



EPU Research Papers

Issue 04/07

**UNDERSTANDING THE BAKASSI
CONFLICT. A SHOWCASE OF
CONFLICT PREVENTION IN
PRACTICE**

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0. Introduction

In post colonial Africa, the concept of war has occupied and continues to play a major part in local and international politics. Severe contradictions have led to numerous forms of direct violence ranging from ethnic clashes to full blown interstate wars. However, following the general trend in the international arena, most, if not all of the wars fought on African today soil are of intrastate rather than interstate in nature. Glaring examples of this include Sudan, the Democratic Republic of Congo, Ivory Coast and Uganda just to name a few. War is dealing a heavy blow on the already ailing societies and sometimes one is left to wonder if it is not inextricably linked to poverty and lower levels of development. Why is it that most of the wars taking place in the world today occur in the so-called developing world or third world countries? Can these wars be seen as a consequence of poverty or is poverty the consequence of war? No matter which way the debate goes, it is undisputable that war is not the solution to conflict given the socio-economic and political strain not to mention the human suffering and trauma it causes. As such, everything possible should be done to avert it.

This paper seeks to analyze one of the conflicts in Africa which could have escalated into a major interstate war, had it not been settled in a unique showcase of conflict prevention. The conflict in question is one which had spurred up fears of an impending military conflict between the Republic of Cameroon and the Federal Republic of Nigeria over the potentially oil-rich Bakassi Peninsula at the south eastern end of the Gulf of Guinea between both countries. B. G. Ramcharan describes the role played by former UN secretary general, Kofi Annan in stabilising relationships between the two countries and in settling the dispute over the Bakassi Peninsula as “another fascinating case study of conflict prevention at work in practice.”¹ At the signing of the Green Tree Accords which formally brought an end to Nigerian military presence on Bakassi between the presidents of both countries, Nigeria’s President Olusegun Obasanjo enthusiastically described the way the conflict was handled in the following words:

Our agreement today is a great achievement in conflict prevention, which practically reflects its cost-effectiveness when compared to the alternative of

¹ B.G Ramcharan, *Conflict Prevention in Practice; Essays in Honour of Jim Sutterlin* (2005) p. 6

conflict resolution, (...) its significance, therefore, goes much beyond Nigeria and Cameroon. It should represent a model for the resolution of similar conflicts in Africa and, I dare say, in the world at large.²

Just as in numerous other conflicts, natural resources and the interests of global players are said to have been decisive factors for its outbreak. These factors shall be discussed in greater detail within the body of this work. This paper will be divided principally in five sections. The first part will be a brief description and background of the contested area involving some aspects which can be considered to be the underlying or root causes of the conflict, the second will shed some light on the outbreak of hostilities between both countries. Parts three and four shall focus on an in-depth analysis of the conflict and how it was managed and the final part will look at the situation today and attempt to make some proposals to sustain the peace.

² United Nations Press Release AFR/1397, 12th June 2006

1. A Brief historical background

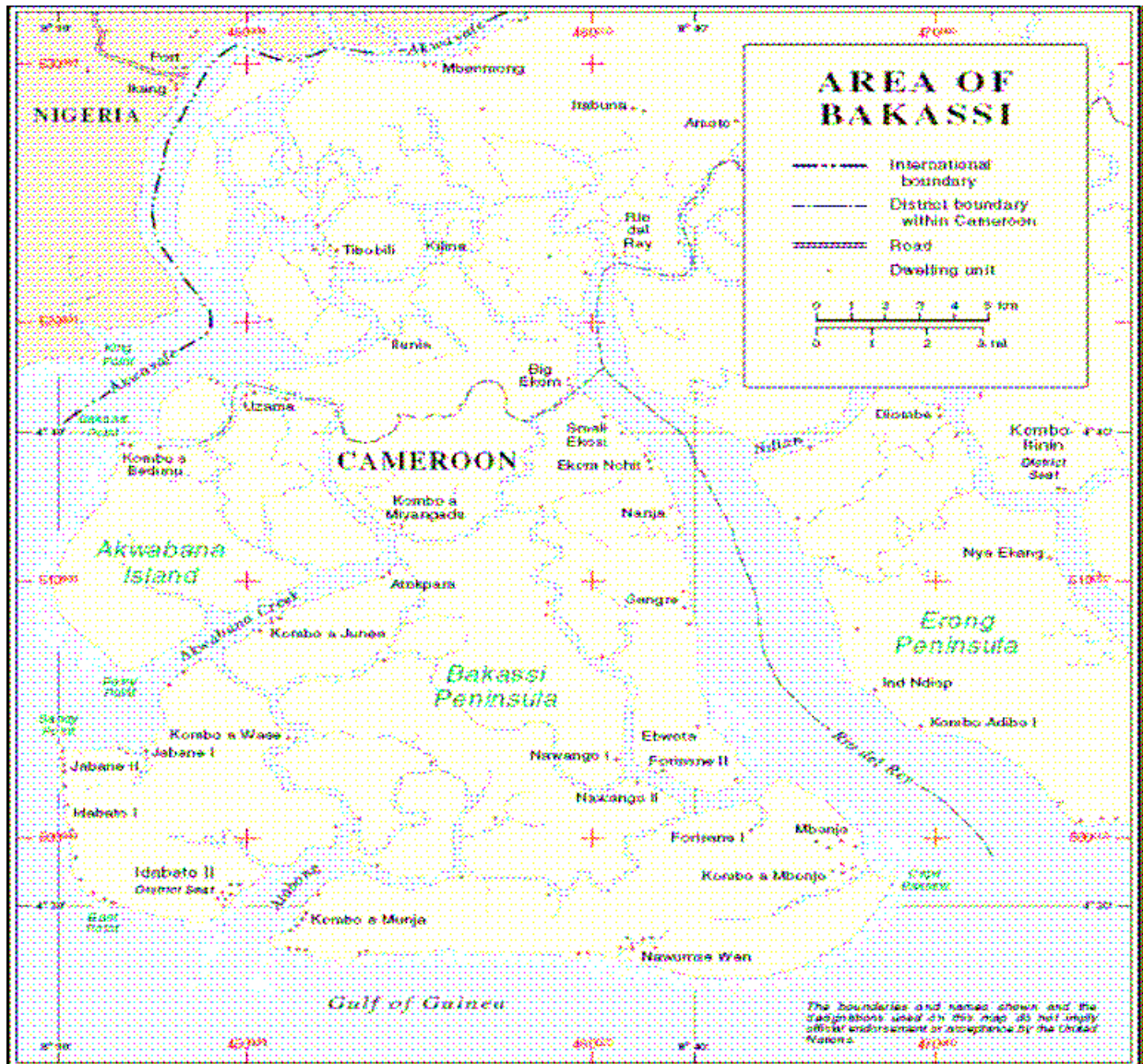


Figure 1: Map of Bakassi Area Source: UN Department of Peacekeeping Operations Map No. 4247, May 2005

After the arrival of European colonialists in Nigeria in the second half of the 19th Century, the King of Old-Calabar signed a Treaty of Protection with the Queen of England on September 10, 1884. The Bakassi area was at that time under the rule of the Old Calabar. In signing this accord, he literally ceded his Kingdom to Britain as a protectorate. Britain therefore could do whatever she wanted to do with it. Nigeria itself became a state by amalgamation three decades later in 1914.

The Bakassi peninsula covers a total area of approximately 1000 sq. km and is located on the extreme eastern end of the Gulf of Guinea between latitudes 4°25' and 5°10'N and longitudes 8°20' and 9°08'E. It is largely made up of a cluster of low-lying, swampy and mangrove covered islands with a population estimated between 150,000 to 300,000 inhabitants. The indigenous inhabitants are predominantly of the Efik tribe, which sees itself as part of the Federal Republic of Nigeria. The fact that two great ocean currents, the cold Benguela Current and the warm Guinea Current meet here provides suitable conditions for a very large variety of fish and other forms of maritime wildlife. Most of the inhabitants of the peninsula indulge in fishing.

The causes of many conflicts and disputes on the African continent especially those along ethnical lines have been attributed to the fact that colonial powers arbitrarily partitioned the continent among themselves without any meaningful consideration of parameters like history, demographic realities on the ground, ethnicity, language and socio-cultural affinities. In many cases, people from the same ethnic groups found themselves on different sides of the colonial border lines and governed by different European powers. Lord Robert Salisbury, British Prime minister at the time of partitioning and well known for his successes in expanding British influence in Africa, described the partitioning process quite aptly in the following words:

We [the colonial powers] have engaged in drawing lines upon maps where no white man's feet have ever trod; we have been giving away mountains and rivers and lakes to each other, but we have only been hindered by the small impediment that we never knew exactly where those mountains and rivers and lakes were.³

The case of the Bakassi Peninsula is clear proof of this. The European powers involved were merely interested in protecting their own interests rather than the interests of those they claimed they were civilizing. While Germany on the one hand was interested in securing for itself the access to the huge amounts of shrimps in the waters surrounding the peninsula and the assurance from Britain that she would not

³ Cited by Judge Ajibola, *ICJ Reports* (1994)
http://www.nuigalway.ie/human_rights/Docs/Publications/Castellino%20Abstract.html

seek any further expansion to the East, Britain on the other wanted an uninterrupted and secure sea passage to Calabar, which at the time was an important commercial post and which today is the main seaport in eastern Nigeria. In a series of agreements in 1913, Britain and Germany sought to establish an exact demarcation of the borders between Nigeria and Cameroon, which of course did not exist as such. The first treaty entitled: "The Settlement of the Frontier between Nigeria and the Cameroons, from Yola to the Sea," put Bakassi proper under the jurisdiction of the Germans and the second: "The Regulation of Navigation on the Cross River," ceded the "navigable portion" of the offshore border of the peninsula to Britain. Article 21 of the Anglo-German Treaty of 1913 quoted below states the exact position of the border:

From the centre of the navigable channel 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. 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.⁴ See Map (Page 4)

From 1914 onwards, British and German maps clearly show the Bakassi Peninsula in Cameroon.

After the First World War, Germany lost all her colonies in Africa including Cameroon which was divided into two territories by the League of Nations and administered as mandates under Britain and France. The Franco-British Declaration of July 1919 placed Bakassi and the rest of the "British Cameroons" under British mandate. This territory was then administered under the British system of "indirect rule" as part of Nigeria respecting the borders laid down by the agreements of 1913. A further agreement between both powers in 1931 was signed to further codify the declaration of 1919. Again maps from this period clearly show Bakassi as part of Cameroonian territory.

⁴ Article XXI Anglo-German Treaty, March 1913

At the end of the Second World War, the British and French League of Nations mandates over Northern/Southern Cameroons and Cameroun respectively, were succeeded by trusteeship agreements under the newly created United Nations Organization. The agreements creating these trusteeship territories re-ratified the Anglo-German and Anglo-French treaties pertaining to the borders between both countries. Once more maps from this period place Bakassi under the sovereignty of Cameroon.

In the run-up to independence for both countries in the late 50s, the UN asked Britain to carry out a plebiscite in the territories under her jurisdiction i.e. British Northern Cameroons and British Southern Cameroons to ascertain the wishes of the local population as to which country they would like to become independent with. While British Northern Cameroons decided to achieve independence by joining the independent Federation of Nigeria, a plebiscite was not held due to security reasons in British Southern Cameroons till February 11/12, 1961. Southern Cameroons eventually decided to join the already independent Republic of Cameroon.⁵ It is worth taking note here of the fact that there were 21 polling stations in Bakassi and that 73% of the population (casted votes) declared their desire to become independent by joining the independent Republic of Cameroon. So even at the point of independence, there was no disputing of the fact that Bakassi was part of Cameroon.

It is apparent that sovereignty over Bakassi itself was not an issue between the two countries as we have seen in the preceding paragraphs. However, about a decade after independence and especially after the discovery of large deposits of oil in surrounding waters and suspicions that Bakassi itself may be swimming over a large oil reserve, Nigeria started claiming ownership of the peninsula. The big problem can be traced back to the Anglo-German agreements of 1913, where both colonial powers agreed on a very vague definition of maritime borders. In the early 70s, both independent Cameroon and post civil war Nigeria began making attempts to settle the technical difficulties of the colonial agreements of 1913. In April 1971, Nigerian Head of State, General Gowon in the company of a large delegation of advisers travelled to the Cameroonian capital, Yaoundé, to discuss the issue with Cameroon's

⁵ General Assembly Resolution 1608 (XV) of 21 April 1961

President Ahidjo. What transpired from this important meeting was the signing of the “Coker-Ngo” Line delimiting the “navigable portion” of the offshore border between the two countries, referred to in the 1913 agreement on British Admiralty Chart⁶ No. 3433. According to this agreement, the offshore delineation of the approach channel to the Calabar estuary

would be - up to the 3-mile limit on both sides. Nigerian President Gowon emerged happy with the results of the summit meeting but later on tried to reverse it after realising that the agreement did not exactly reflect the provisions of the Franco-German Agreement of 1913, which he upon the advice of his advisers had used as a legal premise for his decision.

In a bid to correct the damage caused by the Coker-Ngo Line referred to in the ICJ judgement as compromise line,⁷ Gowon once again met with Ahidjo in the Cameroonian city of Maroua in June 1975, barely a month before he was overthrown to discuss an extension of the 1971 agreement. The ensuing Maroua Declaration made some concessions to Nigeria, which were sustained in the ICJ judgement of 2002. The Bakassi Peninsula itself was not an issue at this meeting.

Shortly after Gowon was overthrown in a coup in July 1975, the new leader, Gen. Murtala Muhammed and the apparatus he put in place lulled the bulk of Nigerian citizens into believing that former President Gowon had given Bakassi proper to Cameroon as a gift in gratitude for the role played by Cameroon in the Nigerian Civil War. He questioned the validity of the 1971/1975 maritime border agreements and repudiated the Maroua Declaration on the premise that it had not been ratified by the ruling military organ. Although Gen. Murtala Muhammed died in an unsuccessful coup just a year later, his successor, Gen. Olusegun Obasanjo, the incumbent Nigerian Head of State and interestingly, the same person who helped broker the complete withdrawal of Nigerian civil administrators, police and soldiers from Bakassi at Green Tree, New York in 2006, held on to the same position. This set the stage for a protracted border dispute between the two countries.

⁶ Standard navigational charts produced in a range of scales for safe ocean navigation covering passage planning, harbours and nautical hazards, anchorages, coastal and offshore navigation especially useful at a time without GPS.

⁷ Land and Maritime Boundary between Cameroon and Nigeria (Cameroon vs. Nigeria: Equatorial Guinea intervening), International Court of Justice, 10th October 2002

However, a look into Nigerian history books and official maps still located Bakassi within the territorial confines of Cameroon. It is very interesting to observe that at the peak of ideological contention over the Bakassi issue, the very first Nigerian atlas published in 1976 failed to show Bakassi as part of Nigeria. Despite mounting tension and the outbreak of hostilities between the two countries in the early stages of the 1980s, Nigeria had to wait more than a decade to see Bakassi officially identified as its own territory. The first of such maps were printed in 1991 on the orders of President Ibrahim Babangida in an attempt to re-write history based on a lie, which Dr. Omoigui describes in a letter to the editor in of the Nigerian-based Guardian Newspaper in 2002, as “...**one of the bigger lies of the modern Nigerian generation** -a lie which has affected Nigeria's approach over the years to the Bakassi dispute and has even unnecessarily cost the lives of Nigerian soldiers.”⁸

2. Outbreak of hostilities

As we have seen in part 1 of this paper, colonial legacy is still taking its toll on the African continent and there is no doubt that this shall continue to take place. Cameroon and Nigeria share a 1600km long border running from Lake Chad in the north down to Bakassi in the south and to a maritime boundary jutting into the Gulf of Guinea but it is the Bakassi Peninsula which has drawn a lot more attention than any other border skirmishes between the two neighbors. Since the mid 70s, tensions had been building up on both sides till they finally culminated into armed conflict accounting for the loss of human life.

The first major use of direct violence in the form of military conflict took place on May 16, 1981. On that day, Cameroon's national radio network service announced that three Nigerian military patrol boots had violated Cameroon's territorial sovereignty by intruding into Bakassi up to the Rio del Rey River and opened fire on the Cameroonian Navy. In retaliation, Cameroonian soldiers also retaliated and in the battle that ensued, five Nigerian soldiers were killed. While Cameroon accused Nigerian authorities that they were exploiting the incident politically and for trying to put the blame on Cameroon, Nigeria insisted that the incident took place on the

⁸ Dr. Nowa Omoigui, Gowon and Bakassi, 2002. http://www.omoigui.com/files/gowon_and_bakassi.pdf Retrieved on 26th March 2007

Akwayafe River and thus indirectly acknowledging the border set down by the Anglo-German Treaty of 1913. In July 1981, Cameroon eventually apologized for the deaths of the soldiers, promised reparations and the matter was solved diplomatically and laid to rest. In any case, this event made the question of sovereignty over the Bakassi Peninsula to top the agenda of relations between the two countries since then.

In the wake of multi-party politics, growing militancy, increasing dissent and calls for greater autonomy by Anglophone Cameroonians in the early 90s, the Cameroonian government resorted to acts of oppression and antagonism against Nigerian citizens residing or doing business in Cameroon. Some of these acts are said to have been so violent that it led to the deaths of several Nigerian citizens. Through intimidating and embarrassing tax-drives, many Nigerians were forced to leave the country. However, the second serious incident in the area did not occur until February 1994. Nigeria decided to deploy 1000 troops on the peninsula claiming this was simply in reaction to the harassment of Nigerian fishermen and traders in the hands of Cameroonian gendarmes.⁹ This led to more shooting which resulted in many casualties and deaths of soldiers on both sides. It was this episode that prompted the Cameroonian government to take the matter to the ICJ for adjudication. By this time, Cameroon alone had lost 34 soldiers. The complaint was filed on March 29, 1994. Be it due to a sense of premonition of defeat or due to the fact that many in Nigeria are aware of the Bakassi lie, Nigeria criticized the decision to refer the matter to the UN saying that Cameroon was not willing to settle the matter through bilateral negotiations at the local level. Nigeria even went as far as challenging the court's authority to decide on the matter.¹⁰

Taking the matter to the International Court of Justice did not imply an automatic end to armed conflict. Fighting still went on the ground while the case was pending. The last major incident broke out in February 1996 when deploying an additional 1000 troops, Nigeria invaded and occupied Bakassi. This time around it seemed as if an extended and full-fledged military combat was imminent, in spite of the fact that the case was already before the ICJ. By May 1996, more than 50 Nigerian soldiers had

⁹ Africa Confidential, "Nigeria/Cameroon: Blundering into battle," Vol. 35, No. 8p.6, April 16, 1994, London.

¹⁰ CNN Interactive, <http://www.cnn.com/WORLD/9803/02/worldcourt.westafrica/index.html?eref=sitesearch>, retrieved on 27th March 2007.

lost their lives and several others taken prisoners according to diplomatic sources.¹¹ The African magazine *Jeune Afrique* analyzed the situation in blunt terms saying that all the factors necessary for a major military conflict were present in the case of Bakassi. It went on further to stress the strategic economic importance of the peninsula to both countries as a pivotal factor for the escalation of the conflict.¹² The bloodiness of this episode prompted Cameroon to ask the court to implement emergency measures to stop the fighting. The Hague actually called on both sides to stop the fighting in anticipation of the final ruling. Both sides however maintained a strong military presence on the peninsula in the hope that this could support their claim of ownership.

3. In-depth Analysis of the causes of the Conflict

In the preceding parts of this paper, some of the causes of this conflict have been touched vaguely. In this part, we are going to go deeper into several issues of the conflict order to have a better understanding of the dynamics of what transpired between both countries. To do so, use is going to be made of some of the fault lines of systemic conflict mapping identified by the Romanian peace organization, PATRIR, in the conflict between military forces and Maoists in Nepal. These include: Gender, generation, political, security, economic, social, cultural, territorial, normalcy, foreign/neighbors, natural and national. Since not all of the above fault lines are applicable to the Cameroon/Nigerian border conflict, only the relevant ones shall be addressed.

3.1 Political issues

Many political analysts share the common view that the Bakassi crisis was instrumentalized by politicians in order to divert public attention from the real issues affecting their countries like bad economic management, unemployment, poor social services and bad human rights records etc. Both governments were thus seen as the spoilers of the conflict. Under the term of President Ahidjo, the most glaring negative

¹¹ Inventory of Conflict and Environment (ICE) Case Studies Number 163

¹² *Jeune Afrique*, "Cameroun/ Nigeria...*La guerre secrete*," No. 1871, 13-19 Nov. 1996, p.13.

factor was his human rights record. Albert Mukong¹³ and Mungo Beti¹⁴ both believe that as many as 25,000 people were killed alone during the UPC insurrection in the 1960s, another 5000 were tortured to death and close to 20,000 were severely maltreated while serving prison terms. Under President Biya, who has now been in power since 1982, the major problem has been the economy. Cameroon has suffered major economic setbacks since the mid-80s with the salaries of normal civil servants plummeting drastically by about 70% while the salaries of those in the armed forces have doubled through almost yearly salary increments. This most probably explains why there have not been any attempts by the military to take over power in Cameroon. In 1986, the president declared that the country was undergoing an economic crisis from which it has not recovered until today. A few years after this announcement, the currency was devalued by almost 100% following the structural readjustment scheme proposals by the IMF and the World Bank. Over the last few years, the economy has been growing averagely by 4% but the situation does not seem to be getting better for ordinary citizens.

In Nigeria on the other hand, the main trouble till the return of civilian rule in the 90s was the unending succession of overbearing military regimes. Nigeria is most likely the world record holder in coup and counter coup attempts, which have led to the deaths of thousands of both military personnel and civilians. Her human rights record is by no means better than that of Cameroon. All Nigerian governments ever since independence have had very negative human rights records. Political killings of which the most important ones worth mentioning here include the murder of minority human rights activist, Ken Saro Wiwa in November 1995 and the brutal murder of the wife of presidential candidate, Moshood Abiola. Abiola's own sudden and untimely death while in custody still remains unresolved.

It is evident from the above glimpses that before Cameroon took the case to the UN for arbitration both countries were facing severe internal tension. Note should be taken of the fact that multi-party politics had just been reintroduced in Cameroon and that the results of parliamentary and presidential which had just taken place reflected the general perception that they were not free and fair. Having a conflict with a

¹³ Albert Mukong, *Prisoner without Crime*, (London: Calvert's Press, 1990), p.80.

¹⁴ Mungo Beti, "Hidden Truth About Cameroon," in *Gaullist Africa: Cameroon Under Ahmadou Ahidjo*, (Ed) Richard Joseph, (Enugu: Fourth Dimension Publishers, 1978), p.95

neighbor which was likely going to end in a war would have served government well in diverting internal interest to the external crisis. This situation was best summarized by Africa Confidential as follows:

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

3.2 Economic issues

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

¹⁵ Africa Confidential, *Supra* note, 5, p. 5.

discovery of commercially viable oil deposits have been made on the peninsula itself, it is highly believed to be just a matter of time.

Besides oil, the Bakassi Peninsula and its surrounding waters is located where two great ocean currents meet making conditions very favorable for a large variety of fish and other forms of maritime wild-life to grow and reproduce. According to the internet encyclopedia, Wikipedia, the fertility of Bakassi as a fishing ground is “comparable only to Newfoundland in North America and Scandinavia in Western Europe.”¹⁶ This is one of the reasons why the Germans were so keen on securing Bakassi at the Anglo-German Treaty of 1913. While the peninsula itself is swampy land and generally being considered to be of little value, its ownership has important “implications for fishing and oil rights offshore.”¹⁷

So the prospect of discovering oil reserves in Bakassi and the sale of fishing rights are definitely reasons which motivated both countries to fight over sovereignty for it especially in the case of Cameroon, where revenue from the exploitation of oil has been on the decrease over the last decade despite increases in the price of oil products on the world market.

3.3 The Cultural Aspect

Considering the ethnicity of the population of Bakassi, it is absolutely clear and understandable that the so-called Bakassians would prefer to remain under the jurisdiction of Nigeria. 90% of Bakassians are of Nigerian descent and as opposed to the Cameroonian accusation against Nigeria of taking advantage of its large population to populate the area in attempt to support its bid for sovereignty, this is rather the result of the fact that long before the British set foot on Nigeria, Bakassi belonged to Old Calabar. In historical terms, the Efik people have inhabited the area for many centuries. So within Nigeria, especially in the eastern states, there was mounting pressure on the president not to cede the territory to Cameroon and to resort to war in case of defeat at ICJ. Immediately after the verdict, many Nigerians appalled by the judgment began questioning how a people with a different culture,

¹⁶ Wikipedia, <http://en.wikipedia.org/wiki/Bakassi> Retrieved on March 31, 2007

¹⁷ BBC article, Nigeria Stalls on Bakassi, <http://news.bbc.co.uk/2/hi/africa/3131809.stm> Retrieved on 31 March, 2007.

language and background could be ceded to another nation whose background is completely different from that of Bakassi. This line of argument cannot be considered valid because the same claims could be made the other way round. There is no doubt to the fact that there are millennial cultural and historical ties between the peoples of Akwa Ibom, Benue and Cross River States in Nigeria and the North West and South West Provinces of Cameroon. In the English-speaking areas of Cameroon again, there are special ethnic and tribal ties between inhabitants of the Ndian Division in the South West Province and the peoples of Akwa Ibom and Cross River States in Nigeria. In addition, Tiv, the language spoken by most of the indigenes in Akwaya sub-division in the South West Province of Cameroon is the same language spoken by the majority of the natives in Benue State of Nigeria. And lastly, cross border language and other cultural affiliations, like traditional dances and local rites and rituals are noticed between the peoples of south eastern Tabara State of Nigeria and the peoples of the far North West Province of Cameroon.

This brings us back to the argument that one of the root causes of conflict in Africa is the result of arbitrary demarcation of borders by European powers. However, because 90 to 95% of the inhabitants of Bakassi are of Nigerian descent, Nigeria was very quick to point to cultural issues to legitimize her legal claim of sovereignty over Bakassi against her better judgment.

3.4 Security Issues

Essentially, the issue of security has always played an important role in matters relating to the Bakassi Peninsula. We remember that the treaty signed between the chief of Old Calabar and Britain in 1884 ceding Old Calabar and consequently Bakassi to Britain was termed "Treaty of Protection." Britain later on ceded Bakassi to German Kamerun because she wanted secure passage to the port of Calabar and because she wanted to assure the Germans that she would not seek any further eastward expansion i.e. towards Cameroon.

It should however be noted that security here is seen in its wider sense encompassing both the security of the state as well as human security. It is therefore in line with this that during the military confrontations, both countries advanced

security reasons as excuses for resorting to direct military force. In 1981, Cameroon claimed Nigeria had entered her sphere of influence and thus posing a threat to her national security and territorial sovereignty (state security). Nigeria on the other hand, justified the deployment of soldiers to Bakassi saying she did so to protect the security of Nigerian fishermen and traders who were subject to harassment and unfair treatment in the hands of Cameroonian gendarmes (human security).

On the strategic level, Cameroon's ownership of Bakassi was seen as a threat to Nigerian access to the port of Calabar. Nigeria would lose its eastern access to the Atlantic Ocean with the far-reaching security implication that her naval ships would not or may only be able to freely move from there to southern Africa with permission from Cameroon.

Ultimately, Nigeria claimed that sovereignty over Bakassi was not a matter of oil or natural resources on land or in coastal waters but that she was merely interested in the well-being and welfare of Nigerians in their country.

3.5 Social perspective

Ever since the two Cameroons united to form the United Republic of Cameroon in 1972, the Cameroonian central government has not been doing anything concrete to develop the social capacity of Bakassi. Nigeria on the other hand has populated the area, constructed a few schools, hospitals and has tried to improve infrastructure. The Efik-speaking people who generally see themselves as Nigerians could not imagine either to evacuate the land they had been living in for centuries or to suddenly become Cameroonians overnight. What would become of all those who earned their livelihood through fishing? This put pressure on the federal government to adopt a tough stand on the issue.

3.6 Territorial aspect

The Bakassi conflict is the classical example of a conflict between two states contesting sovereignty over territory. Although Bakassi is merely 1000 sq. km big and generally considered unattractive as already mentioned before, ceding territory to

another nation is always a problematic issue. In the constitutions of both countries, there are clauses which directly address the issue of sovereignty over all of their respective territories and the responsibility to protect their territorial integrity. In a BBC interview on February 20, 2002, Cameroon's Minister of Special Duties at the Presidency, Professor Ngole Ngole reiterated the point mentioned above saying "...we have the might and we have the will and the 16 million people of Cameroon are behind the government to defend the territorial integrity of our country. Therefore it is not a joking matter."¹⁸ This is apparent proof of the fact that Cameroon was ready to go to war alone on territorial grounds. Nigeria also made equal sounding threats and even after the decision had been made public, Nigeria in its official reaction advanced its Constitution's principles of federalism as a reason of non-compliance with the Court's decision.

In his memoirs, former Nigerian President Shagari noted the following:

What complicated the Cameroonian case, however, was that many Nigerians reside in Cameroonian territory where they spend part of their lives to fish or farm. While there in search of livelihood, they often criss-cross the boundaries. Also fishermen and traders did not bother about the actual position of the borders, while in the territorial waters of each of the two countries, until they were advised or confronted as the case may be.¹⁹

In other words Shagari was well aware of the fact that the peninsula territory itself belonged to Cameroon and that the disputed border was a maritime issue, a fact which many Nigerians and their leaders failed to understand.

3.7 Environment and Natural Resources Issues

Despite the fact that this point is closely linked to the economic aspect, it is still very important to mention on its own merit because it is very fundamental to the conflict. Just as the other border conflict between Cameroon and Nigeria in the Lake Chad

¹⁸ Global Policy Forum, <http://www.globalpolicy.org/security/natres/oil/nigeria/2002/0301bakassi.htm> Retrieved on March 31, 2007.

¹⁹ Shehu Shagari, *Beckoned to Serve*, Heinemann 2001

area, the Bakassi conflict revolved around the environment and the resources that could be won from the environment such as oil and fish. Desertification and overfishing in the Lake Chad region has led to an environmental disaster which both countries are trying to balance or alleviate by gaining sovereignty over the Bakassi Peninsula and the adjoining waters. Though both countries continued to refute allegations that their interests in the area were focused on the availability of huge oil reserves, the conflict was essentially over natural resources.

3.8 National Aspect

The conflict over the sovereignty of Bakassi also has the safeguarding of national prestige as one of its underlying causes. While the Efiks identify themselves more with Nigeria, the Ambazonians (former Southern Cameroonians or English-speaking Cameroonians) to whom the peninsula belonged till reunification with Eastern Cameroon in 1972 see themselves more like Cameroonians and even want to completely secede and become a state on their own. Apart from losing face by having to part with territory, both nations have enormously a lot to gain from the underdeveloped potentials the peninsula has. The two countries therefore considered gaining control over the peninsula as a matter of national interest to be protected by any means possible, including going to war.

3.9 Neighbour Relations /Foreign Involvement

Despite the long-standing border disputes between both countries, Cameroon and Nigeria continued to have a cordial and brotherly relationship with one another. However, Nigeria suspected that foreign powers like France Britain and Germany mingled into the conflict in favour of Cameroon. First of all, Nigeria never wanted the case to be settled by the ICJ because she claimed the matter could be solved bilaterally at the local level. The truth is she feared the president of the Court, Gilbert Guillaume, a French citizen and other European judges like Rosalyn Higgins of Britain and Carl-August Fleischhauer of Germany would be impartial in their judgment in favour of Cameroon. In her official response to the Court's decision Nigeria claimed:

The French President of the Court and the English and German judges should have disqualified themselves since the countries which they represent

are, in essence, parties to the action or have substantial stakes. These judges, as citizens of the colonial powers whose action had come under scrutiny, have acted as judges in their own cause and thereby rendered their judgment virtually null and void.²⁰

Nigeria was convinced that Cameroon took the case to the ICJ on France's assurance that the decision was going to be in their favour considering that Cameroon had not been well-treated by the ICJ in the past.

France, although not actively and directly involved in the process, took the stance that Bakassi belonged to Cameroon by citing treaties signed at and after independence was granted to both countries. This greatly generated anger in Nigeria, where France's investment by far exceeds their investment in the rest of Africa put together. Neither did this go down well with the opposition in Cameroon which sees the lack of progress in democratisation process in Cameroon as a result of French meddling in Cameroonian politics in favour of the ruling government.

Chief Richard Akindije, who was a member of the Nigerian legal team during the court proceedings team summarised his view on foreign influence as follows:

We must accept that, that ICJ judgement is 50 percent international law and 50 percent politics. And as far as the case between Nigeria and Cameroun was concerned, the dispute was really between Nigeria and France. Cameroun was just the proxy for France. There is no doubt that in law and in fact that Bakassi belongs to Nigeria because that is supported by a lot of documentary evidence, which were tendered before the court. But which the court ignored...You don't ask somebody to transfer to you what belongs to you. So as far as I'm concerned the judgment of the ICJ is a complete fraud and unacceptable...If indeed Bakassi belongs to Cameroun, how can Cameroonians be asking them to transfer it to them. 21

²⁰ Statement of the Federal Government of Nigeria on the Judgement of The International Court of Justice at The Hague (Cameroon Vs. Nigeria with Equatorial Guinea Intervening, Abuja, 24 October 2002

²¹ Newswatch, 4 November 2002.

France in particular, was therefore seen at least by Nigeria as an actor in the conflict fanning the flames of the escalation for reasons best known to her.

Another foreign country which got involved in the conflict at a much later period was the Republic of Equatorial Guinea, which also filed a case at the ICJ to observe the legal process at the Hague in order to safeguard her territorial interests but not to directly get involved in the crisis.

Of all the points raised above, it is quite clear that economic interest was the major issue that brought both countries to the brink of war. Bearing in mind that Nigeria is 923,768 km² big and Cameroon covers an area of 475,442 km², it would be quite futile for the two to go to war because of a 1000 km² piece of swampy land alone for territorial reasons. Socially speaking, both Cameroon and Nigeria had not carried out any reasonable development in the area in terms of communication networks, health and education as to claim ownership. Culturally, it is evident that not only the Efiks in Bakassi share the same ties with Nigeria but also larger parts of Anglophone Cameroon with eastern Nigeria as well as parts of northern Cameroon with northern Nigeria. The security issue and national interest are closely linked to economic interests while the political aspect as we have seen above, was just a mere effort by politicians to divert public attention from the real issues they were failing to address. Many analysts agree essentially, that had there not been talk of the presence of oil deposits in the area, there would not have been any Bakassi crisis and the area would have remained uninteresting for both countries except for matters pertaining to fishing rights.

4. Management of the Conflict

After the very first major incident of May 16, 1981, both countries resorted to diplomatic means to bring an end to the conflict. President Shehu Shagari insisted on an apology from the Cameroonian government for the deaths of five Nigerian soldiers killed in action on the grounds that they were not on the Rio del Rey but on the Akwayafe River (see map on page three). An exact analysis of this claim would

make it clear that Nigeria indirectly accepted the border delineated by the 1913 Franco-German Agreement (“navigable portion” of the Akwayafe River). Demanding an apology on this basis implicitly meant that Nigeria was accepting Cameroon’s sovereignty over Bakassi. Cameroon, conscious or unconscious of this hidden detail, made a formal apology in July 1981, promised to pay reparations and the issue was laid to rest. However, the fact that it resurfaced slightly a decade after meant that the underlying dynamics had not been addressed.

On March 29, 1994, after many years of low-keyed sporadic attacks on both sides, Cameroon finally decided to take to case to the UN for arbitration in order to prevent greater human and material loss and in its pursuit of peace, stating in her application that the delimitation of the maritime borders with Nigeria was incomplete and that “despite many attempts to complete it, the two parties have been unable to do so.”²². Nigeria which had hoped that bilateral or multilateral talks at the local level could help bring an end to the conflict was not happy with the decision. She even considered the timing of the law suit a pre-emptive move on the part of Cameroon claiming that with the Abacha regime being very unpopular with the international community and French backing at the ICJ, Cameroon was sure to win the case. According to Article 36, paragraph 2, of the Statute of the Court, both parties to a conflict must declare their acceptance of the jurisdiction of the Court before it can accept an application. On June 16, 1994, Nigeria indicated it had no objections to the Cameroonian law suit and fixed a time limit for the filing of written proceedings.

4.1 Court Proceedings

After the filing of claims and preliminary objections by Nigeria challenging the authority of the court to arbitrate the matter, the court passed judgment on June 11, 1998 dismissing seven of Nigeria’s preliminary objections and stated that the claims brought forward by Cameroon were admissible.

On June 30, 1999, the Republic of Equatorial Guinea filed in an application to intervene in the case to “protect the legal rights of the Republic of Equatorial Guinea in the Gulf of Guinea by all legal means available” and to “inform the Court of the

²² ICJ Press Release 2002/26 bis, History of the proceedings and submissions of the Parties (paras. 1-29)

nature of the legal rights and interests of Equatorial Guinea that could be affected by the Court's decision in the light of the maritime boundary claims advanced by the parties to the case before the Court.”²³ However, Equatorial Guinea did not seek to become party to the case.

Public hearings took place between February 13 and 21 March 2002. The final decision on Bakassi was passed by the Court on October 10, 2002.²⁴ In a verdict of 13 to 3 votes, it was found that sovereignty over the peninsula did rest with Cameroon (see appendix 1). Nigeria was requested to expeditiously and without condition withdraw its forces and civil administration and transfer possession of the peninsula to Cameroon within two years. Likewise, Cameroon was asked to withdraw its forces and administration from territories which in accordance to the decision now fell within the Federal Republic of Nigeria.

4.2 The good offices of the UN and Kofi Annan

Given the complex nature of the border conflict, it was clear that a decision from the Court alone may not be enough to bring a sustainable agreement between both parties. So while anticipating the final decision of the Court, UN Secretary General, Kofi Annan invited Presidents Biya of Cameroon and Obasanjo of Nigeria to a summit meeting in Paris on 5 September 2002. At this meeting, he was able to convince both presidents to commit themselves to respect and implement whatever decision the Court arrived at. He was able to obtain an agreement from them, “to establish a mechanism to give effect to the decision.”²⁵ It is important to note here that while both countries were more or less ready to accept the Court's decision, none of them had come up with any concrete proposals of their own for the implementation of the ruling. Mr. Annan also showed proof of great understanding and foresight by making sure that France, the United States and Britain – all nations trusted by both countries - backed this initiative. Though many will disagree, credit also goes to both Presidents for recognising the fact that the border dispute was to be seen within the greater context of the overall relationship between both states.

²³ Ibid

²⁴ ICJ Press Release 2002/26 of 10 October 2002.

²⁵ Jack Christofides, “How Good Offices Changed the Nature of the Border Conflict between Cameroon and Nigeria,” in *Conflict Prevention in Practice; Essays in Honour of Jim Sutterlin*, (Ed.) B.G. Ramcharan 2005 p. 211

As expected, the verdict met with stiff opposition in Nigeria while Cameroonians rejoiced with song and dance. Nigerian officials, citizens and commentators were very fast to dismiss the verdict as being partial and predetermined long before it was even reached. The administration on its part did not reject the decision but called for an agreement that would provide peace with honor. In its official response to the Court's decision, the Nigerian government said it would "do everything possible to maintain peace in Bakassi or any other part of the border with Cameroon and will continue to avail itself of the good office of the Secretary-General of the United Nations and other well-meaning leaders of the International Community to achieve peace and to maintain harmony and good neighbourliness."²⁶ At this critical point, Kofi Annan appealed to both countries to respect and implement the Court's judgment and reaffirmed the readiness of the UN to assist both countries. In his relentless effort to achieve lasting peace between both countries, he once again invited both presidents to a seminal meeting in Geneva on November 15, 2002, where both leaders agreed to request the Secretary-General to set-up a Cameroon-Nigeria Mixed Commission made up of representatives of both countries and UN experts chaired by a special representative of the Secretary-General. The function of the Mixed Commission was to work out ways of implementing the ruling of the Court and moving the process forward. Annan's proposal of his special representative for West Africa, Mr. Ahmedou Ould-Abdallah from Mauritania to chair the Mixed Commission was considered acceptable by both sides. In that atmosphere of brotherhood, the two countries accepted to identify a number of confidence-building measures. The mandate²⁷ of the Mixed Commission included:

- Demarcation of the land boundary;
- Withdrawal of civil administration, military and police forces and the transfer of authority;
- Eventual demilitarization of the Bakassi Peninsula;
- Protection of the rights of the affected population;
- Promotion of joint economic ventures; and
- The reactivation of the Lake Chad Commission.

The first meeting of the Mixed Commission was held in Cameroon's capital city Yaoundé on 1 December 2002. To carry out the various aspects of its work, two sub-

²⁶ Nigerian govt statement on ICJ's border judgement (24 October 2002)

²⁷ United Nations Office for West Africa (UNOWA), <http://www.un.org/unowa/cnmc/bkground.htm> Retrieved on March 30, 2007

commissions and five working groups were created. To assure a smooth functioning of the Mixed Commission, the UN established a support team of experts with its base in the Senegalese capital, Dakar. This team provides technical and logistical assistance to the Commission as well as substantial support to the sub-commissions and working groups. The Commission meets once every two months alternating between Yaoundé and Abuja. The Commission already started its work of field visits by deploying its Personnel Observer Group made up of members from both countries to the land boundary for a period of one year. The Observer Group had the task of presenting a report one month after handover.

In addition to the Mixed Commission, the UN deployed a team of civilian observers to the region to monitor and assess the transfer of authority according to the Court's ruling and to see whether the rights of the affected populations were guaranteed or not.

By mid 2004, barely two and a half years after the Court's decision, the UN and the two countries could look back on a number of great developments. President's Obasanjo's visit to Yaoundé in July 2004 and the appointment of new ambassadors to both countries are considered important turning points in the relationship between both countries. Nigeria finally signaled its readiness to transfer the most coveted Bakassi Peninsula back to Cameroon and the previous suspicions which had characterized the early work of the Mixed Commission had given way to trust. At its eleventh meeting in Yaounde (18-19 August 1994), it adopted a breakthrough document on the withdrawal and transfer of authority along the land boundary. This meeting also registered progress in connection with work on the maritime border. Due to its many successes in the Cameroon-Nigerian border conflict, the Mixed Commission concept has gained substantial grounds with observers of the African political situation and is being considered a novel approach to preventive diplomacy and a new model for the settlement of conflicts between states.

Nigeria's failure to completely withdraw from Bakassi by the fixed deadline – 15 September 2004 – due to unforeseeable “technical difficulties” dampened the hopes and expectations of both the UN and Cameroon. However, the fact that Cameroon remained calm in the face of this was clear proof of the confidence it had in the work

of the Mixed Commission, its newly found friendship with Nigeria and that the situation on the ground had essentially changed in military, diplomatic and political terms. Mr. Ould- Abdallah's endless energy and enthusiasm in maintaining contact with the two parties through shuttle diplomacy between the two capitals was of enormous importance in avoiding the breakdown of the entire process.

4.3 The Handover

After the successful work of the Mixed Commission, UN Secretary-General, Kofi Annan brokered a final deal between the two presidents at Green Tree just outside New York on 12 June 2006, which was baptized the Green Tree Accord. This last tripartite meeting sealed off the implementation of the Court's ruling of October 2002. According to Kofi Annan, the signing ceremony "crowns a remarkable experiment in conflict prevention by Cameroon and Nigeria."²⁸ According to the terms of the accord, Nigeria was to withdraw its troops from Bakassi within a 60 day period with the possibility of a 30 day extension. The signing ceremony was witnessed by representatives of France, the US and Great Britain.

Amid fears that rebellious youths disgruntled with the outcome of the conflict, Nigeria finally lowered its flag for the last time and the flag of Cameroon was hoisted in a solemn military ceremony attended by top officials from both countries in the presence of many other top ranking African observers on 14 August 2006. Speeches given at the ceremony showed proof of the spirit of peace and brotherhood and the firm resolution between both countries to avert war.

5. Conclusion: The Way Forward

In the first four parts of this paper, we have had an insight into the background, outbreak of military confrontation, possible reasons for the conflict and the way the conflict was managed and resolved. The question to be answered now is what is the situation today and what can be done to make the solution which was reached a sustainable one guaranteeing long-lasting peace between the two countries. Despite whatever differences the two countries may have with one another, it is indisputable that the unifying factors outweigh them. Cameroon and Nigeria have

²⁸ United Nations Press Release AFR/1397, June 12 2006

always shared and still continue to share deep rooted relationships that the Bakassi conflict alone could not tarnish. Not only is Nigeria Cameroon's most important trading partner in Africa (12% of all Cameroonian imports are from Nigeria),²⁹ both countries have a common lingua franca; pidgin-English. This language, a variation of the English language with ethnic influences, is spoken through-out Nigeria and predominantly in the Anglophone provinces of Cameroon but also by Francophones in the Littoral, West, Centre and the three Northern Provinces of the country. It should also be noted that intermarriages among both countries is common. Former President Amadou Ahidjo who ruled Cameroon from independence till 1982 was Fulani and son to a Nigerian father from Kano, Northern Nigeria and a Cameroon mother from Garoua, Northern Cameroon. Cameroon's current Prime Minister, Chief Ephraim Inoni is also of Nigerian descent. His father is an ethnic Ibiobio man from Eastern Nigeria who settled in the South West Province of Cameroon. Both countries share a common passion for football and can boast to be the only two African teams to have won the Olympic Gold medal in football and have produced some of the finest players of the game world-wide. The maker of "Sweet Mother" (13 million copies sold), one of the officially recognised best African songs of all time, Prince Nico Mbarga, was the offspring of a Nigerian mother and a Cameroonian father. Most Cameroonian intellectuals especially of Anglophone origin in key positions today received their training in Nigeria. It is estimated that some two to three million Nigerians live in Cameroon while 80,000 Cameroonians live in Nigeria. So we can see that politically, economically and socio-culturally, both countries are strongly interwoven.

This notwithstanding, the defeat at the ICJ was unfathomable for many Nigerians. While Cameroonians celebrated and temporarily forgot the ills of their president and his totalitarian regime, many in Nigeria called for an outright rejection of the judgment. The paramount ruler of the Bakassi, Chief Etim Okon-Edet speaking to the Nigerian online magazine Vanguard said:

The total derision with which the collective feelings of the people have been treated both in the manner in which the legal proceedings at the ICJ were

²⁹ World CIA Factbook, <https://www.cia.gov/cia/publications/factbook/geos/ni.html>
Retrieved on April 1, 2007.

conducted up to this moment when our fate was sealed without our consent leaves us with no choice other than to take our destiny in our hands and I call on Bakassi people to be prepared for the great battle ahead. God will be our helper.³⁰

This line of thought was common among many leaders especially those who wanted to use it for political gain. However, after the dust had died down, and after the terms of the transfer deal (See appendix 2) became known, people started to return to their normal daily activities. It was not till recently with the drawing near of presidential elections in Nigeria that some aspiring candidates are trying to capitalise on the loss of the peninsula to win support. On April 2, 2007, the Progressive People's Alliance (PPA) presidential hopeful, Governor Uzor Kalu of Abia State, promised to get back Bakassi within three months and if necessary, by force if he were to be voted president.

An African adage says the eye and the nose are too close to go to war. A war between Cameroon and Nigeria will have serious ramifications for both countries and the entire region as well. Nigeria would lose its status as a great advocate for the respect of the rule of law nationally and internationally and its credibility to settle disputes peacefully. By accepting to fully comply with the verdict, President Obasanjo has rendered great service to the Nigerian people and for peace in Africa. What is left to be done is to see how the transition from Nigerian to Cameroonian sovereignty over Bakassi can be accomplished in a way that guarantees peace in future.

One suggestion which keeps coming up again and again is for both countries to get into some kind of agreement and jointly own the peninsula. This is based on the argument that this has proved to be effective in the case of France, the Netherlands and Sweden, which jointly own the islands of St. Martin and Saint Bathelémy and therefore will be nothing new. Joint ownership of Bakassi is according to its ardent supporters "likely to ward off any attempts by any group or groups of persons to

³⁰ Charles Ozoemena & John Ighodaro, Obasanjo gives Bakassi residents options * We're prepared for battle, says Bakassi ruler, <http://www.vanguardngr.com/articles/2002/cover/june06/15062006/f215062006.html> Retrieved on April 1, 2007

scuttle the fragile peace now reigning in the area.”³¹ The supporters also go on to say:

Joint control will also encourage increased trades between both countries and with other countries in the region. It will equally set the way for efficient management of the supposed abundant natural and maritime resources in the area. It will also show and prove that, Africa and Africans have come of age. It may also help end the stereotyping of the continent that, is claimed to be full of people who bicker on nothing and are never ready to negotiate anything independently. Above all, the joint ownership of Bakassi will help to rebuild and consolidate the lost cultural and historic bridges between Cameroon and Nigeria.³²

Joint ownership though most unlikely to occur, given that the decision is irreversible and that Cameroon will not consider it, is therefore one possibility to avoid future confrontation.

If the status quo is maintained, the government of Cameroon must first of all make sure that the area receives the same attention as any other area in the country i.e. providing it with the legal framework to foster local development and advancing the development of social structures and communication networks. Secondly, Cameroon must see to it that law and order prevails by setting up administrative and police posts on the peninsula. Nigerians who decide to remain in Bakassi after the two-year period of grace should automatically, if they so desire, without any exceptions and conditions become citizens of Cameroon enjoying all citizenship rights and fulfilling all civic duties. Those who decide to stay but do not wish to become Cameroonians must be assured of their human rights and be treated accordingly.

³¹ Elie Smith, Bakassi: Why joint administration offers the best solution in African Renaissance May/June 2005 N° 3 Volume 2 edition

³² Ibid

To assure a long-lasting peace, the cooperation which existed between both countries as expressed through the Mixed Commissions and new diplomatic relations should be nurtured and sustained so that future interactions between them would be seen along the lines of brotherhood and confidence. Both countries must continue the dialogue among themselves particularly concerning the integration of the people of Bakassi into Cameroon. It is important that the people of Bakassi be incorporated in this dialogue so that they do not feel left out for this may be a cause of future conflict.

To end, there are three basic lessons to be learned from the Bakassi conflict. First of all and most importantly, that conflict prevention and the prevention of war is a legitimate goal that must be pursued at all cost. Secondly, that the culture of hatred sown by colonial imperialists by arbitrary borders is the root cause of conflict in Africa. The time has now come for Africans to return to their pre-colonial values of common brotherhood irrespective of intra –national and international boundaries emphasising their oneness: one people, one destiny, one heritage. And finally, that Africa should shift its focus on natural resources as the sole determinants of economic development. The case of other rapid-growing economic world powers like China and India have made it clear that developing human capacity leads to faster and better development. Wars over natural resources will not.

Appendix 1- Summary of ICJ Judgment

Case concerning the *Land and Maritime Boundary between Cameroon and Nigeria*

(Cameroon v. Nigeria: Equatorial Guinea intervening)

Statement to the press by President Guillaume

The Hague, 10 October 2002

1. The Court has just delivered its Judgment in the case concerning the *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria: Equatorial Guinea intervening)*. As you have seen, this Judgment is a long one, exceeding 150 pages. Thus, it might be helpful if I provide you with a brief summary.

2. The Court first decided that the land boundary between the two countries had been fixed by treaties entered into during the colonial period and it upheld the validity of those treaties. It moreover rejected the theory of historical consolidation put forward by Nigeria and accordingly refused to take into account the *effectivités* relied upon by Nigeria. It ruled that, in the absence of acquiescence by Cameroon, these *effectivités* could not prevail over Cameroon's conventional titles.

Accordingly, the Court decided that, pursuant to the Anglo-German Agreement of 11 March 1913, sovereignty over Bakassi lies with Cameroon. Similarly, the Court fixed the boundary in the Lake Chad area in accordance with the Henderson-Fleuriau Exchange of Notes of 9 January 1931 between France and Great Britain and rejected Nigeria's claims to the Darak area and the neighbouring villages.

3. Further, the Court drew an extremely precise boundary between the two States. In this respect, in Lake Chad it reached the same conclusions as the Lake Chad Basin Commission.

As requested by Nigeria, it then turned to 17 sectors of the land boundary between Lake Chad and pillar 64. In many cases, the solutions adopted in this respect are favourable to Nigeria. This is so for the Keraua River, the Mandara Mountains, the Maio Senche, Jimbare and Sapeo, between Namberu and Banglang, and in respect of the boundary between the Akbang River and Mount Tosso. The adopted solutions are closer to Cameroon's positions in respect of the Kohom River, the area between Mount Kuli and Bourha, the village of Kotcha, the Hambere Range area and the Sama River. The Court adopted intermediate or neutral positions in respect of Limani, the sources of the Tsikakiri, the course from Beacon No. 6 to Wamni Budungo, at Tipsan, and from the Hambere Range to the Mburi River.

Finally, the Court indicated the precise course of the boundary channel of the Akwayafe to the west of the Bakassi Peninsula.

4. The Court also fixed the maritime boundary between the two States. Here, the Court, accepting Cameroon's contention, began by upholding the validity of the

Declarations of Yaoundé II and Maroua, pursuant to which the Heads of State of Nigeria and Cameroon had in 1971 and 1975 agreed upon the maritime boundary between the two countries from the mouth of the Akwayafe to a point G situated at 8° 22' 19" longitude east and 4° 17' 00" latitude north.

Next, in respect of the maritime boundary further out to sea, the Court essentially endorsed the delimitation method advocated by Nigeria. As the line of delimitation, it adopted the equidistance line between Cameroon and Nigeria, which in its view produced an equitable result in this case as between the two States, namely a loxodrome having an azimuth of 187° 52' 27". Noting, however, that the line so adopted was likely rapidly to encroach on rights of Equatorial Guinea, the Court confined itself to indicating its direction without fixing the Cameroon/Nigeria/Equatorial Guinea tripoint.

The delimitation thus effected for the most part respects existing oil installations. It preserves Equatorial Guinea's rights, as well as those of Cameroon and Nigeria in regard to their delimitation with Equatorial Guinea.

5. Drawing the consequences of its determination of the land boundary, the Court first held that Nigeria is under an obligation expeditiously and without condition to withdraw its administration and its military and police forces from the Bakassi Peninsula, and from the Lake Chad area falling within the sovereignty of Cameroon. The Court further decided that Cameroon, for its part, is under an obligation expeditiously and without condition to withdraw any administration or military or police forces which may be present on Nigerian territory along the land boundary between Lake Chad and Bakassi. Nigeria bears the same obligation in respect of any territory in this sector which falls within the sovereignty of Cameroon.

In the reasoning of its Judgment, the Court further noted that the implementation of the Judgment would afford the Parties a beneficial opportunity to co-operate in the interests of the populations concerned, in order notably to enable them to continue to have access to educational and health services comparable to those they currently enjoy. Such co-operation, the Court added, would be especially helpful, with a view to the maintenance of security, during the withdrawal of the Nigerian administration and military and police forces.

6. The Court also took note of the commitment undertaken at the hearings by Cameroon that, "faithful to its traditional policy of hospitality and tolerance", Cameroon would "continue to afford protection to Nigerians living in the Bakassi Peninsula and in the Lake Chad area".

7. Finally, the Court rejected Cameroon's submissions seeking to have Nigeria ordered to repair the injury suffered by Cameroon, in particular as a result of the occupation of Bakassi. In this respect, the Court noted that Cameroon had secured recognition of its sovereignty over the peninsula and the disputed area of Lake Chad. It found that the injury suffered by Cameroon by reason of the Nigerian occupation was sufficiently addressed by the very fact of that recognition and of the evacuation of those territories.

It also rejected, for lack of proof, the submissions of Cameroon concerning the implementation of its Order of 15 March 1996 indicating provisional measures and those relating to various border incidents complained of by the two Parties.

8. In sum, the Court finds in favour of Cameroon in respect of Bakassi and Lake Chad. Its Judgment also settles the other issues concerning the land boundary. It places each of the Parties under an obligation to evacuate the areas falling within the sovereignty of the other and to do so expeditiously and without condition, and at the same time issues a call for co-operation. It fixes the maritime boundary beyond the territorial sea in accordance with the method advocated by Nigeria. Finally, it rejects both Parties' submissions concerning responsibility.

9. I would add that the Court was happy to learn that the Heads of State of Cameroon and Nigeria met on 5 September last in the presence of the United Nations Secretary-General. It welcomed the result of that meeting and hopes that the Judgment which it has delivered today will contribute to friendly relations between the two brother countries.

Appendix 2 – The Green Tree Accord

The Republic of Cameroon (hereinafter referred to as "Cameroon") and the Federal Republic of Nigeria (hereinafter referred to as "Nigeria").

Reaffirming their willingness to peacefully implement the judgment of the International Court of Justice,

Commending the secretary-general of the United Nations for his efforts made in this respect in organizing the tripartite summits and establishing the Cameroon-Nigeria Mixed Commission,

Considering that the question of the withdrawal from and transfer of authority over the Bakassi Peninsula should be treated in a forward-looking spirit of goodwill in order to open new prospects for cooperation between the two countries after decades of difficult bilateral relations,

Determined to encourage the consolidation of confidence and peace between their two countries for the well-being of their peoples and for stability in the sub-region,

Have decided to conclude the present agreement.

Article 1

Nigeria recognizes the sovereignty of Cameroon over the Bakassi Peninsula in accordance with the judgment of the International Court of Justice of 10 October 2002 in the matter of land and maritime boundary between Cameroon and Nigeria. Cameroon and Nigeria recognize the land and maritime boundary between the two countries as delineated by the Court and commit themselves to continuing the process of implementation already begun.

Article 2

Nigeria agrees to withdraw all its armed forces from the Bakassi Peninsula within sixty days of the date of the signing of this Agreement. If exceptional circumstances so require, the secretary-general of the United Nations may extend the period, as necessary, for a further period not exceeding a total of thirty days. This withdrawal shall be conducted in accordance with the modalities envisaged in annex 1 to this agreement.

Article 3

1. Cameroon, after the transfer of authority to it by Nigeria, guarantees to Nigerian nationals living in the Bakassi Peninsula the exercise of the fundamental rights and freedoms enshrined in international human rights law and in other relevant provisions of international law.

2. In particular, Cameroon shall:

- (a) not force Nigerian nationals living in the Bakassi Peninsula to leave the Zone or to change their nationality;
- (b) respect their culture, language and beliefs;
- (c) respect their right to continue their agricultural and fishing activities;
- (d) protect their property and their customary land rights;
- (e) not levy in any discriminatory manner any taxes and other dues on Nigerian nationals living in the zone; and
- (f) take every necessary measure to protect Nigerian nationals living in the zone from any harassment or harm.

Article 4

Annex I and the map contained in Annex II to this agreement shall constitute an integral part thereof.

No part of this agreement shall be interpreted as a renunciation by Cameroon of its sovereignty over any part of its territory.

Article 5

This agreement shall be implemented in good faith by the parties, with the good offices of the secretary-general of the United Nations, if necessary, and shall be witnessed by the United Nations, the Federal Republic of Germany, the French Republic, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

Article 6

1. A follow-up committee to monitor the implementation of this agreement is hereby established. It shall be composed of representatives of Cameroon, Nigeria, the United Nations and the witness States. The committees shall monitor the implementation of the agreement by the parties with the assistance of the United Nations observers of the Mixed Commission.

2. The follow-up committee shall settle any dispute regarding the interpretation and implementation of this agreement.

3. The activities of the follow-up committee shall cease at the end of the period of the special transitional regime provided for in paragraph 4 of annex I to this agreement.

Article 7

This agreement shall in no way be construed as an interpretation or modification of the judgment of the International Court of Justice of 10 October 2002, for which the agreement only sets out the modalities of implementation.

Article 8

This agreement is concluded in English and French, both texts being equally authentic.

Done at Greentree, New York, on 12 June 2006

For the Republic of Cameroon: Paul Biya, President

For the Federal Republic of Nigeria

Olusegun Obasanjo, President: Olusegun Obasanjo

Witnesses

For the United Nations: Kofi Atta Annan

For the Federal Republic of Germany: H.E. Gunter Pleuger

For the United States of America: H.E. Fokie Sanders

For the French Republic: H.E. Michel Duclos

For the United Kingdom of Great Britain and Northern Ireland — H.E. Koren Pierce

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Editorial

Author: Kevin Ngang, Che/Project Co-ordinator: Udayakumar, S.P.: Understanding the Bakassi Conflict. A Showcase of Conflict Prevention in Practice, EPU Research Papers, Issue 04/07, © European University Center for Peace Studies (EPU), Stadtschlaining/Austria 2007.