence of conflicting interest on the international scene: for instance, the pan-African movement which was at its peak and as led by Kwame Nkrumah was against further split through the creation of small African states. Also, Britain did not want an allegedly economically unviable Southern Cameroons to be a burden on her taxpayers' revenue. This made her to act in favor of the trust territory becoming independent by either joining an independent Nigeria or Cameroun. On their part, though the leaders of Southern Cameroons preferred that "the plebiscite provide a simple choice between "integration with Nigeria" or "secession and independence", the UN imposed different questions on the electorate". Consequently, in October 1959, the UN General Assembly Resolution 1352 XIV composed the following choices:

- (a) "Do you wish to achieve independence by joining the independent Federation of Nigeria?" or
- (b) "Do you wish to achieve independence by joining the independent Republic of Cameroun?"³⁹.

However, in reaction to common opposition to this restricted window, both Endeley and Foncha stood common ground for Southern Cameroons to be simply granted independence but the momentum could not be sustained as talks broke apart during a conference held in London in November 1960 paving way to the UN resolution. The countdown to the plebiscite

³⁸ Omoigui Nowa

³⁹ <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/141/75/IMG/NR014175.pdf?OpenElement>
(Consulted on 23-07-2012 at 14:03)

was marked by mass marketing of Camerounian groups, especially those of the Bamileke tribe that advocated for a loose union in which the self-rule of Southern Cameroonians would be maintained. On the other hand, Nigeria was being distracted by its own arrangements for independence in 1960 as well as the ensuing infighting amongst its leaders following the 1959 federal elections that were marred with controversy. Besides, these events were happening at the same time that Britain was unwilling to create new regions for ethnic minority groups in Nigeria while some Nigerian politicians perceived integration with Nigeria as a boost to the eastern-region-based NCNC which would mean a larger geographic and political base in the tri-regional race to control the country⁴⁰. As a result of these circumstances, Southern Cameroons became independent by joining Cameroun following the February 11, 1961 plebiscite while northern Cameroons voted in favor of independence with Nigeria. The Nigerian government gave her approval of these results with a vote in the UN and a further confirmation through a Diplomatic Note No. 570 of March 27, 1962 to Cameroun. She also opened an Embassy in Yaoundé and a consulate in Buea which served as the capital of the Southern Cameroons. From then on, until the 1990s Nigeria would have no pertinent administrative or military presence in the peninsula⁴¹.

Meanwhile, arrangements for Nigerian independence have been gaining momentum. As the clock continued to tick for Nigeria's independence, a Constitutional Conference was held in London and one of the key issues was to decide on how to deal with minority groups. Without any mention of the case of the Bakassi Peninsula, the Willink Commission was set up on November 25, 1958. Submitting its report, the Commission recommended against creating new regions in Nigeria and on October 1, Nigeria became independent. Upon becoming president and in respect to customary International law, the Nigeria's first Prime Minister, Alhaji Tafawa Balewa signed an exchange of notes with the United Kingdom indicating (inter alia), that

“...it is the understanding of the Government of the United Kingdom of Great Britain and Ireland that the Government of the Federation of Nigeria agree to the following provisions:

⁴⁰ Amoigui Nowa

⁴¹ Ibid

“(i) all obligations and responsibilities of the Government of the United Kingdom which arises from any valid international instrument shall, henceforth, in so far as such instrument may be held to have application to Nigeria, be assumed by the Government of the Federation of Nigeria.

(ii) The rights and benefits heretofore enjoyed by the Government of the United Kingdom in virtue of the application of any such international instrument to Nigeria shall henceforth be enjoyed by the Government of the Federation of Nigeria⁴².

This commitment became enshrined in the OAU following its establishment in 1963 with the ratification by both Cameroun and Nigeria of its Article III, paragraph 3 of the founding Charter which calls for the “Respect for the sovereignty and territorial integrity of each state and for its inalienable right to independent existence”. In addition, both countries approved the Cairo Declaration of the OAU which commits African countries not to violate existing borders established upon the attainment of national independence. The replacement of the OAU by the AU in 2002 meant inheritance of all prior binding agreements of the OAU.

The independence of both Cameroun and Nigeria was followed by an exchange of diplomatic notes between the two governments in which Tafawa Balewa, the then serving prime minister of Nigeria recognized Bakassi as not belonging to Nigeria. This was followed by Johnson Ironsi’s and Yakubu Gowon’s commitment to respect all international agreements made by the government of Balewa when they took over power by military coups on January 15, 1966 and July 29, 1966 respectively⁴³. With the understanding that Nigeria had no legal basis on which to lay claims for the Bakassi Peninsula itself, the Gowon administration and that of independent Cameroun began to think of clearly defining their maritime border which was not detailed by the Anglo-German treaty of 1913. But these works got suspended following the outbreak of political unrest in Nigeria and the civil war that ensued in 1967. In the heart of this circumstantial confusion, previous efforts seemed insufficient to avoid a conflict as future events would provide.

⁴² Omoigui Nowa, *The Bakassi Story*.

⁴³ Francis Menjo Baye, “Implications of the Bakassi Conflict Resolution for Cameroon”. *In African Journal on Conflict Resolution, Accord*, Vol 10, Number 1, 2010 p21.

Nigeria's Post-independent era was followed by political instability as a result of coups and counter coups. In the midst of political unrest, a Nigerian plane carrying weapons crashed over the Cameroun Mountains on July 29, 1966. The said plane which was heading for Enugu, Nigeria's eastern regional capital, was alleged to have been ordered by the Military Governor Lt. Col. Ojukwu. While the origin of the crash remains a myth, Ahidjo's government was not informed about the use of Camerounian airspace by the plane and this caused embarrassment and irritation within the ranks of Ahidjo's administration. This would thence lead to the suspicion of the Ojukwu government in Eastern Nigeria by Ahidjo. The political instability in Nigeria also made the Douala airport not just a favorite route for leaving Nigeria, but equally a preferred landing spot for foreign-based Eastern Nigerians returning home prior to the partial border security provided by Nigerian federal troops during the civil war that broke out in July 1967. Earlier in May, a mandate had been granted to Ojukwu to secede from the federation by the Eastern Regional assembly that urged Gowon to create 12 new states in Nigeria. Amongst the newly created states was the South-Eastern state that was formed out of the Eastern Region as it received keen interest across the border from the Ebiobio and the Efik⁴⁴ residents of the Bakassi Peninsula who were still nursing hopes of reunion with Nigeria, irrespective of their active participation in the 1961 plebiscite against reintegration with Nigeria. In confirmation of allegations that the Nigeria's consul in Buea was the result of large Nigerian population in Southern Cameroons, the then serving Consul-General, SJ King transferred to the newly created South-Eastern state which also happened to be his home where he would later become the Permanent Secretary⁴⁵.

The breakout of the Nigerian civil war led to an "international rat race for support and recognition"⁴⁶ by both the federal government and the Biafra⁴⁷. This led Nigeria to lobby for support from her neighbors to disallow Biafra from making use of their territory either as a staging point for military operations or as a supply corridor for weapons since an earlier military strategy for the campaign was to simultaneously attack Biafra from the north and the sea. More specific diplomatic exchanges with Cameroun to clarify Nigeria's intentions

⁴⁴ Both the Ebiobio and the Efik are Nigerian tribes

⁴⁵ Amoigui Nowa

⁴⁶ Ibid

⁴⁷ Biafra was referred to the secessionist eastern Nigerian region that aimed to become an independent republic

became necessary during the campaign to take Calabar between October 17 and 19. This stemmed from an increasing threat to use the Bakassi Peninsula to surprisingly outflank Nigerian forces and “dominate the approach channel to the Calabar Estuary”⁴⁸. Besides, the Bakassi Peninsula was considered more crucial because “nearly all-available ammunition - which was never enough to begin with - was sent to that front”⁴⁹. The Nigerian government was reassured by the Camerounian government that the Bakassi Peninsula that Nigeria had recognized earlier on in 1962, was Camerounian territory and therefore outside her control, “would not be used by hostile elements”⁵⁰. This reassurance was easily obtainable because late President Ahidjo was a Fulani man whose father originated from Kano in Nigeria while his mother was from Garoua in Cameroun. Also he grew up around Yola and Mubi in Nigeria and had been a playmate of Senator Iya Abubakar. In order to make ties stronger, his former District Head in Nigeria, Ambassador Malabu, was made Ambassador to Cameroun. Thus, Nigeria was able to pre-empt contingency plans for “hot pursuit operations across the border and safeguard the rear as federal troops slowly pushed eastwards against initially determined Biafra troops”⁵¹. Also, when Equatorial Guinea gained independence on October 12, 1968 she stood in support of the Nigerian federal government and eventually terminated all relief flights to Biafra.

The end of the Nigerian civil war began to raise more issues. One of which was the joint decree by Ahidjo and Gowon to replace the name “Bight of Biafra” from the Gulf of Guinea maps to “Bight of Bonny”. The border question resurfaced, partly as a result of wartime border patrols that aimed to prevent illegal entry and exit. Besides, there were increasing reports that Cameroun had been carrying out oil explorations during the war along portions of the maritime border that were not demarcated. In response to this, a meeting was held in Yaoundé between August 12 and 14, 1970 involving border commissions of the two countries. The meeting which was initially opened by the Nigerian Ambassador and the Cameroun foreign Minister later took a more technical outlook as they both ceded authority to experts from the Surveys, Cabinet Office, External Affairs, Fisheries, Immigration and

⁴⁸ Op.Cit

⁴⁹ Ibid

⁵⁰ Ibid

⁵¹ Ibid

Justice Departments; with the Nigerian delegation being headed by Chief R. Oluwole Coker. After a great deal of deliberation, the joint commission agreed to use the 1913 Anglo-German treaty notwithstanding the fact that the draft agenda submitted by Nigeria included new physical and administrative considerations to delimit the boundary. A case in point was the presentation of boxes of tax receipts by the South-Eastern delegation providing evidences of taxes that had been paid by residents of the Bakassi area to the Nigerian government in a bid to lay claims over the peninsula. However, it was later indicated that the same residents also paid taxes to the Cameroun authorities and that many did not only have homes on both sides of the border but also that they had fishing villages with exactly the same name on both sides of the border⁵². With this understanding, both parties agreed to demarcate the border. As a result, the Nigerian Attorney General advised Gowon to consider taking appropriate steps that would lead to the clarification of vague sections of the land boundary as well as the delimitation of the offshore boundary in order to demarcate the parts that were navigable from those that were not with respect to previous treaties⁵³. The outcome of these efforts was the signing of the Coker-Ngo⁵⁴ Line by Nigeria's Gowon and Cameroun's Ahidjo on April 4, 1971, which limited navigation to the 3-nautical miles on the basis of the British Admiralty⁵⁵ Chart No. 3433⁵⁶. When the Nigerian delegation returned home, some interest groups were not satisfied with the outcome on the basis of the 1913 Anglo-German treaty. These interest groups approached the Foreign Minister Okoi Arikpo, an Anthropologist and Lawyer from the eastern region. He in turn approached the Attorney General, Teslim Elias for some formal and legal opinion that would enable him make appropriate recommendations to Gowon. Simultaneously, the Nigerian mission at the UN was contacted for clarifications on whether the Bakassi Peninsula residents had participated in the 1961 plebiscite. On September 3, 1970, Elias made his formal legal opinion stating that:

⁵² Ibid

⁵³ Omoigui Nowa, *The Bakassi Story*.

⁵⁴ The maritime border took this appellation because it was the result of prior technical works jointly undertaken by Chief Oluwole Coker for Nigeria and Mr. Ngo for Cameroon before being signed by Presidents Ahidjo and Gowon.

⁵⁵ Before the advent of Global Positioning System (GPS) Technology, the location of rivers and points was based on British Admiralty maps which were updated at regular intervals.

⁵⁶ Ibid.

“This Ministry has given a most careful consideration to the whole question in the light of all the available evidence, and the conclusion is that there is no legal basis for Nigeria’s claims to the Bakassi Peninsula for the reasons stated herein...According to the information received from the Federal Directorate of Surveys, the Bakassi Peninsula has never been included as part of Nigeria in the administrative maps of Nigeria since the then Southern Cameroons ceased to be part of Nigeria in 1961. Also, the Northern Region, Western Region and Eastern Region (Definition of Boundaries) proclamation 1954 (L. N. 126 of 154) showed the Bakassi Peninsula as forming part of the then Southern Cameroons. Moreover, by a Diplomatic Note No, 570 of March 27, 1962, from your ministry to the embassy of the Cameroons in Lagos, to which was attached a map prepared by the Federal Surveys, Nigeria recognized the Bakassi Peninsula as forming part of the Cameroons”⁵⁷.

On the basis of this, Elias received Arikpo’s backing by advising Gowon to rather focus on maritime border issues than the peninsula itself when he meets Ahidjo. This standpoint from the Nigerian Ministries of Justice and External Affairs, alongside the UN’s concurrence attesting that residents of the peninsular actively participated in the 1961 plebiscite, left no other dependable platform for Gowon than the 1913 treaty

To this effect, a joint experts-committee meeting was held in Lagos in October 1970 between the two countries. After tough discussions, the two parties failed to reach an agreement on how to define the “navigable channel” of the Akpayafe River up to its joining point with the Calabar Estuary. The primary reason for this outcome was the unavailability of an Admiralty map expressly delineating the navigable channel of the Akpayafe. On the one side, the Nigerian delegation insisted that the navigable channel of the Akpayafe River had to be seen as laying entirely eastwards to the channel of the Calabar and Cross-Rivers, as indicated in the 1913 treaty. Therefore, considering that the larger and stronger Calabar Estuary was bound to displace the flow of the smaller and weaker Akpayafe River eastward towards the Bakassi shore, the maritime boundary up to the 3-nautical mile limit had to be much closer to the Camerounian Bakassi coast than to the Nigerian Calabar Estuary coast. This had been the British’s original intent when they signed the treaty with Germany in exchange for ceding the peninsula. Though the Nigerian higher authority was in favor of a compromise with Cameroun, their Head of Boundaries thought differently and as a result, negotiations could not proceed. “This internal technical disagreement within the Federal Surveys - which would

⁵⁷ <http://www.dawodu.com/bakassi.htm> (Consulted on 25-07-2012 at 05:30)

cost Nigeria several miles of maritime territory in the estuary and beyond - did not come to the attention of General Gowon until it was too late”⁵⁸

Following the failure of the Lagos meeting, a summit meeting was scheduled in Yaoundé in April 1971, between Presidents Gowon and Ahidjo but without the presence of the Nigerian Head of Boundaries. Eventually the two leaders agreed to define the navigable channel of the Akpayafe River. When Ahmadou Ahidjo asked his Camerounian survey expert to stop arguing and told Yakubu Gowon to draw the line where he wanted it, Yakubu Gowon turned to his Nigerian technical expert who then marked a point on the map and Yakubu Gowon drew the line towards that point. For some reason, the line he drew upon clear advice from the Director of Federal Surveys, was not the true navigable channel of the Akpayafe River. Apart from it running right into a ridge, “the line crisscrossed the navigable channels of the Calabar and Cross Rivers, which the British had intended (with German agreement) to be completely on the Nigerian side, west of the Akpayafe channel”⁵⁹ when they included a provision in Article XXI of the 1913 treaty stating that: “...For the purpose of defining this boundary, the navigable channel of the Akwayafe River shall be considered to lie wholly to the east of the navigable channel of the Cross and Calabar Rivers”⁶⁰. Both leaders signed on both sides of the 3-mile line. This line is referred to in the ICJ judgment as the “compromise line”. Meeting two months later in Lagos, the Joint Boundary Commission which was headed this time by Chief Coker for Nigeria and Mr. Ngo for Cameroun, extended the already faulty Gowon-Ahidjo “compromise line” outwards to sea. The signing of the Coker-Ngo line became subject to murmurs of disapproval a few weeks later. As a result of back channels infiltrations, Yakubu Gowon finally discovered his mistakes. In August of the same year and in a bit to undo the Gowon-Ahidjo, now the Coker-Ngo line, Nigerian experts toured the area in a Survey ship with the aim to carefully take measurements and look for low water marks based on certain provisions of the Law of the Sea⁶¹.

The joint boundary commission met again in May 1972, followed by another summit meeting in Garoua in August during which Yakubu Gowon repeatedly tried in vain to stare Ahmadou

⁵⁸ Omoigui Nowa, *The Bakassi Story*. Available on http://www.omoigui.com/files/the_bakassi_story.pdf

⁵⁹ Ibid

⁶⁰ <http://www.gamji.com/nowa/nowa46.htm> (Consulted on 26-07-2012 at 15:46)

⁶¹ Omoigui Nowa, *The Bakassi Story*. Available on http://www.omoigui.com/files/the_bakassi_story.pdf

Ahidjo on the ground for a renegotiation of the Coker-Ngo line. Meanwhile earlier in May, Ahmadou Ahidjo had proposed a new constitution and dissolved the federal system of Cameroun, thus transforming the country from a federal structure to a unitary one. This move was perceived by both Nigeria and some former Southern Cameroonians as an obliteration of all pretenses about Cameroun's intentions.

During a Head of States' summit meeting in Kano in 1974, information reached the Nigerian delegation that an oil rig had been established by Cameroun near the disputed channel. Gowon's efforts to get Ahidjo remove the rig were abortive. Many viewed this as Ahidjo's ploy to use the rig and stake a maritime claim by forcing the maritime boundary westwards towards Nigeria. Another reason which many consider to account for his being adamant to Gowon's efforts locates in his belief that he had "conceded" to Gowon back in April 1971. However, a compromise was reached by deflecting the "maritime boundary to accommodate the rig but the line was then course corrected and extended southwards"⁶² along the original angle as though the rig was not there. An arrow was further placed at its end to create a vector which would prevent Ahidjo from constructing any further rigs across the boundary further south or altering the axis of the maritime border which was yet to be marked. This tiny deflection around the oil rig, which conceded a tiny part of Nigerian maritime territory to Cameroun, became highly controversial within the Nigerian government. It would later become the original source of the story that Gowon *gave away Bakassi* to Cameroun. Prior to his overthrow, this story became amplified by military intelligence operatives in order to undermine his legitimacy⁶³.

However, his overthrow was preceded by the signing of another declaration in Maroua on June 1, 1975 that led to a partial extension of the 1971 line. The vector of this new line would become crucial in the ICJ ruling by virtue of it being sustained by the 2002 ICJ judgment. A salient point is that this arrangement extended the maritime border up to the Nigeria-Equatorial-Guinea line. By so doing, a disputed triangle of oil exploration near the Cameroun-Nigeria-Equatorial Guinea tri-border would be granted to Nigeria in years to come; thereby proving beneficial to Nigeria.

⁶² Ibid

⁶³ Omoigui Nowa, *The Bakassi Story*. Available on http://www.omoigui.com/files/the_bakassi_story.pdf

The overthrow of General Gowon by General Murtala Muhammed on July 29, 1975 marked a turning point in relations binding post colonial Cameroun and Nigeria as the new regime primarily aimed to question both the domestic and foreign policy decisions of the previous administration. As part of a public smear campaign of Gowon, he was charged for “giving away Bakassi”. Murtala Muhammed’s decision to nullify Gowon’s agreements with Ahidjo was welcomed by a part of the population who had been impatiently waiting for an opportunity to get rid of its commitment to Cameroun as a consequence of the 1884 colonial heritage and the February 1961 plebiscite.

With Yakubu Gowon out of power, the Coker-Ngo line declared null and void by the new administration and the discovery of offshore oil in the area, the stage was set for dramatic incidents. Joe Garba notes that Nigerians in the small fishing villages along the “porous border” were not properly treated (Garba 1987)⁶⁴. In his words, Garba further indicates that: “[Nigeria] resisted the temptation to use force. [With the conviction]...that Nigeria’s African policies would be seriously damaged if [she] took any retaliatory action against border violations by either Cameroun or Chad. Quiet bilateral diplomacy was the best course with essentially local problems that were bound to keep recurring”⁶⁵ (Garba 1987);

The coming to power of a more accommodating General Olusegun Obasanjo on February 13, 1976 eased tensions. That year, The Nigerian National Atlas in which the Bakassi peninsula was shown to be on Cameroun’s side was published for the first time and its forward was written and signed by Olusegun Obasanjo. However, when Shehu Shagari took office in October 1979, he equally refused to recognize the Coker-Ngo line. With little knowledge about the sensitive nature of the Nigeria’s maritime border, the Ports Authority of Nigeria also began to dredge a new channel westwards in conformity with Article XXV of the 1913 treaty which states that: “The marking, dredging, or buoying of the navigable channels of the Cross and Calabar Rivers from the 3-mile limit landward shall be carried out by the British Government at the discretion of that Government”⁶⁶.

⁶⁴ Joseph Nanven Garba, *Diplomatic Soldiering :Nigerian Foreign Policy 1975-1979*. Ibadan: Spectrum Books, 1987, pp43-44.

⁶⁵ Ibid

⁶⁶ <http://www.dawodu.com/ukdeutsh1.htm> (Consulted on 26-07-2012 at 05:52)

More tensions between the two countries rose on May 16, 1981 when news broke out that an ambush on Nigerian soldiers in three canoes by Camerounian soldiers had led to the killing of Nigerian soldiers⁶⁷. Nigeria claimed that the incident took place along the 1913 border on the Akpayafe River while Cameroun on her part claimed that it happened deep inside Cameroun on the other side of the peninsula in the Rio del Rey. With an apology from Cameroun on July 20, 1981, Nigeria did not press the case further on considerations that Cameroun still owed an apology even if the incident took place along the 1913 border on the Akpayafe River. This was followed by the departure of Ahidjo from office in November 1982 as tensions remained calm for over a decade⁶⁸.

With the advent of multi-party politics in the Republic of Cameroon in December 1990⁶⁹, the increasing militancy for complete secession of Southern Cameroons as the Ambazonia Republic by the SCNC and the coming to power of General Sani Abacha in 1993, the Bakassi crisis took a more violent outlook as more accusations and counter accusations, claims and counter claims began to spring here and there. The political upheavals in Cameroon that involved Anglophones in the early 90s led the government to resort to the use of force and oppression that resulted to the deaths of civilians. Amongst those killed were Nigerian civilians living in Cameroon as many Nigerians were forced to flee the country. Besides, Nigerians who had hitherto been peacefully going about their businesses were embarrassingly harassed by tax collectors and also on resident permits motives, -a first time experience since independence-. More so, Nigerian fishermen and their vessels were harassed in and around the peninsula. In retaliation, Nigeria deployed several troops on the peninsula. The dispute over the Bakassi border escalated into two additional serious incidents of incursion which provoked more shooting and resulted in many casualties with deaths of soldiers on both sides. The first major incident that broke the stalemate was the open hostility over the peninsula on February 18 and 19, 1994⁷⁰. Alongside accusations from Nigeria that Cameroon was not

⁶⁷ Shehu U.A. Shagari: *Beckoned to Serve*. London: Heinemann 2001, p358

⁶⁸ Justice Muluh Mbuh. Available on: http://www.postwatchmagazine.com/files/bakassi_notes.pdf (Consulted on 26-07-2012 at 14:57)

Omoigui Nowa, *The Bakassi Story*. Available on http://www.omoigui.com/files/the_bakassi_story.pdf

⁶⁹ When Paul Biya became president, he changed the appellation from United Republic of Cameroon to The Republic of Cameroon in 1984.

⁷⁰ Africa Confidential, "Nigeria/Cameroon: Blundering into battle," Vol. 35, No. 8p.6, April 16, 1994, London

willing to resolve the issue through bilateral negotiations, this incident became the immediate motivation for Cameroon to take the matter to the ICJ on March 29, 1994.

In addition, hostilities by Anglophones against the government of Cameroun increased on grounds that Cameroun had failed to implement the plebiscite treaty whose intention was to unite the Cameroons and Cameroun under a Federal system of government. This made the Anglophone community to feel cheated, betrayed and mistreated. As a result, they resorted to the UN for its complete independence. However, an interpleading that was submitted for treachery by the Southern Cameroons Restoration Movement to the ICJ was rejected on grounds that it lacked Statehood⁷¹.

In February 1996, another incident escalated into open hostilities when Cameroonian soldiers killed a Nigerian in the former Southern Cameroons city of Limbe. Responding to this incident, a battalion of Nigerian soldiers who disguised as onion merchants took off in a boat for the former Cameroons territory. Stopped at the border for identification by a Cameroon patrol team, they opened fire killing several Cameroon soldiers⁷². With the observation of increasing hostilities and with the understanding that both sides intended to maintain a strong grip on the peninsula through military tactics, the ICJ ordered both countries to cease hostilities pending the final outcome of the case⁷³. However, the protagonists continued to maintain military presence for security reasons until the passing of the verdict by the ICJ in 2002.

On October 10, 2002, news broke out that the ICJ had passed its judgment regarding the case presented before its jurisdiction eight years earlier by Cameroon. Ruling on the basis of the 1913 Anglo-German treaty and the Thomson-Marchand Declaration of 1929-1930, the court declared that the Bakassi peninsula belongs to Cameroon and ordered Nigeria to withdraw from it. The verdict was proclaimed to be “final, without appeal and binding for the Parties”⁷⁴. The ruling was rejected after a fortnight by Olusegun Obasanjo on grounds that

⁷¹ Hotline News, “Another Southern Cameroons Offensive,” No.0064, December 1998, pp 3-4.

⁷² Ibid

⁷³ Southern Cameroons Information Bulletin, “More Anglophone Soldiers Killed In Bakassi Skirmishes,” No. 96001, Friday, March 8, 1996, p10

⁷⁴ <http://www.icj-cij.org/docket/index.php?pr=294&code=cn&p1=3&p2=3&p3=6&case=94&k> (Consulted on 27-07-2012 at 12:26)

Nigeria would lose her naval bases in the Atlantic Ocean; that it did not consider the rich Nigeria history with large populations of the Efik tribe on the peninsula, and also for fear that he might be voted out of office in the April 2003 elections⁷⁵. This reaction from the Nigerian president led to more tension, police and arms build-up in the peninsula.

As a result of this stalemate, The UN Secretary General Kofi Annan organized a follow up meeting on November 15 2002 during which a commission was set up to ensure and facilitate the peaceful implementation of the Court's judgment. The efforts jointly pushed forward by the commission and Kofi Annan culminated to the Green Tree peace agreement on June 13 during which a final resolution plan for the withdrawal of Nigerian troops was reached. This agreement by UN's Kofi Annan also witnessed the presence of four world powers that included Britain, France, Germany and the United States of America⁷⁶. A two-year transition period was considered while Nigeria was given ninety days to withdraw her troops. Nigeria went on to fulfill her commitment to unconditionally handover the peninsula to Cameroon by effectively pulling out her military on August 14, 2006 as Cameroon hoisted her flag. This move was finalized two years later when the remaining administration and police left the territory on August 14, 2008, thus putting an end to longstanding tension, clashes and mutual suspicion.

3.2 File Fact between the Republic of Cameroon and the Federal Republic of Nigeria

The table below intends to provide a few fact figures which might have played a crucial role in determining both the origin and the peaceful outcome of the Bakassi crisis as shall be observed in the analysis.

⁷⁵ Idumange John, The Bakassi Crisis in an Historical Perspective. Available on

<http://www.pointblanknews.com/artopn2377.html> (Consulted on 27-07-2012 at 12:55n)

⁷⁶ http://www.dibussi.com/2006/06/bakassi_peninsu.html (Consulted on 30-07-2012 at 10:16)

Cameroon	Subject	Nigeria
475,442 km ²	Size	923,768 km ²
20 million ⁷⁷	Population	Over 170 million ⁷⁸
23,000 ⁷⁹	Military	167,000 ⁸⁰
Germany, Britain and France	Colonial powers	Britain
1,06 trillion US dollars in 2006	Imports ⁸¹	7,35 million US dollars in 2006

Fig1: A contrastive Fact file between Cameroon and Nigeria⁸².

As the above figure shows, Nigeria outweighs Cameroon in territorial size, population, military and cross-border trade. Cameroon's imports from Nigeria overwhelmingly outweigh Nigeria's imports from Cameroon. Conversely, Cameroon experienced a colonial presence of three different powers all of whom also happened to be witnesses to the 2006 Green Tree Agreement between the two countries. How these dynamics affected the crisis and their impact in the relations between the countries will be further elaborated in the analytical chapter which is to follow next.

⁷⁷ <https://www.cia.gov/library/publications/the-world-factbook/geos/cm.html> (Consulted on 30-07-2012 at 11:57)

⁷⁸ <https://www.cia.gov/library/publications/the-world-factbook/geos/ni.html> (Consulted on 30-07-2012 at 11:45)

⁷⁹ Cameroon Ministry of Defense, Yaoundé-Cameroon

⁸⁰ International Institute for Strategic Studies *Military Balance 2007*, London: Routledge, 2007, p286

⁸¹ World Trade Organization, International Trade Centre, *Afrbiz*, Sunday September 19, 2010.

⁸² Source: created by author

Chapter Four

Analysis

The following analysis which shall be entirely reliant on collected data is tri-dimensional focusing on the causes of the crisis, the course of the peaceful resolution as well as its far reaching consequences.

4.1 Causes of the Crisis

The eruption of the Bakassi crisis between Cameroon and Nigeria can be accounted by a myriad of reasons. One of such reasons relates to the *treaty of protection* signed by the Obong people with the British on September 10, 1884. With Britain agreeing to extend her *protection* to the land, the people and the Chiefs on the one hand and with the Obong agreeing to hold back from subsequent treaties with other foreign powers without the British government's prior approval on the other, the territory surrendered her self-rule within a socio-political constructed environment that they had no knowledge of. This surrender of self-rule became a bulwark to any form of resistance from the Obong or any Natives to future decisions taken by the colonial administration especially as the Obong were unfamiliar with political gaming against a large standing colonial experience of the British. But once the treaty was signed, either consciously or unconsciously, it became law and binding to the parties and the territory concerned.

Another reason stems from the military enforcement of declarations made between 1900 and 1906 by Britain that led to the creation of the colonies of *Lagos, Northern and Southern Nigeria*. By neither resistance nor consultation of the Obong people of Calabar, *Protectorates* became *Colonies*. In line with this understanding, the agreements of March 11, 1913 and April 12, 1913 between Britain and Germany were centered on the interests of the colonial powers since the German quest for a British undertaking that Britain would not seek to expand eastwards was prompted by her interest in shrimps while Britain on her part sought to secure the sea lane access to the trading port of Calabar without interference from the Germans. This agreement was thus largely reachable because the Germans already had the Douala port as an option. By conceding the navigable portion of the offshore border to Britain in exchange for the Bakassi Peninsula, a cooperative settlement between the colonial powers was unconsciously giving birth to a post-colonial conflict. In the same vein, the

creation of the country Nigeria in January 1914 through the amalgamation of territories was done for British economic reasons with the intention to extend the railway network of Northern Nigeria to the sea and to use excess tax revenues gotten from the sale of spirits from the South to correct a budget deficit in the Northern part of the country Nigeria⁸³. This made the boundaries of independent Cameroon and Nigeria to be products of human construction as dictated by their interests rather than the protection of the peoples' interest or the outcome of providence. As time would prove it, these agreements were providing several windows for post-colonial Cameroon and Nigeria to claim the territory.

Besides, these new boundaries became arbitrary because of the Britain's persistent failure to consult them when it came to defining boundaries of the colony as a result of the loss of authority by the Obong over their territory. This partly explains why the boundaries that were later defined between Britain and Germany on November 15, 1893 and on March 19, 1906, alongside the March and April 1913 agreements bore conflicting roots because they took no ethnic consideration since colonial agents and diplomats were primarily aimed at grabbing as much territory as possible without a prior thinking of eventual consequences emanating from such disruptions. By not consulting the Chiefs in defining these boundaries, and with this ethnic interweaving, the seed of future conflicts was being sown. This lack of consultation with the Natives was obvious when it became the central focal point of the Nigerian defense team in the ICJ on claims that it was not binding because of lack of consultation with the local people. As a colonial principle, the divide and rule policy was largely used to perpetrate colonial administration regardless of the damages caused to the people, their socio-political and cultural life as well as their ancestral affiliations. For those conversant with the African communal dimension of man, it is a common denominator that communal life permeates the entire life of Africans. Man is at the centre of existence in the traditional African life. This indicates that man is the combination of the sum total that comprises the unborn, the living and the dead. Therefore, a traditional African does not see themselves as an individual but as an integral part and parcel of a community and therefore its culture. By willfully redefining African boundaries, colonial masters unwillingly separated indigenous populations in violation of their culture which is confounded by the essentially cultural being that Africans identify themselves with. This accounts for the cooperation between African families in justification of the "*ubuntu*" creed which contends that, "I am because we are and since we

⁸³ Omoigui Nowa, *The Bakassi Story*, p4

are therefore I am". As a result, any attempt to fracture such a system is not inoffensive as it inevitably leads to identity issues which eventually ignite conflicts that the Bakassi crisis here exemplifies.

Of equal significance is the outbreak of WWI in which Germany was vanquished. The loss of the war was a devastating blow to the German colonial empire as she saw all her colonies divided between Britain and France. The loss also provided a window for Britain to amalgamate the Bakassi Peninsular and the Cameroons as part of her Nigerian colony but this possibility was aborted by two factors; Britain was reluctant to acquire more territories as a result of her experience in India⁸⁴ where resistance to colonialism was on the rise and thus increasingly expensive to sustain and also because the League of Nations that sprung after the war provided no room for colonialism. The amalgamation of the peninsula by Britain would have not only provided a better defense for Nigeria but could have even undermined the eruption of the crisis considering that the peninsula had formerly been within her jurisdiction and therefore considered a recovery of what she had lost to a rival who was *now fallen*. This stance is likely to have been fortified by the fact that over 90 percent of the Peninsula's dwellers are of Nigerian origin. Similarly, the defining of new boundaries by the Simon-Milner Declaration of July 10, 1919 between Britain and France meant the obsolescing of all past agreements between Britain and Germany. However, by administering the territory from her Nigerian colony without merging it, Britain was providing room for it to remain as part of Southern Cameroons which would in due course become part of Cameroun that would eventually turn sour by disgruntled or dissatisfied interest groups within the post-colonial setting. In the same light, Britain had another chance to curtail the eruption of a future conflict after WWII but rather took measures that further deepened the possibility of an impending conflict when she divided the Cameroons into the Northern and Southern parts. This division paved the way for separate referendums with different results in which the North chose to become independent by joining the independent Nigeria while the South chose to become part of Cameroun. While there is no certainty that the entire Cameroons would have voted to become part of Nigeria, without this 1946 division of the territory by Britain, what has been sustainably observed is the contentment of the North with the outcome of its plebiscite as opposed to the South which was not only characterized by the Bakassi

⁸⁴ Lawrence James, *Raj: The Making and Unmaking of British India*. New York: St. Martin's Griffin 2000, pp 439–518

conflict but also by various secessionist movements that emerged to clamor for independence.

Moreover, international agencies played different roles at different times and in different ways that helped create the ensuing tensions after independence. The UN for instance did a good thing by asking the British administration to make the wishes of the people of the Cameroons clear but the UN made two mistakes that later provided room for various interest groups to exploit in their defense for claiming the land; the first of those mistakes was the UN's rejection of the request by the leaders of Southern Cameroons to provide a third option of becoming independent as a sovereign state –in accordance with the UN trusteeship charter-, rather than becoming independent by joining either Cameroun or Nigeria. This rejection restricted the plebiscite vote to either sway on one side or the other and considering the interpretation of this restricted option by some leaders like Endeley as not reflecting the wishes of the people, the explosion of the time bomb was just experiencing another postponement. It was also a mistake considering the impossibility for a “trust territory” to attain independence either by joining another independent nation or another trust territory without simply becoming independent through self-determination which is far from integration and reunification. In this line, Endeley's request for the Southern Cameroons' unconditional withdrawal from the Nigerian Eastern Region, in favor of its transformation into a separate region in accordance with its trusteeship status can be seen as the first step to prepare the region for sovereignty without having to join Cameroon or Nigeria. Another international actor like the pan-African movement that was led by Nkrumah was opposed to the emergence of small African states. On her part, “Britain was initially afraid that an allegedly economically unviable Southern Cameroons would be an albatross around its taxpayers”⁸⁵. It is against this background understanding that both Endeley and Foncha agreed that the territory be simply granted independence, a position which they futilely maintained in the London conference of November 1960. Clearly therefore, though Southern Cameroonians preferred the plebiscite to provide a simple choice between ‘secession and independence’ or ‘integration with Nigeria’, the UN imposed different questions on the electorate⁸⁶. The second mistake relates to the fact that the UN spelt the former French

⁸⁵ Ibid

⁸⁶ Ibid

Cameroun trusted territory as “Cameroon” instead of Cameroun as it was then known and still is. On the one hand, the outcome of becoming part of Cameroun would later be contested not only by the Federation of Nigeria but also by the Southern Cameroonians and Bakassi dwellers themselves requesting for sovereignty. On the other hand, the possible outcome of an independent Southern Cameroons is likely to have left Nigeria more satisfied for security reasons by virtue of the common West African knowledge that Nigeria secretly desires to have an Anglophone neighbor since she happens to be surrounded by Francophone countries.

More so, vested self interest on the part of Murtala Muhammed and a few other leaders like Ibrahim Babangida or Sani Abacha who later came into scene cannot be underestimated for sparking the crisis that had hitherto been diplomatically well handled. This view is captured by Stedman when he states that “Leaders and parties who believe that peace emerging from negotiations threatens their power, worldview and interests, use violence to undermine attempts to achieve it”⁸⁷ (Stedman 2006). By smearing Gowon’s administration in search of nation-wide support since he came to power through a coup, Murtala Muhammed was not only trying to unseal what has been sealed way back in 1913 and legally sustained through international institutions but he was also drifting away from diplomacy to the use of force. His position, coupled with an acclamation from a section of the Bakassi population who had been waiting for an opportunity to break their bond with Cameroun arguably set the stage for open conflict. Self interest also justified the support of some Nigerian politicians who thought that reunification with Nigeria meant reunion with the Eastern Region from which it had “broken away” in 1954. Thus, this nursed fear of a greater political and geographic base for the Eastern Region in the tri-regional rat race to control the country”⁸⁸.

Furthermore, the source of the crisis witnessed betrayal from different angles. Betrayal here is understood as actions undertaken by individuals and state parties that influenced the outcome of the Bakassi status in post-colonial Southern Cameroons on the one side and steps taken by the state of independent Cameroun on the other. The creation of a new party by Endeley’s former ally, John Ngu Foncha in 1955 with the goal to completely secede for reunification with Cameroun marked the beginning of the end of all possibilities for a

⁸⁷ John Stephen Stedman. “Spoiler Problems” in *Peace Processes, in Conflict Resolution Vol. V.*, Druckman Daniel and Diehl F. Paul (eds) London: SAGE Publications, 2006., p.255

⁸⁸ Omoigui Nowa, *The Bakassi Story* p13

sovereign Southern Cameroons. This change of language and switch of political carpet would eventually result to the restricted plebiscite vote options implemented by the UN. As the plebiscite result would have it, Southern Cameroons became part of Cameroun that would later lead to disgruntlement on the part of some sections of the Bakassi population and give rise to different interest groups like the advocates of an Ambazonia Republic or the SCNC. It is due to this betrayal and show of remorse that he led a SCNC's delegation to the UN in 1994 to back the movement's request for greater autonomy⁸⁹. The Southern Cameroons would later become a force to watch closely by the Yaoundé administration during the crisis as they would step in calling for secession. Another act of betrayal connects with Cameroun's systematic political move to *assimilate* former Southern Cameroons in May 1972 at the Fouban conference in which the federal system of government was abolished in favor of a unitary government. This act was perceived as a violation of prior arrangements of a union in which Southern Cameroons would maintain self-rule and an obliteration of "all pretenses about Francophone intensions in former Anglophone Cameroon"⁹⁰.

More so, there was the vague definition of the maritime border by the 1913 that the now independent countries sought to address. The springboard to this was the subordination of the maritime border to the thalweg which could always lead to serious border complications as it is susceptible to changing a river course. This explains the inclusion of Articles XIX and XX in the 1913 Anglo-German agreement calling for a new demarcation of the border on the basis of the thalweg's new position in the case that the "thalweg of the lower Akwayafe, upstream from the line Bakassi Point-King Point, change its position such that it relatively affects the positions of the thalweg and the Mangrove Islands. But in case there is a change of the mouth of the lower course of the Akwayafe such that it transfers its water to the Rio del Rey, the Bakassi Peninsula shall remain a German territory"⁹¹. These provisions made the 1913 Anglo-German agreement particularly problematic for two reasons. Firstly, the region is

⁸⁹ Cletus Agha Njumbe, p11. Available on: <http://www.nai.uu.se/ecas-4/panels/21-40/panel-27/Cletus-Njumbe-Full-paper.pdf> (Consulted on 07-08-2016 at 16:29)

⁹⁰ Omoigui Nowa, *The Bakassi Story*, p28

⁹¹ Agreement between Great Britain and Germany respecting (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. Signed at London, March 11, 1913. BFSP. Vol. 106, 1913, pp. 782-787; also Treaty Series No. 13 (1913). United Kingdom Command. 7056

characterized by the dry and the rainy seasons. Strong storms and heavy rains during the rainy seasons are likely to result into a change of the thalweg due to the gathering of sediments from one side of the river bank and its deposition on the other side. Conversely, the “residual channel may be asymmetrically located away from the middle of the river valley during the dry season as a result of shrinking in the water volume”⁹². Secondly, though the thalweg of the Akpayafe was very close to the Peninsula, a shift of the thalweg in the future was very likely to occur considering that the stronger Rivers Calabar and Cross have dominance over the Akpayafe. This was probably known by the British and accounts for the provision of Article XXI in the 1913 agreement between Britain and Germany stating that “From the centre of the [thalweg] on a line joining Bakassi Point and King Point, the boundary shall follow the centre of the navigable channel of the Akwayafe River as far as the 3-mile limit of territorial jurisdiction... considered to lie wholly to the east of the navigable channel of the Cross and Calabar Rivers”⁹³. With this vagueness, it was not surprising that Cameroun was accused in 1970 of carrying out oil exploration along the maritime border that was yet to be demarcated while Nigeria was at war. A move that might have been also motivated by fears of falling prey to articles XIX and XXI of the 1913 Anglo-German agreement. This was further visible by the post-Biafra war events; beginning with the amplification of reports that while Nigeria was engaged in the war, Cameroun had been carrying out oil exploration along the maritime border between the two countries that were yet to be demarcated. The failure to agree on a common paradigm during the joint boundary commission meeting of August and October, 1970 further exposed the loopholes in the 1913 agreement as the delegations were unable to agree on how to define the ‘navigable channel’ of the Akpayafe river up to where it joins the Calabar Estuary, especially because there was no Admiralty map expressly delineating the navigable channel of the Akpayafe⁹⁴. Cameroon on her part aimed to avoid any undesired surprises stemming from the possibility of the larger Calabar Estuary having displaced the flow of the smaller Akpayafe River eastward towards

⁹² Omoigui Nowa, *The Bakassi Story*.pp22-23

⁹³ Agreement between Great Britain and Germany respecting (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. Signed at London, March 11, 1913. BFSP. Vol. 106, 1913, pp. 782-787; also Treaty Series No. 13 (1913). United Kingdom Command. 7056

Op.Cit p22-24

⁹⁴ Ibid p25

the Bakassi shore, indicating that the maritime boundary of up to the 3-nautical mile limit would be much closer to the Bakassi coast than to the Nigerian coast of the Calabar Estuary. Nigeria knew this and was thus bent on the position of seeing the navigable channel of the Akpayafe to lie wholly eastward to the Calabar and Cross Rivers' channel⁹⁵ as stated in the treaty. In addition to this inter-governmental disagreement, an impending crisis therefore became more obvious with the occurrence of a further disagreement between the Nigerian Head of boundaries and higher authorities who believed in a compromise with Cameroun in order to forge ahead with negotiations. The result of this internal technical disagreement would become the basis of the Coker-Ngo agreement from which Nigeria would lose several miles of her maritime territory which would in turn be exploited by subsequent administrations to accuse Gowon of having easily given away Nigerian territory to Cameroun.

Also, the deployment of the Queen's regiment from Enugu for training to train in Cameroun was seen by some UPC sympathizers in Southern Cameroons as a "counter-insurgency deployment in support of the hated French colonial administration"⁹⁶. A better equipped Queen's regiment was able to crush the UPC but this show of military force did not endear Nigeria within the ranks of opinion leaders of the local population. On the contrary it entrenched hatred of both Cameroun and Nigeria and a sense of feeling that none could be trusted. This accounts for the insistence by most Southern Cameroons' leaders for the inclusion of a third option providing room for a vote on self-determination by becoming an independent entity from both Cameroun and Nigeria, a political will which was nonetheless subverted by conflicting interests on the international scene. It equally but partially accounts for the spring of the SCNC and the call by some of its leaders for complete secession as the Republic of Ambazonia. This position became increasingly disturbing when they filed their case at the ICJ at the same time that Cameroun was fighting for legal recognition of the Bakassi Peninsula as part of her territory. And though their case was rejected on grounds that it lacked statehood, their continued existence, pressure and clamor leaves many a politician of the Yaoundé administration increasingly worried. Besides, the crash of a plane carrying weapons over the Cameroun mountains without prior notification of Ahidjo in late 1966 and

⁹⁵ Omoigui Nowa, *The Bakassi Story*.p26

⁹⁶ Omoigui Nowa, *The Bakassi Story*.p11

at a time when Nigeria was experiencing counter rebellions raised more dust especially after allegations that the plane was ordered by Eastern Region Military Governor Lt. Col. Ojukwu. And although it remained unclear whether the crash was accidental or the plane was shot down, Ahidjo would from then onwards, treat the Ojukwu leadership in Eastern Nigeria and later Biafra with suspicion⁹⁷. This suspicion provides grounds to ascertain Ahidjo's unilateral exploration of the maritime border that was yet to be demarcated while Nigeria was engaged in the Biafra war.

In addition, the crucial role played by the Ahidjo administration during the Biafra war to prevent the Bakassi peninsula from being used by Biafra troops became the poster child of the Murtala Muhammed and subsequent Nigerian administrations that fuelled claims over the peninsula. In a bid to garner public support and legitimacy of their claims, these administrations accused Gowon for giving away Bakassi to Cameroun. In so doing, it gave a blind eye to the 1913 treaty and all subsequent agreements. The misconstrued understanding that the Bakassi crisis started from this period stems from this politically motivated platform. Two reasons account for Ahidjo's agreement to prevent the Peninsular from being used by hostile elements; firstly, Ahidjo and key elements in the Cameroun bureaucracy sought to avoid the spillover effect a seceded Biafra from Nigeria would have on Southern Cameroons. They clearly knew that a victory for Biafra would serve as a prelude for the secession of Southern Cameroons who were commonly known to prefer self-determination by becoming independent of Cameroun. Besides, Ahidjo's biological link to Nigeria and strong personal connections with people like Senator Iya Abubakar or Ambassador Malabu who was then serving as the Nigerian Ambassador to Cameroun altogether facilitated the acquisition of Cameroun's support by the Nigerian administration during the civil war. However, the succession of Ahidjo by Paul Biya who later fell out of terms with his predecessor and without any special links to Nigeria provided a fertile ground for an open conflict to spring from a crisis that had hitherto been successfully quelled through diplomatic negotiations and special relations with Ahidjo.

To add more sand to the injury, the technical blunder made by Gowon's technical team during the summit meeting of April 1971 served as a basis to ignite the crisis by subsequent Nigerian governments. By asking Gowon to rather draw the line where he wanted than

⁹⁷ Omoigui Nowa, *The Bakassi Story*. P16

arguing, Ahidjo provided an open window for Nigeria to consolidate a fair share of the territory that was not yet demarcated. Contrary to his intentions, the line Gowon drew after consultations with his expert was not in line with the true Akpayafe River but rather crisscrossed the navigable channels of the Calabar and Cross Rivers that was already intended by Article XXI of the 1913 treaty to be entirely on the side of Nigeria. But once the blunder was made and the agreement signed by both leaders, it became law and a closed window of opportunity for Nigeria. However, it would not stop subsequent Nigerian administrations from using it to lay claims over the territory or raise accusing fingers at Gowon. Paying more attention to his concession than Gowon's blunder, Ahidjo's placing of oil rigs near the disputed channel heightened tension when Ahidjo resisted the removal of the rigs that were aimed to "stake a maritime claim and force the maritime boundary westwards (towards Nigeria)"⁹⁸. While a reluctant compromise was reached by deflecting "the maritime boundary to accommodate the rig, [and the course correction of the line to the] ... original angle (as if the rig was not there), [as well as the placement of]... a vector - to prevent Ahidjo from constructing any further rigs across the yet unmarked boundary further south or altering the axis of the maritime border"⁹⁹ as both countries drew close to war, this risky game on the part of Ahidjo served as another test and prelude to a major crisis ahead, especially as the placed vector would equally turn out to be exploited by subsequent administrations to accuse Gowon of *giving Nigeria away*.

Another factor which explains the advent of the crisis stems from the understanding that both governments were using the border dispute to divert attention away from their poor human rights records¹⁰⁰. It is common denominator that both countries are marred with gross abuses of human rights which stems from the masses' desire for real democratic practices and good governance. After over fifty years of independence, Cameroun boasts only two presidents. The first president, Ahidjo almost single-handedly ruled the country for twenty-five years. Though the country experienced economic development, unscrupulous detention associated to criticism of the regime. The entire nation jubilated when he resigned from office in 1982 but the jubilation was caught short as the Biya regime led to economic collapse, under-

⁹⁸ Omoigui Nowa, *The Bakassi Story*.p28

⁹⁹ Ibid pp28-29

¹⁰⁰ Justice Muluh Mbuh pp20-21

development, insecurity, indebtedness, corruption, embezzlement, nepotism, cronyism, election irregularities and so on. Under him, Cameroun was thrice ranked the most corrupt nation in the world. The recent upshot has been the unending persecution and imprisonment of those who dare challenge the authority or are suspected of any involvements in activities that strive to render it bare. In addition to these ills that plague Cameroun, post-independent Nigeria was punctuated by military dictatorships ¹⁰¹that would stop at nothing to crush democratic advocates like Mushood Abiola and wife, among many others.

Another cause of the crisis drew its source from internal political pressure by Nigerians on the government “by both genuinely aggrieved people as well as mischief-makers to [regain control of] the Peninsula”¹⁰². These groups of people do not heed to previous international legal commitments and binding agreements. For some reasons, they also fail to appreciate or acknowledge the fact that the Germans lost a good chunk of inland territory of modern Cross-River State to Britain in exchange for the peninsula. By taking this debate back to the events prior to 1893 when the territory belonged to Germany, large territory and the Ekoi-speaking people of Nigeria would become Cameroonians. As a result of repeated publicity by some post-Gowon governments that the peninsular had been given away, most of these still find it difficult to understand the difference between the maritime and land components of the dispute. This was further compounded by the “rough handling of Nigerians in the small fishing villages along the porous borders”¹⁰³. However, the absence of statehood coupled with the Anglo-German treaties and subsequent related agreements make the consideration of this option a greater threat to crisis than subordinating such boundary decisions on legally binding constructions, beginning with the 1913 treaty.

Besides, the Coker-Ngo line imbroglio emanating from the 1971 agreement between Ahidjo and Gowon became a hot spot for an imminent crisis between Cameroun and Nigeria as most post-Gowon administrations refused to recognize its legality. This persistent refusal was able to resist time because most of these administrations were military dictatorships that came to power by coups and counter coups and exited in like manner. This was spiced by incidental

¹⁰¹ Mbuh Justice Muluh, pp20-21

¹⁰² Ibid p30

¹⁰³ Garba Nanven Joseph, *Diplomatic Soldiering :Nigerian Foreign Policy 1975-1979*. Ibadan: Spectrum Books, 1987, p44.

events like the 1981 ambush on three canoes of Nigerian soldiers that led to deaths on the Nigerian side. Albeit resolved diplomatically after a Camerounian apology, this incident only signaled another postponement of the dreaded day. The architects of these politically incorrect upheavals thus used such incidental occurrences and the Coker-Ngo agreement as a leeway both to gain public support and to sway away attention from internal crisis. In due process, they gained time to consolidate power and cement their grip to it. As a result, they gained both time and shored up fading domestic support from many hopefuls who saw in them, a degree of nationalism tampered just enough to regain control over the Peninsula. These increasingly incessant menaces to open conflict only earned Nigeria accusations by Cameroun as wanting to use her very large population to reclaim the territory¹⁰⁴.

Also, either by fate, chance or coincidence, systematic turmoil in Cameroon in 1992 and 1993 constituted an immediate cause of the crisis. With the heated advent of multiparty politics, heightened militancy for Southern Cameroons autonomy, open oppression of Nigerians businessmen through tax-driven hikes, mass exodus of Nigerians from Cameroun as a result of embarrassment, the harassment of Nigerian fishing vessels by Camerounian gendarmes and the killing of Nigerian civil servants, the presence of an uncompromising Nigerian military dictator in office, holding on to peaceful negotiations became a hard nut to crack as both nations gambled into open confrontation over the Peninsular. At this point, all chances of a peaceful settlement stood in a limbo as Cameroun sent in troops on grounds that she had to assert her sovereignty over the Peninsula by beginning to tax those living in it while Nigeria that would not relinquish her claims over it, deployed in troops to protect her nationals as the Abacha government simultaneously set up a formal administration in the territory. This showcase of military force would only lead to loss of lives, disenchantment among the populations and the possibility of an outright war until the implementation of the ICJ verdict.

Above all, what had been subjected to several decades of neglect suddenly became a center of increased attraction only after the discovery of huge oil and mineral reserves on the Peninsula and its maritime waters. This falls in line with Holmboe when he posits that “Natural

¹⁰⁴ Cameroun’s Memorial of March 16, 1995; paragraph 1.67.

Preliminary Objections of the Republic of Nigeria, Dec. 1995, Vol.1, p8.

resources are an important source of conflict in Africa”¹⁰⁵ (Holmboe 2005). It is thus not surprising that prior to these discoveries, the Peninsula virtually had only strategic importance which was not worth fighting for considering the fact that both nations enjoyed peaceful co-existence irrespective of a few squabbles that naturally erupt in a community. This prior consideration of Bakassi as a remote territory inhabited by people void of consequences explains the absence of neither Cameroonian nor Nigerian administrative representation on the territory and its abandonment to itself. Clearly therefore, the Peninsula only became perceived as a juicy fish with these discoveries as sovereignty over it meant an unprecedented booty for the victorious and a great loss for the vanquished. As the specter of political uncertainty and socio-economic chaos loomed, it became increasingly necessary to think of the best way to opt out of this messy status quo.

4.2 Why and how was it possible to reach a peaceful resolution?

The peaceful settlement of the Bakassi crisis was not the result of fate or design but that of systemic social constructions from start to finish. First and foremost, the 1913 treaty which stood as the basis of discord equally served as a panacea, especially considering the fact that Nigeria as a state was inexistent prior to the treaty. This made it practically impossible for modern Nigeria to reject the very source that erected her to statehood as it tried to do at the ICJ. In support of this assertion is the understanding that the colonial administrations were not resisted neither by the Obong nor any other Natives prior to the post-WWII events that led to her independence. However, this too late resistance was not in connection to already recognized boundaries but rather in assertion of their right to self-determination as intended by the UN under their status as trust territories. Again, challenging the 1913 treaty was challenging a legally binding construction that was sustained by the international community, first through the League of Nations and then the UN. So therefore, a rejection of the treaty that was accepted at birth by her own people could be termed to indicate an eventual rejection of self. In further confirmation of Nigeria’s recognition of the treaty, both world wars saw the participation of Kamerunians, Camerounians, people of the Cameroons and Nigerians fighting alongside their respective colonial masters in protection of their various territories that fell within the scope of the treaty. In the singular case of WWI, it is understandable that

¹⁰⁵ Holmboe Rolf, Conflict, “Human Security, Governance and Development” in *The Third World*, Bjørn Møller (ed.) DIR & Institute for History, International and Social Studies, 2005., p.79

Bakassi dwellers fighting alongside Germans were equally opposed to Nigerians fighting on the opposite camp. As a result, the verdict of the ICJ on the basis of the 1913 treaty provided a superhighway for a peaceful outcome to the crisis since any further act of aggression would have been assented as an aggression to the international community.

Moreover, verbal utterances of the 1913 treaty would have been less significant without well documented evidence of the treaty itself and supportive maps which were properly known and understood by the colonial powers, the protagonists and the UN. With facts from the UN for instance that Nigerians actually took part in the 1961 plebiscite, it became impossible to question the credibility of the results as any argument emanating from that view point would have been without substance.

Besides, the crisis involved protagonists whose history was marked by good cross-border relations and trading activities which continued even during the hostilities. This socio-economic and cultural dimension which particularly permeated the entire life of those living along the long border between Cameroon and Nigeria equally stands as a salient factor to account for Nigeria's resistance of "the temptation to use force." ... [with the conviction that] Nigeria's African policies would be seriously damaged if [she] took any retaliatory action against border violations by either Cameroun or Chad. [Against a quiet backdrop of] bilateral diplomacy... [to] essentially local problems that were bound to keep recurring¹⁰⁶.

Equally important is the non-involvement of any third party state or non-state actor(s) with either covert or overt support to either of the protagonists. From this standpoint, it is less likely that the ICJ judgment would have been observed or the Court even having a chance to deliberate on the matter because the result of crisis with third party involvements have often lasted longer, bloodier since ending such crisis is generally subjective to the eventual victory of the more powerful force. In this light, the economic, military and political might of third party(ies) as well as the nature of support offered to the protagonists would have been crucial since the guiding principles of such crisis often locates in "what is there [in the

¹⁰⁶ Joseph Nanven Garba, *Diplomatic Soldiering :Nigerian Foreign Policy 1975-1979*. Ibadan: Spectrum Books, 1987 p44

intervener(s)'s interest]"¹⁰⁷ with the long aim to end the conflict only "on terms favorable to the intervener"¹⁰⁸ (Druckman and Diehl 2006).

Furthermore, the rightful recognition of Bakassi as not being part of Nigeria by some of her post-colonial administrations -especially the first represented by Tafawa Balewa- which was also punctuated through an exchange of diplomatic notes with Cameroun played a significant role in bringing about a peaceful settlement. This act which later became renewed by the Ironsi, the Gowon and some other subsequent administrations meant a commitment to respect all prior international agreements while opposing administrations acted in violation of the commitments that they ought to sustain and a pervasion of the same values and norms that they ought to incarnate. Such was the case with Murtala Muhammed, Ibrahim Babangida and Sani Abacha who must have been mistaken into thinking that just being the head of a country was enough to undo several decades' old agreements that had been repeatedly reiterated in accordance with the norms and laws that govern the behavior of states.

More so, the involvement of technical experts and think-tanks such as the 1970 Attorney General, Teslim Elias proved productive because any piece of advice short of a succinct observation of historical facts was likely to have resulted to a confrontation earlier on. In the same line, Endeley's decision to opt for neutrality during a dispute in the Eastern House of assembly in 1949 on claims that they were not Nigerians led to a decision by the House to what might have changed the course of events. By asserting this stance which resulted in the creation of the Southern Cameroons semi-autonomy, Endeley was not only changing the future outcome of the 1961 plebiscite which was largely influenced by large publicity of greater autonomy in a union with Cameroun, but equally provided an opportunity to understand the strength of peaceful agreement in the face of misunderstanding. Without this autonomy, a more likelihood scenario would have been a counter publicity by Nigeria to sway Southern Cameroons to her side at the wake of the plebiscite and this would have inevitable affected the results of the plebiscite. This hooks up with the diplomatic steps taken by the Ahidjo and Gowon administrations to clearly define their maritime borders. And though a few military leaders tried at their whims and caprices to stir the population into a

¹⁰⁷ Noam Chomsky. Available on <http://www.chomsky.info/articles/199401--02.htm> (Consulted on 28-08-2012 at 13:32)

¹⁰⁸ Daniel Druckman and Paul F. Diehl, Conflict Resolution vol. V.London: SAGE, 2006. p192

more radical confrontation, their endeavors could not go beyond verbal agitations as they could neither take back the hands of time nor obliterate prior legally binding commitments.

Besides, the customary international law which is incorporated into the UN Charter by Article 92 equally had a toll on the peaceful resolution of the crisis since it is based on aspects derived from customs and treaties. In its Article 38(1) (b) Statute, the ICJ defines the customary international law as “evidence of a general practice accepted as law that is generally determined through the general practice of states and what states have accepted as law”¹⁰⁹ (Dinstein 2004). It “consists of rules of law derived from the consistent conduct of States acting out of the belief that the law required them to act that way”¹¹⁰ (Roseanna 1984). It equally follows that the customary international law can be discerned by a “widespread repetition by States of similar international acts over time ... such acts must occur out of a sense of obligation ... must be taken by a significant number of States and not be rejected by a significant number of States”¹¹¹. Nigeria’s option to challenge the 1913 treaty at the ICJ seems to stem from the understanding that sovereign countries must generally consent in order to be bound by a legal norm or a particular treaty. This seemingly contradictory thinking about customary international laws is however counterproductive by the legal rule that an observation of silence means consent as justified by the attitude of the Obong and other Natives during the 1913 and subsequent treaties. This indicates that the customary international law is marked by a consensus among states expressed both by a discernible sense of obligation and widespread conduct. Although there are different types of customary international laws recognized by states, some of them become compelling through acceptance by the international community as rights that cannot be derogated while others may simply be followed by a small group of states. But whether these laws have been codified domestically or through treaties, states remain binding to them. Consequently, “any

¹⁰⁹ http://www.icj-cij.org/documents/index.php?p1=4&p2=2&p3=0#CHAPTER_II (Consulted on 16-08-2012 at 16:30)

Yoram Dinstein.. *The Conduct of Hostilities under the Law of International Armed Conflict*, Cambridge: Cambridge University Press. 2004, p5.

¹¹⁰ Shabtai Roseanna, *Practice and Methods of International Law*, new York: Oceana Publications. 1984, p55.

¹¹¹ <http://internationallaw.uslegal.com/sources-of-international-law/customary-international-law/> (Consulted on 19-08-2012 at 14:07)

laws conflicting with it should be considered null and void”¹¹² (Bassiouni 1998). With this legal framework, and with the understanding that even the military leaders who called for the abrogation of Nigeria’s previous agreements with Cameroun were not oblivious of this reality, it is comfortable to conclude that it was in the interest of both countries to accept a peaceful settlement especially following the ICJ verdict because any other move contrary to the Court’s decision might have provoked widespread resentment and the use of force by the international community to effect the Court’s decision. This can be further attested by the understanding of some Nigerian think tanks that she had a weak case while Cameroun was confident of a favorable outcome as a result of historical evidence, trust in the ICJ and the rule of law.

In addition, the ICJ significantly put its hands on deck in bringing about the peaceful settlement. Basing its final decision on the Anglo-German Agreements of 11 March and 12 April 1913 and the Thomson Marchand Declaration of 1929-1930, Cameroon was given the territory. Considered final and binding for both parties, the option of a possible war was off the table since the ICJ remains the highest competent institution to take decisions in accordance with international law regarding disputes that are submitted to it. Besides, the judgment like all its judgments was backed by the UN Charter which allows sanctions or the use of force to implement its decisions. Accordingly, by applying the international customs as evidence of a general practice accepted as law¹¹³, neither of the two countries had a legitimate choice to recourse to further dispute than adhere to the Court’s ruling. And regardless of President Obasanjo’s rejection of the ruling a fortnight following the decision on grounds that the ICJ did not consider the rich Nigerian history in the Bakassi Peninsula and the fact that Nigeria would lose her naval bases in the Atlantic, there was little he could do to alter the judgment because any attempt to sway away from the decision would have

¹¹²M. Cherif Bassiouni.. *International Crimes: jus cogens and Obligatio Erga Omnes, Law & Contemporary Problems*, Vol 59, No 54: 1998, pp63-74

Article 53 of the Vienna Conventions on the Law of Treaties (1969). Available on http://untreaty.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf (Consulted on 16-08-2012 at 17:00)

<http://www.icrc.org/ihl.nsf/full/470?opendocument> (Consulted on 16-08-2012 at 17:07)

¹¹³ <http://www.icj-cij.org/documents/index.php?p1=4&p2=1&p3=0> (Consulted on 20-08-2012 at 13:58)

been deemed controversial, a violation of law and an act of aggression. Such a move might have dragged Nigeria into unnecessary isolation, sanctions from the international community and pointless confrontations with her neighbors while simultaneously creating fresh opportunities for internal insurrection as has been witnessed in recent times.

Furthermore, the ICJ judgement received approval from former colonial powers of Britain, France and Germany alongside the US which currently enjoys world hegemony. Apart from adding more impetus, concreteness and legitimacy to the judgement, it served to convey a strong message regarding the Bakassi crisis: a moral acceptance of their portion of responsibility and therefore a show of remorse for their colonial mistakes which are perfectly human but that could not be undone otherwise apart from through supportive actions to legal institutions and to ensure that their decisions prevail. With this great power's overt support and commitment to be part of a world that seeks to solve problems through peace than through war, the peaceful settlement of the Bakassi crisis did not only become irreversible but served as a quintessence of resolving conflicts to other parts of the world where people live in acrimony, fear, terror, despair or suspicion as a result of human crisis with a kind of enchantment that peace is an illusion.

However, the singular pronouncement of the ICJ on October 10, 2002 was only a means to an end and not an end in itself because without a well crafted diplomacy by the UN's Kofi Annan, a more violent scenario was likely to follow the Court's decision. This accounts for the pre-emptive meeting between presidents Paul Biya and Olusegun Obasanjo on the invitation of Secretary-General Kofi Annan to commit them to the agreement of the ICJ verdict as dialogue took center stage in the definite resolution of the crisis. Holding in Paris on September 5, a month before the pronouncement of the decision, the meeting did not end in a fiasco as the two Heads of States consented to the recommendations of the Secretary-General. With these diplomatic moves, war was averted, the axe of the Bakassi crisis buried and the writing of a new page between the two countries that have since then enjoyed relations of good neighborliness.

Of equal importance was the desire of both parties to score both domestic and international political goals for themselves and their respective countries. This helped foster the strength and culture of talking, negotiations and changing ideas throughout the resolution process, though some of the decisions at the first moment seemed unacceptable like the ICJ judgment. To start with, Nigeria is considered one of the emerging democracies on the continent. A

fundamental democratic upshot requires the practices, observation and sustenance of democratic ideals like the rule of law, respect for international order, respect for judicial institutions, the commitment to the values of cooperation, tolerance and compromise, and so on. In return, the country gains global reputation, large scale influence, increased foreign investors and tourism, just to name a few. Secondly, Nigeria is the most populous country in Africa with large populations in Cameroon, who peacefully live alongside Cameroonians as they go about their businesses. Most of them were born there and got married with children there. This intercoctedness naturally breeds love, intensive cooperation and peaceful co-existence as proven by the case of Ahidjo. Also, daily cross-border trade is very high as Cameroon has been a leading destination for Nigeria's export, often coming only second to France in the past years which she actually overtook in 2011¹¹⁴. A combination of these contemporary facts infers that any military blunder from Nigeria -irrespective of her comparative military superiority- after the ICJ judgment would have been a devastating blow to Nigeria's economy even as it might have led to a humanitarian catastrophe. On her part, Cameroon that loves to be referred to as a peaceful nation and President Biya as an architect of peace sought to use this unique opportunity to confirm this self-acclaimed pedigree that has not blommed because of the country's already marred image by common observers and Non-governmental organizations like Transparency International.

Finally, all countries regardless of their size; economic, military or political power; natural endowments are equal as stated in Article 2 of the UN Charter which recognizes the sovereign equality of all its Members¹¹⁵ and even more so, before the law. So therefore, Nigeria could not afford to undermine her peaceful relations with neighbors and the international community, which has guided her diplomacy on the continent and provided a platform for her stability and economic progress over the years. Like any major event, the crisis had long-standing consequences which impacted and continue to impact lives, relations, policies and decisions.

4.3 Consequences of the Bakassi crisis

¹¹⁴ <http://www.cameroon-info.net/stories/0,36724,@,importations-le-nigeria-premier-fournisseur-du-cameroun-en-2011.html> (Consulted on 21-08-2012 at 15:40)

¹¹⁵ <http://www.un.org/en/documents/charter/chapter1.shtml> (Consulted on 19-08-2012 at 17:23)

The Bakassi crisis sent unprecedented sounds (both bad and good) through the historical and contemporary path of relations between the two countries and far beyond their regional confines in a world that constantly whirls. To start with, it led to a refreshed memory of some of the devastations of colonialism which located in the protection of vested self interests and not the protection of the Natives as the Obong were tricked into believing that their *treaty of protection* with Britain on September 10, 1884 was indeed meant to protect them from other colonial powers. As the 1913 Anglo-German and all other treaties prior to independence would have it, “protection” became colonialism as the two powers bilaterally divided the territory without consulting with the Obong or other Natives. This lack of consultation over a territory whose historical, tribal and ethnic patterns were oblivion to the colonial powers became the basis of unavoidable consequence of the crisis. It also served to credit the common observation that unlike any other singular factor, natural and mineral resources are the main cause of conflicts on the continent.

Besides, it showcased the extreme danger of military dictatorships as dangerous agitators who come to power through coups and who would stop at nothing to consolidate power and sustain their grip to it. This can prove to be very costly on the economy, the infringement of social relations and human possibility because all societies always have a section of the whole who remain cynically unsatisfied with the totality. But the possibility of an outright crisis remains irrelevant as long as no stronger power or authority comes in to ignite a seemingly harmless flame. This highlights the kudos of continuity in administration rather than the smearing of others’ achievements without a comprehensive consideration of the legal framework that guided and influenced their policies. With this mindset, it is plausible to admit that democratic progress recorded by Nigeria over the last decade has been considerably influenced by extensive experience with unpopular military leaderships.

Moreover, it resulted to losses and gains of territory by both countries; Cameroon conceded some maritime territory to Nigeria following the ICJ’s on the basis of the extension of the border southwards to the Nigeria-Equatorial Guinea line during the Kano meeting which preceded Maroua. As a result, a disputed triangle of oil exploration near the Cameroun-Nigeria-Equatorial Guinea tri-border was given to Nigeria as a result of the Maroua declaration¹¹⁶. In the same light Nigeria conceded a tiny piece of her maritime land around

¹¹⁶ Omoigui Nowa, *The Bakassi Story*. p29

the oil rig that Ahidjo unilaterally planted during the Biafra war while formerly gaining ownership of the Peninsula itself. Other impacts created as a result of the crisis included division of families and peoples, harassment, displacement of large populations, material and economic losses but the greatest loss however remains that of human lives which no amount of compensation can suffice. This is however negligible when compared to the degree of casualties involved in a major war.

More so, the crisis exposed a good number of things that people might have taken for granted. One of those things locates in the observation that the Trusteeship Council succeeded in its mission by preparing the people for independence and for making it possible at the right time. Without such prior political preparedness, it is unlikely that Ahidjo and Gowon would have not blundered into war rather than resorting to diplomacy as observed through the numerous summits and meetings that resulted into constructive agreements. This links up with the benefits of dialogue rather than its absence in times of conflicts, crisis or misunderstanding. Secondly, it revealed the strength in biological interconnectedness as expressed by Ahidjo's biological links to Nigeria which might have influenced his 1971 compromise to Gowon in opposition to unconstructive arguments. Thirdly, it served as yet another test to the ICJ as the supreme legal authority capable to handle crucial and challenging conflicts between sovereign countries because any failure in the implementation of its judgment might have encouraged other governments in other parts of the world where similar cases exist to resort to anarchy. How the successful implementation of the judgment contributed to foster the ICJ's and UN's credibility therefore need not be overemphasized. Thus, it provided practical evidence that world peace through diplomatic negotiation was still possible and an indication that the UN could still be regarded as a promoter of world peace and unifier of nations. Also, it served as a lesson worthy to emulate to other war-torn zones that in the face of all conflict resolution strategies, peace should be given enough room to run its course because men's minds are meant to preserve not to destroy and to select the right from the wrong in order to choose the best. By their readiness to stand as witnesses to the ICJ judgment and to ensure its enforcement, the former colonial powers and the US renewed their commitment to the respect and upholding of democratic principles and the rule of law while conjunctively expressing their willingness to right the wrongs of the past. Also, while the post-colonial socio-political and economic fabric could be termed as mature for self-governance, the scientific framework remained fragile as evidenced by the faulty outcome of

the Coker-Ngo line. This scientific loophole has followed most post-colonial African countries down the road six decades after independence and partly accounts for its underdevelopment.

Furthermore, it helped the two leaders score political goals as expected. Cameroon's victory has been consistently and persistently used by the Biya camp to promote his image at home and as a political tool during elections. This has often swayed many a Cameroonian into the argument that if he could peacefully emerge victorious out of the Bakassi crisis, then he should be given another chance on pretext that the development of the country depends on the sustenance of peace. This has gone as far as prompting some tenets to refer to him as a "*natural candidate*" as it has led to his reelection in 2004 and 2011 as well as the enjoyment of an absolute majority representation by his party in the national assembly. On his part, Olusegun Obasanjo has been diplomatically active since leaving office in 2007. His international mediation efforts have taken him through Burundi and Mozambique just to name a few. In the same vein, he has been appointed as the special envoy of the UN's Ban Ki-moon to the Great Lakes Region since 2008 while he remains "integral in the ongoing mediation efforts in Eastern Democratic Republic of the Congo"¹¹⁷. On a national scale, it earned Nigeria respect in world politics as a country that promotes world peace which also serves as a diplomatic strategy to lobby the consideration and possible admission of Nigeria as a permanent member of the UN Security Council that the continent has been increasingly clamoring for in recent times. The international credibility gained by both countries as a result of the Green Tree agreement also served as an incentive to both domestic and foreign investors to invest and create jobs that are a dire need by the populations of both countries to reverse the socio-economic dilemma of most citizens in these countries.

¹¹⁷ <http://www.africaprogresspanel.org/en/about/panel/olusegun-obasanjo/> (Consulted on 23-08-2012 at 15:55)

Chapter Five

Recommendations and Conclusion

A historical and contemporary spectrum across the globe ends with the conclusion that the history of Africa like all human history has been characterized by struggles which have sometimes resulted to serious conflicts. This made one of the challenges of the post-cold war policy and decision makers' period to locate in finding the most convenient grounds for resolving conflicts and how to go about them in the most responsible and effective manner. In response to this, various ways were sought to resolve them in the most convenient manner that would minimize casualties. This mindset conforms to the assertion that "Conflict is a perfectly natural phenomenon and inevitable in all aspects of human endeavors, and it is a natural element in the process of change and development"¹¹⁸ (Rolf Holmboe 2005). It therefore suggests that conflicts and their eventual resolution or efforts towards it are not new.

However, the outcome of such efforts largely depends on the roles individuals choose to play or are coerced to play by various surrounding circumstances as the outcome has a huge impact on others and future generations. But whatever role people choose or are coerced to play is reflective of the genuine goodness in human nature or its absence. As witnessed in the case of the Bakassi crisis, the starting point of successful conflict resolution could be understood as depending on an honest evaluation of the conflict-source, amplified by transparent actions of institutions and individuals that gave priority to peace over war with the firm commitment to sustain it. A major reason that accounts for this quest is the fear of spillover effects of conflicts resolved through war.

More so, for a continent that is divided by history, ruined by uneven human and natural resource exploitation, weakened by fragile institutions and corrupt practices and that swims in constant turmoil, the discourse to peacefully resolve conflicts deserves encouragement within state and non-state actors which urges many pundits to favor the peaceful resolution of conflicts as resolution strategies remain a bone of contention within the international community. The peaceful resolution of the Bakassi crisis therefore stands in direct opposition

¹¹⁸ Rolf Holmboe. "Conflicts and Conflict Response in Africa" in *Conflicts, Human security, Governance and development in the Developing World*, Bjørn Møller (ed.) Aalborg: DIR & Institute for History, International and Social Studies, 2005 p70

to Charles Hauss's statement that "The International Community's inability to solve ... visible conflicts...has cost the UN and international bodies much of [its credibility and] support)"¹¹⁹. This supports the understanding that with the right corresponding action from various interest groups, the UN stands a greater chance to record more credits within the scope of peaceful conflict resolution. This thinking must have played a leading role in the peaceful settlement of the crisis between Cameroon and Nigeria over the Bakassi Peninsula in what seemed to be heading to yet another devastation of human lives, large scale displacements, environmental destruction, humanitarian intervention, spring of rebellious groups, increased military spending and divisions between families, friends, businesses and neighbors. But while the eyes of the world were focused on these two countries, while the military of the protagonists were stretching their muscles and while the ink of advocates of peace was running dry, the efforts of three men (Paul Biya of Cameroon Kofi Annan of the UN and Olusegun Obasanjo of Nigeria) made a hallmark in African history as a new page was written which provided proof that in wanton opposition to war as a means of settling disputes on the continent, the peaceful resolution of it was possible and remains the best way to lay conflicts to rest.

Also, the fundamentally moral, economic progress, political stability, and peaceful coexistence on the continent could be termed as depending on the ability and willingness of various parties to nurse a sense of rational thinking and diplomatic actions to resolve crisis within a continent that is in dire need of peace and economic development. The massive achievement of this could require the laying of a solid platform on which to coordinate constructive dialogue and transparent actions which largely determine the degree of successful conflict resolution or its failure. The one way of doing this could stem from the introduction of civic education in the curriculum centered on the ubuntu philosophy. This philosophy which is best captured by Archbishop Desmond Tutu describes an Ubuntu as being a person who is "open and available to others, affirming of others, does not feel threatened that others are able and good, based from a proper self-assurance that comes from knowing that he or she belongs in a greater whole and is diminished when others are humiliated or diminished, when others are tortured or oppressed"¹²⁰ or victimized (Tutu 1999). By focusing on this belief that *you are because I am, without you I will fall and*

¹¹⁹ Charles Hauss. *International Conflict Resolution*, London: Continuum, 2001. pp.43,44,

¹²⁰ Desmond Tutu, *No Future Without Forgiveness*, 1999, Image, New York

without me you will fall, there would be an increasing awareness to take collective responsibility in order to ensure economic growth, development and well-being of all founded on peaceful co-existence which is what Africa needs not further conflicts. Successfully applied, it inherently has the appropriate arsenal to undermine the instruments that erect conflicts and crisis on the continent.

Moreover, the Bakassi crisis epitomizes the need to give Africans a chance to resolve their conflicts rather than giving a deaf ear to their voices when they insist for the peaceful resolution of their conflicts because in the face of all human misunderstandings and conflicting interests, the imbroglio still boils down to peace. The successful withdrawal of the Nigerian administration, military and police from the territory is an indication that Africans in conflicts can amicably resolve crisis if given the barest opportunity to avoid blood-baths carnage, socio-economic and political disruption which have been a major characteristic of post-independent Africa. In other words, the final handing-over is a model for the peaceful settlement of disputes on the continent.

In this regard and for Cameroon to consolidate the peace, she should proceed with vital infrastructural developments in education, electricity, health, telecommunications, transport, water and housing in the territory. These vital needs will ameliorate the precarious living conditions of its dwellers and an encouragement for other Cameroonians to work and invest there. It will equally help to play down the rising of social movements that seek to lure the inhabitants of Bakassi to reject the ICJ judgment and the peaceful resolution. Also, considering the strong historical and ethno-linguistic ties between the two countries, trans-border trading did not stop even during the hostilities¹²¹. In this view, it is crucial to consider setting up more formal arrangements of trade through negotiations to revamp both economies, curb smuggling and encourage competition between home industries in order to increase tax revenues to benefit them both.

Furthermore, it is necessary to steam up the democratization process of the continent as its absence only gives way to military or civilian dictators whose primary attention locates in consolidating power and seeking to secure it for as long as possible at the detriment of national interests. The tendency of such regimes is to increase unnecessary military spending

¹²¹ Peter Konings. African Affairs, *The Anglophone Cameroon-Nigeria boundary: Opportunities and conflicts*. No. 104 Vol.415, 2005, pp 275–301

at the cost of economic growth and development. This generally leads to an unhealthy economic environment and when people are economically deprived, they seek for unorthodox means for their daily livelihood and survival.

Besides, it is unequivocal that the practice of transparent judgment as seen with the ICJ over the Bakassi crisis as well as the support of super powers is worthy of approval and stimulating because a legal system that focuses on facts and evidence than empathy, military power, political inclinations or cronyism breeds trust, respect and hope in times of uncertainty in the same way as super powers do when they refrain from providing support to insurgents, rebels or terrorist that may rise against sovereign states; be it in times of relative peace or political crisis.

While this work cannot pretend to have exhausted all the nooks and crannies surrounding the issues of the Bakassi crisis and its eventual resolution, further reading from various angles is recommended; be it for academic, professional or research purposes.

In conclusion, time is ripe for the two countries in particular and the continent in generally to use the blessings of their vast wealth, the power of talents and potentials that constitutes its people to consolidate peace where it exists and to systematical put an end to crises and economic woes on the continent. With the successful implementation of the ICJ verdict and cooperation noted to be growing from strength to strength between the former protagonists, it is only hoped that both countries would reap the benefits of this achievement in a distant future. The Bakassi crisis thus epitomizes the potential for dialogue and conflict resolution through multilateral measures which equally serves as a model par excellence for preventive diplomacy and a vital instrument to shift from a confrontational to a peaceful culture. However, with the incessant rising of new political entities that advocate for Bakassi self-rule¹²², the still lingering desire for an Ambazonia republic by the SCNC, the feeling of disgruntlement and frustration by many Anglophones, the spread of spill-over effects of the Arab spring to Sub-Sahara Africa, falling living standards, rising cost of living, unpopularity of the authoritarian regime in Cameroon and the looming specter of the New World Order, it might be early to conclude that the ICJ judgment is the final nail on the Bakassi crisis' coffin.

¹²² Divine Ntaryike Jr Available on <http://cameroonpostline.com/Content.aspx?ModuleID=1&ItemID=8678>
(Consulted on 27-08-2012 at 17:19)

As a result, whatever the future holds for this territory and Cameroon-Nigerian relations can only be subjected to time.

Appendices: Maps



Appendice 1: Map of Bakassi with Cross and Akpayafe Rivers

Source: Google maps



Appendix 2: map of Cameroon and Nigeria showing the long common border

Source: Google maps

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