

## International Court of Justice Judgement on the Nigeria-Cameroon Borderland Conflict: Implications on Bakassi People

BENJAMIN ADENIRAN ALUKO  
University of Ibadan, Nigeria

NNEAMAKA IJIE OBODO  
Veritas University Abuja, Nigeria

**Abstract.** From time immemorial, states have been involved in various forms of border conflicts and the origin of these disputes is often times difficult to trace. For some of these conflicts, it can be said to have erupted due to the colonial ties shared by the states, for political motives or as a result of the natural resources found in such a border that will therein improve their economy. This paper analyses the border conflict that occurred between Nigeria and Cameroon which finally led the case to be taken to the International Court of Justice (ICJ) to settle the conflict. The conflict is peculiar in nature because it is not a conflict over waterways or airspace but a conflict over a territorial space that involved a group of people. The settlement pattern in one way or the other has impacted on the people occupying the disputed area. Such implication goes further to infer that when a border dispute that involves a group of people is settled, there is an after effect of such settlement whether positive or negative in nature. The outcome of the verdict was to avert a war but the situation of the Bakassi people after the ceding over the Bakassi Peninsula has not been palatable. Using primary, secondary sources of data collection and social constructivism as its

theoretical framework, the paper argues that both states accepted and complied with the verdict of the International Court of Justice as a result of protecting their identities thus shaping their interest. The paper also posits that though the verdict did not rule in favour of the Bakassi people and the Nigerian government as majority would have wanted due to its peculiar nature, but it prevented a major outbreak of war.

**Keywords:** Border Conflict, Bakassi People, Bakassi Peninsula, International Court of Justice, Peace

### 1. Introduction

African countries have had their fair share of border and interstate borderland conflicts mostly from the periods each country gained independence. These borderland conflicts have occurred in countries like Algeria-Libya-Tunisia, Algeria-Libya-Niger, Algeria-Mali-Mauritania, Algeria-Mali-Morocco, Algeria-Mauritania-Morocco, Algeria-Mali-Niger, Algeria-Zaire-Zambia, Benin-Niger-Nigeria, Benin-Niger-Burkina Faso, Benin-Togo-Burkina Faso, Botswana-Zimbabwe (Rhodesia)-South Africa, Burundi-Rwanda-Tanzania, Burundi-

Rwanda-Zaire (Babatola 2012). The Nigerian-Cameroon borderland conflict is one of such numerous interstates border conflicts. This conflict over the Bakassi Peninsula had span over the years.

The Bakassi Peninsula, a disputed territory between Nigeria and Cameroon for decades can also be linked to several conflicts in 1981 and the early 1990s (Price 2005) in the region. The dispute over the Bakassi peninsula is not only a product of boundary problem caused by the colonial powers but also a problem that has degenerated into a bigger concern as a result of clash with tradition and modernity in which the pre-colonial history of the ancient kingdom of Calabar haunted the post-colonial reality of contemporary Nigeria and Cameroon (Tarlebba & Baroni 2010). In pre-colonial times, Bakassi was an area under the Calabar Kingdom and at that time the Obong of Calabar signed a treaty of protection on September 10<sup>th</sup> 1884 with Britain (Omoigui 2006). In reality, he signed his kingdom over to the British who offered her protection and automatically the Calabar Kingdom became a British protectorate. On November 15<sup>th</sup> 1983, Germany and Britain defined their boundaries in Africa and then supplemented it with an additional agreement in 1906 which covered British and German territories from Yola to Lake Chad (Omoigui 2006).

Following this, in 1913, there were series of agreement between Germany and Britain as to how an exact boundary demarcation between the then colonial territories of Nigeria and Cameroon was to be established (Ngang 2007). From those periods to the time of independence, Nigeria and Cameroon had no issue as to who owned the disputed area until an announcement of oil discovery in the waters surrounding the peninsula brought about restiveness between

Nigeria and Cameroon though they still lived in relative harmony in that region. But in 1993, the peninsula, which apart from oil wealth also boasts of heavy fish deposit, was a subject of serious dispute, between Cameroon and Nigeria with score of lives lost from military aggressions and tribal squabbles (Olumide 2002). Due to the incessant clashes between both countries at several instances, the Cameroonian side took the case to the International Court of Justice (ICJ) on the 29<sup>th</sup> March, 1994 and after eight years of deliberations, the court gave a ruling and Cameroon was given the recognition of sovereignty over the Bakassi Peninsula area (Okoro 2009; Piet 2011). The ICJ awarded most of the disputed Bakassi Peninsula and maritime rights to Cameroon and the United Nations established a Mixed Commission on implementing the ICJ ruling (U.S Department of State 2011).

Though, the International Court of Justice gave a verdict Katele (2007) using the facts relating to the background of the dispute placed before the court, the court however, did not address the question of the implication of the ruling on the people of Bakassi. The court only took note of Cameroon's declaration over the inhabitants and mentioned in passing that Cameroon should continue to afford Nigerians with protection. This invariably means that the manner of settlement of the conflict through the instrument of international law raises a question of nationality. The question of nationality of the Bakassi indigenes has further caused them to desire autonomy from both states despite the judgement made by the court. Since the Bakassi Peninsula has long been handed over to Cameroon with instructions following from the International Court of Justice and also the provisions made in the Green Tree Agreement stating the legalities involved for effective settlement, the research

interrogates the aftermath of the handing over with major concerns to what has become the fate of the People of Bakassi especially those who returned to Nigeria.

## 2. Statement of Problem

A border dispute amongst states is a contemporary issue that burdens the hearts of many in the international system due to its impacts in several dimensions. From centuries ago, lines have been created by man to mark geographical boundaries as a limit to a state and the extent of its sovereignty. These lines also known as boundaries have been seen to have caused the dispute between Nigeria and Cameroon. The conflict itself lies in the fact that the Bakassi people lived in an area disputed by Cameroon to be theirs but claimed by Nigeria for decades which further shows that it is also a problem of land allocation.

More so, the transference of the Bakassi Peninsula to the Cameroon has affected the Bakassi people. The ceding of the Bakassi Peninsula would have typically implied an end to a dispute of ages but this is far from reality due to the new uncertainties opened up by the judgement of the International Court of Justice as regards the fate of the Bakassi people. Critically examining the judgement of the ICJ and other issues surrounding the settlement, it is seen that the indigenous people of Bakassi have lived their lives from generations untold in the disputed area. Thus, this makes the decision of the ICJ to become disturbing especially as the court did not consider the conduct of a plebiscite or a referendum to respect their human rights foremost, and to determine if the Bakassi indigenes whose ancestral homes, means of livelihood have been compromised would want to join Cameroon or retain their nationality as Nigerians.

More disturbing is the case of Nigerians who have lived in the Bakassi region all their lives. These individuals will have to come to terms with the reality of evacuation. This in a way is difficult because most of them practically have their sources of livelihood, ancestral ties, burial grounds of loved ones and religious sites situated there. Therefore such evacuation would generate so much contention.

## 3. Research Questions

- In what contexts were the border relations between Nigeria and Cameroon established?
- In what manner was the conflict between Nigeria and Cameroon resolved?
- How has the resolution of the conflict between Nigeria and Cameroon impacted on the Bakassi People?

## 4. Research Objectives

The general aim of this study is to investigate the Nigeria- Cameroon borderland dispute and its implication of the indigenous people of Bakassi.

The specific objectives are:

- To examine the contexts of border relations between Nigeria and Cameroon.
- To identify the process of conflict resolution between Nigeria and Cameroon.
- To examine how the resolution of the conflict between Nigeria and Cameroon have impacted on the Bakassi People.

## 5. Scope of Study

The scope of study is the ICJ's verdict on the Nigerian-Cameroon border conflict and its aftermath on the Bakassi people.

## 6. Research Design

The design of the research includes the descriptive survey and case study design. The survey approach takes the descriptive and analytical method using survey techniques like observation, interviews and focus group discussions while the case study approach follows the pattern of investigating the relationship between the variables supported by qualitative method of study. Historical method is also employed in this study for analysis. The essence of an historical analysis is to interpret past records in such a manner that will give an explanation for present event. The study involves the use of primary and secondary sources of data to collate needed information.

This study focuses on reading, criticizing and drawing conclusions from relevant documents with relevance to the border dispute between Nigeria and Cameroon the ICJ's decision and on the Bakassi Peninsula from which findings in the research would be analysed therein. Therefore the study critically analyses primary and secondary data collected. More so, the collected data is interpreted qualitatively.

### 6.1 Area of Study

The study was carried out in the new Bakassi Local government which was carved out of Akpabuyo local government after the International Court of Justice's judgement to cede the disputed territory to Cameroon. The new Bakassi Local government comprises of three wards carved out from Akpabuyo Local Government which includes Ikang North, Ikang South

and Ikang Central delineated into ten political and administrative wards. This Local government is bounded to the East by Cameroon to the South by Equatorial Guinea and the Bight of Bonny, to the West by Cross River Estuary and to the North by Akpabuyo Local Government.

## 7. Conceptual Clarification and Theoretical Framework

Velez (2009) sees borderlands as a social and political scenario in which the interests of the state, its relations and problems between neighbouring countries are manifested. Familugba & Ojo (2013) views borderland as that part or the edge of a surface or an area that forms its outer part which serves as a divide between two contiguous territorial units. In this study therefore, borderlands dispute are lands that are found at the outer part of a larger territory that is in a situation of clashing interest by two neighbouring states which consists a concrete representation of peoples' with common cultural and historical value system and statehood identity

### 7.1 Social Constructivism

This work adopts social constructivism as its theoretical framework. Nicholas Onuf in 1989 coined the term constructivism and its roots have been attributed to several disciplines like sociology, anthropology and psychology with fore bearers of the theory like the Italian Philosopher Giambattista Vico, Immanuel Kant, Karl Marx, Alexander Wendt Emanuel Adler, Friedrich Kratochwil, John Gerard Ruggie and Peter Katzenstein (Owen 1995; Holsti n.d; Robert & Sorenson 2006; Behraves 2011). Akwen (2011) compared social constructivism to other theories and opined that it is seen more as an approach than a theory. Basically,

social constructivism see the international system and the interactions between states to be socially constructed (Behravesch 2011; Akwen 2011) and thus create the manner in which the outlook of states are perceived.

One of the basic assumptions of constructivism is identity and belief which are used by states in their relations within the international system (Slaughter 2011). Slaughter further opined that states in the international system are more concerned with the goal to achieve national interest and as such they are opposed to any form of hindrances. More also, constructivism considers its environment as social, ideational and material (Holsti n.d) and by being social, it gives meaning to international relations concepts like power, anarchy and national interest because they are socially constructed than just being outcomes of systemic structures while ideational views are mental constructions that are used by states in the implementation of policies (Robert & Sorenson 2006) and materially, it derives meaning from the social construction of world affairs in international politics as refuted by justifications that international politics is defined by logical behaviour and decisions of state actors in the pursuance of their interest (Behravesch 2011).

Despite the tenets of social constructivism, neorealist are of the belief that constructivism have placed so much importance on international norms and to the neorealist, such norms can be disregarded if it is against the interest of powerful states (Robert and Sorenson 2006). More also, constructivism shows how states perceive others to be either as friends or enemies in the international system but the neorealist opposed the notion with a view that states cannot easily become friends because they interact and this is so because

the international system have been structured in a manner where states are in a bid to outshine one another in the pursuance and achievement of their national interest.

The social constructivism theory is most suitable for this research and so the study adopts the social constructivism theory because the theory explains state behaviours which are defined alongside their identities and interest. The major reason for the interaction of states within the international system is to achieve their national interest and so states strategize to achieve their national interest, and then preserve their identities. Also, states have a preconceived notion of who they are, what they want and how they want to interact with other states in the international system. The reason for this choice by states is to give a clear direction and focus because of the anarchical nature of the international system characterized by powerful and weak states; hence states try to preserve their identity.

In addition power as viewed by the constructivist theory is from the perspective of ideas. For constructivism the source of power for states is in their ideas and when this is attained, states have the ability to constructively change the identity of other states and the structures of the international system. Lastly, most theories explain that the reason why states interact in the international system is primarily because of their needs and interest which are necessary for survival but for constructivism, states nature of interest differ in the sense that their primary interest are driven by the predefined nature of the material resources and the situation of the state. That is why constructivism does not separate the state from the environment.

In its application to this study, social constructivism implies that actors in the international system acquire their identities

through specific roles assigned to them. In the light of this, African countries came to acquire their present boundaries during the process of the scramble for Africa and this was done through the consent of the natives that their lands were occupied, some signed treaty of protection like that of the Old Calabar Kingdom while some signed treaty of possession thus giving their lands away. These treaties were incorporated into laws, given a general meaning and finally legitimized by international organizations (Robert & Sorenson 2006). It is also on this platform that Nigeria and Cameroon contested over the ownership of the Bakassi Peninsula through colonial and post-colonial agreements.

More so, identities and interests of states are defined by international agencies. This focuses on the norms, agreements and laws that are passed as by international agencies and their impact on state behaviour which in turn impacts on national policies. An examination of the mode of resolution of the Nigeria-Cameroon border conflict, the tool of enforcement in determining the fate of Bakassi Peninsula was the use of customary international laws employed by the International Court of Justice. Therefore the enforcement of these norms and agreements like the Green-tree agreement by international institutions is a way to influence states to adopt policies established by them. Following the Bakassi Peninsula case, the important role played by the ICJ and the former Secretary of the United Nations Kofi Anan redefined the identities of states and the initial strategies both states had in mind. As constructivism explains it, states reciprocate their actions in the manner other states or institutions interact with them. That is why the friendly disposition and revered position of the former Secretary General of the UN made both disputing states to amicably accept the verdict. Thus,

it can be said that systems or structures in the international system further defines the perception, which is the identities of states.

In most cases, member states of the United Nations have floated the decisions of the International Court of Justice but in the case of the Nigeria-Cameroon border dispute, the constructivist approach explains how states actors are seen to respect rules governed by the international community. These rules are norms established by powerful states to protect and preserve their identities as well as create an atmosphere of orderliness and legitimacy in the international system. By so doing, weaker states have come to terms of obeying and incorporating international laws into their national laws thus a restructured identities and interest thereby causing them to be accepted and recognized in the international system. Invariably, this has made Nigeria and Cameroon to desist from war, accept and implement the verdict of the world court because of the perceived notion of recognition in order to preserve their identity.

Lastly constructivists concentrate on the social identities of actors. For Karaculusulu & Uzgoren (2006); Hurd (2008) social identities and interests vary thus relational while other theories explain that social interest is fixed like power. For the peninsula, it was considered less important by both states but upon discovery of oil and other benefit, it became a treasured land and both states changed their interest to accommodate the peninsula.

## **7.2 Bakassi Peninsula**

The Bakassi Peninsula is an extension of the Calabar territory in Nigeria that spreads into the Atlantic Ocean with latitude of  $4^{\circ} 25^1$  and  $5^{\circ} 10^1$  north of the equator and a longitude of  $8^{\circ} 30^1$  and  $9^{\circ} 8^1$  to the east of the Greenwich Meridian but to the

Cameroonians, the Bakassi is an access route to the Rio Del Rey and parts of their South West Provinces (Effiong-Fuller 2007; Odiong 2008; Baye 2010; Njoku 2012). The Peninsula can also be described as a swampy mangrove within the space of 1,000 kilometres that protrudes into the Bight of Bonny otherwise known as the Bight of Biafra with an available reserves of petroleum (Aghmelo & Ibahasebhor 2006; Tarlebba & Baroni 2010; Oluyemi 2014) with two great ocean currents that leaves foamy breakers that heads towards the shore with different species of fishes and shrimps thereby making it one of the biggest supplies of sea foods in the region that can only be compared with Scandinavia and Newfoundland countries (Mbuh 2004; Eregan 2015). Oil and gas reserves in the area probably make it one of the richest peninsulas in the region with an oil reserve that can be estimated to be in several billions of barrels. Also, its strategic location makes it a potential base for military operations coupled with the fact that it offers a pathway by virtue of the two sea ports, Doula and Calabar that is found in the area (Ogen 2012). In the Bakassi peninsula, there are many channels and creeks of diverse sizes that intercept one another thus making transportation in the area to be basically water based (Eze 2008).

Fombo (2006) is of the view that the international border, Bakassi Peninsula can be categorized into four physical sectors. These four sectors are that of the northern most part, where the land boundary cuts into Lake Chad and the neighbouring plains at an average altitude of about two hundred metres above sea levels. At such times, the water level rises above normal and the Lake Chad region becomes fully water logged. The second sector is a land boundary that has a continuous chain of mountains and valleys but with an interception by the

Benue Valley near Yola. Thus, it can be said to be a source to many rivers like the Benue or Cross River that empties itself into Nigeria and then its tributaries into the Atlantic on the Cameroon coast (Asemanya 2006). The third sector which is of more relevance to the study, is a coastal region that descends into the area of the Bakassi peninsula with connecting islands by making the Akpayafe to serve as a boundary with the Rio-del-Rey and the Ndian River to the east and the Calabar and Cross River to the west (Omada 2013). The fourth sector is the maritime zone that serves as a boundary between Nigeria and Cameroon, also extends to the Equatorial Guinea (Apya 2015).

Ecologically, Bakassi has two major zones, known to be mangrove swamp forest and tropical rain forest. The mangrove swamp forest is said to be the dominant Eco zone and it seen as an important forest and wetland resources base while the tropical rain forest in Bakassi is also known as the equatorial forest due to the occurrences within the equatorial belt which contains a variety of high grade timber-wood trees of both hardwood and softwood types (Effiong-Fuller: 2007:18). Notwithstanding the rich environs of the Bakassi peninsula, Ajayi (2002) it is an area that suffers from all manners of environmental degradation due to inadequacies from environmental management initiative but nevertheless the environmental challenge, the peninsula exudes economic importance and potentiality (Shaibu, Azom & Nwanze 2015) and as a result of its futuristic benefits, the Nigerian government and the Cameroonian government overtime have battled for its ownership.

## **8. The International Court of Justice Ruling over the Bakassi Peninsula**

Overtime, nations have often struggled over a territorial or maritime boundary due to its economic, political or other strategic importance it posits and quite a handful of these border disputes are resource based not considering the ethno-cultural space that coincides with the territoriality of the state (Apya 2015). It is with such notion that modern day states seek redress or claim of sovereignty of their territory before the International Court of Justice, also known to be the principal judicial body of the United Nations.

The International Court of Justice from its inception has presided over several cases ranging from maritime to territorial disputes like Somalia versus Kenya over the maritime delimitation in the India Ocean in 2014 to the Costa Rica versus Nicaragua as same as maritime delimitation in the Caribbean and Pacific Ocean in 2014 to the frontier dispute between Burkina Faso and Niger in 2010 and Cameroon versus Nigeria, land and maritime boundary dispute in 1994 ([www.icj-cij.org](http://www.icj-cij.org)). It is pertinent to note that sometimes, the judgement made by the ICJ on the territorial differences and the settlement pattern does not bring about an easy resolution.

Several territorial cases handled by the ICJ have shown the tendency of resurfacing. Given the territorial dispute between the Albanians and the Serbs over Kosovo due to their perceived attachment to the place, the Kosovars declared independence even after the dispute was resolved and this further heightened the dispute, likewise the dispute over the Preah Vihear temple that was ceded to Cambodia, years after the resolution, both countries still uphold claims and counter claims (Agwu 2009) with an indication that the territorial disputes resolution outcome offered by the ICJ are only quick fixed in nature. This also is applicable to the Bakassi

Peninsula case where the judgement cedes the land to Cameroon forgetting the demography of the territory inhabited by majority of Nigerian ethnic nationalities.

The boundary between Nigeria and Cameroon in time past have gone through quite a number of progressions before recently attaining its current position given by the International Court of Justice (Asemany 2006). The origin of the present boundary can be dated to 1885 when the British protectorate was extended to the boundary between German Kamerun and British Nigeria territories which afterward was extended to the north within few kilometres from Yola in 1886 (Weladji 1978; Chukwurah 1981; Egunjobi 2005). Several treaties were signed back and forth by the colonial masters and after independence of Nigeria and Cameroon, the signing of treaties continued over the border demarcation.

It can be said that prior before now, Nigeria and Cameroon were coexisting peacefully as neighbours until both nations started experiencing clashes from the period of Africa independence movement (Njoku 2012; Placido 2014). These clashes were contained but the border dispute then took a different turn when huge oil reserves were discovered in 1977 along the Rio del Rey basins by the Bakassi territory (Adigbuo 2014) and also with a discovery at the Gulf of Guinea, it led to both nations trying to determine who has access to off-shore and inshore hydro-carbon resources and this further aggravated the conflict. The implication of such oil discovery made both nations to become interested in the Bakassi peninsula with various conflicts occurring until in 1994, Cameroon decided to file a law suit against Nigeria (Yagba 1995; Ngang 2007; Adigbuo 2014).

The court case began in 1994, with Cameroon pursuing a court injunction for the total removal of Nigerian soldiers who occupied the Bakassi territory and set restraining order on Nigeria from laying claims of sovereignty over the peninsula (Aghemelo & Ibhasebhor 2006; Check 2011; Njoku 2012; Falana 2012). In her suit filed against Nigeria, Cameroon's application stated that the delimitation of the land and maritime boundary has remained incomplete due to many failed attempts to establish a permanent boundary with a subsequent application to the registry relating the question of sovereignty over a part of the territory of Cameroon and the area of Lake Chad (Ngang 2007; Check 2011). As a result of this, the court considered the case and admitted her competence to preside over the issue between the disputing parties. Due to Cameroon being the first to take the case to the world court, she was quite confident because of the prior knowledge of the 1913 Anglo-German agreement which shifted the peninsula from its original position in Nigeria and also the 1975 Maroua Declaration between the two Heads of State as at that time (Olumide 2002; Baroni & Tarlebba 2010; Funteh 2015). Also Cameroon felt justified that she would gain the sympathy of the court due to her minority of one-tenth of the total population of the Bakassi peninsula as Nigeria was perceived to be using her population advantage as an occupational strategy to claim ownership of the peninsula (Mbuh 2002).

The task of the International Court of Justice over the case was to specifically define the course of the entire Nigeria-Cameroon boundary as fixed by the relevant instrument with the court passing a final judgement at the end of the case with the interpretation and application of certain provisions of

those instruments thereby investigating the validity of the instruments placed before the court (Check 2011). It was on this basis that both disputing parties presented their strong arguments with either supporting documents or other proofs. It is in the light of this, that the positions of Nigeria and Cameroon were established. Nigeria's main point of argument over its claim to sovereignty over the Bakassi Peninsula was historical in nature while her Cameroon counterpart based her sovereignty claim using conventional titles which were western in nature (Sama & Ross 2006; Eze 2008; Agwu 2009; Apya 2015).

The world court relied heavily on conventional titles and argument giving due precedence to contemporary western ideas of a boundary demarcation and sovereignty to the detriment of the historical consolidation justifications put forward by Nigeria. In cross examining the instruments relied for the judgement, the treaties between the colonial powers of the disputing parties were the major basis for reaching a conclusion. Looking at the Anglo-German Treaties of March 11, 1913, April 12, 1913 and the Treaty of Versailles, it was believed and much argued that Nigeria on her attainment of independence was to refute all treaties signed by her colonial masters but classical international law posits that a colony is a geographical entity under tutelage with no personality of its own recognised at international law and so Britain made all her colonies, Nigeria inclusive to sign a devolution agreement as prerequisite for independence (Ajomo 2012). With this, it can be said that the 1913 treaty amongst other treaties were valid and binding on Nigeria because as Ajomo further opined, Sir Abubakar Tafawa Balewa signed the agreement on behalf of Nigeria two succinct clauses which stated:

*that all obligations and responsibilities of the Government of the United Kingdom which arose from any valid international instrument shall be applicable to Nigeria and the rights and benefits enjoyed by the Government of the United Kingdom in virtue of the application of any such international agreement to Nigeria shall be enjoyed by the Government of Nigeria (Ajomo:2012:8).*

Therefore, the transference of Bakassi to France was not to be probed but accepted as binding due to the devolution agreement signed by Nigeria. Basse (2014) corroborates Ajomo's view by positing that the ceding of Bakassi by the British to the Germans was legal in the sense that in 1884 to 1885, Britain proved to other European Powers at the Berlin Conference that Old Calabar including Bakassi was its possession, it had the right to dispose of any part of its possession or negotiate the boundaries of its colonial territories. But another school of thought questions the validity of the treaties signed by the colonial powers using the legal maxim, *nemo dat quod non habet* (you do not give what you do not have) to justify its claim. Falana (2012) is of the view that the transference of the territory was illegal because Britain did not have that territory in the first place. Falana further opined that the Old Calabar which covered the Bakassi Peninsula was in 1913 a protectorate and not a colony of Britain, further buttressing this opinion by saying that a protectorate indicates an authority that is shown by a strong state over a weak state without a direct invasion which contradicts a colony that explains a land settled by people from another country, to whose government to some extent are subjects.

Scrutinizing Nigeria's basis of claim to sovereignty over the Bakassi Peninsula, Ngang (2007); Eze (2008); Agwu (2009), adduced that there existed an original title of

the city-states of Old Calabar to Bakassi with an affinity of the Bakassi people similar to the ethnic and social culture of the Old Calabar people and more interestingly is the administration is the fact that there exudes Nigeria's administrative presence in the territory since 1960 till the period of hand over to Cameroon. But an examination of the historical claim made by Nigeria, three foundational claims of the disputed area as stated by the International Court of Justice report can be applied jointly or individually and outlined as:

- a long occupation by Nigeria and by Nigerian nationals which can serve as an historical consolidation of title
- an effective administration by Nigeria on the peninsula with no protest from Cameroon
- manifestations of sovereignty by Nigeria together with the acquiescence by Cameroon in Nigerian sovereignty (ICJ judgement report 2002, paragraphs 62-70).

The above claim as put forward by Nigeria showed a peaceful possession and administration of the peninsula with the claim of an acquiescence by Cameroon. In other words, Cameroon did not raise any form of objection to her infringement of rights of ownership from the period of Nigeria's presence in the area only until the time of 1994 when the case was taken to court. On the other hand, Cameroon disputed Nigeria's claim that a holder of a conventional territorial title to the Bakassi peninsula, does not have to demonstrate an effective action on the region due to the validity of the conventional title which overrules over any law of *effectivités* (ICJ Reports 2002). The court in adjudging Nigeria's historical establishment of title, responded that though Nigeria expressed the law of *effectivités*, by establishing organisation of public health, educational

facilities and administration of justice, all of which are considered as normal due to Nigeria's perceived belief of *titre de souverain* but the court in her final submission over the relationship between *effectivités* and titles referred to a similar case of border dispute between Burkina Faso and the Republic of Mali stated inter alia that:

“where the act does not correspond to the law, where the territory which is the subject of the dispute is effectively administered by a State other than the one possessing the legal title, preference should be given to the holder of the title and in an event that the *effectivités* does not coexist with any legal title, it must invariably be taken into consideration” (ICJ Reports 1986:587 paragraph 63).

Going by the claims and counter claims of Nigeria and Cameroon, the International Court of Justice ruling over the disputed territory in a verdict of October 10<sup>th</sup>, 2002, according to (Eze 2008), affected Nigeria in three dimensions; comprising of the people, territory and marine resources. Further elucidating, Eze is of the view that the transference of the Bakassi Peninsula has affected the indigenous people, caused a loss of fishes, shrimps and other aquatic resources which would have been beneficial in terms of provision of means of livelihood for the fishermen and also the hydrocarbon and the geostrategic importance of the region. The basic outcome of the judgement was that Cameroon had the sovereignty of the Bakassi peninsula due to a 13 to 3 votes (Ngang 2007). This therefore resulted to the court requesting that Nigeria should withdraw her forces and administration from the peninsula therein fully transferring its possession to Cameroon (Issaka & Ngandu 2008; Kamto 2008; Tomwarri 2015) and lastly Cameroon withdraw her forces and administration from regions which falls

within Nigeria's jurisdiction according to the verdict.

## **8.2 Implications of the International Court of Justice Judgement and the Bakassi People**

Since the final handover of the ceded Bakassi Peninsula in 2007 to Cameroon, the Bakassi returnees who comprised of Nigerians of different ethnic groups majorly from the South-South region of Nigeria were relocated to Ikang while others decided to return to their states like Delta and Bayelsa. The new Bakassi Local government was created in April 12, 2007 (Okoro 2011) and this creation was done by the State government by sending a bill to the House of Assembly to seek a readjustment of the Akpabuyo boundary to accommodate the Bakassi returnees at Ikang.

The peaceful process of the border settlement averted an impending war between Nigeria and Cameroon. However, the aftermath of the settlement has lingered in both sides of the divide. For the Bakassi people who decided to remain in the old Bakassi local government, it has been challenging. On the other hand, the Bakassi indigenes who decided to return to Nigeria have experienced similar fate. After the peace process and the return of Bakassi to the Cameroon, the people of Bakassi peninsula were always complaining of harassment by the Cameroonian gendarmes (Oluda 2011). This corroborated the experiences of some of the Bakassi women that fled the old Bakassi local government many years after the border dispute settlement. The Bakassi women opined that

When they first returned, they (the government) used to help us and assist us with food and other items but now nothing is coming. We are practically fending for

ourselves. The money that government was paying us for many years which is five thousand naira each family, we cannot remember when last they paid so many of us went back to fishing port. Those who returned to fishing port went to face another problem. It's even worse than the first one that happened (FGD, New Bakassi Local Government, February 2018)

More so, a majority of the returned population have become internally displaced persons in Nigeria. This displacement is as a result of insufficient houses for the returned people and also the expiration of their temporary accommodations which were camps. Mr. Aquah, the then Director General of the State Emergency Management Agency (SEMA) in Premium times in 2016 said they had a case of 47,180 Internally Displaced Persons in different locations in Cross River with 9,960 men, 14,028 women and 23,245 children. He was further of the opinion that the IDPs needed permanent settlement and not temporary solutions. The above notion was supported by the observations raised by the returned Bakassi men and women who opined that the Federal Government actually built houses for them but it has not been given to them to occupy. In an interview with a former chairman of the old Bakassi local government, He was of the opinion that:

*Fortunately I was in one of the committees to provide amenities, a federal government committee. I was given a letter of appointment and was called for a meeting only once. Orubebe was then the special adviser till they built some units of houses there. Of course that one isn't even a property of Bakassi LG, it is meant for states of the Niger Delta. Orubebe doubled as Minister of state for Niger Delta Ministry so they made those buildings. We went to ask them now you have finished the buildings*

share it to the people of Bakassi, they said no that they are still talking of the modalities of sharing the houses, that it was not supposed to be for the Bakassi people but the states of the Niger Delta In Bakassi land and now those houses are going bad because of people not inhabiting them (Interview with the former serving chairman of old Bakassi LG from 1999-2002, February 2018)

In addition, the aftermath of the border dispute settlement has made brothers of the same kinsmen to become strangers. In an interview with the clan head of Atai Ema, he was of the opinion that family members have become decimated while others have become alien to each other. This arose as a result of the ICJ's judgement followed by the Greentree agreement which particularly stated in Articles 3 (2a) that Cameroon shall not force Nigerian nationals living in Bakassi Peninsula to leave the zone or to change their nationality. In essence, members of the same family from the Bakassi Peninsula who were once together are divided because some remained in Cameroon and others returned.

More so, the Bakassi people had the issue over political representation when the boundary was adjusted to accommodate the Bakassi returnees. This brought about some form of rift between the Akpabuyo community, Bakassi returnees and Independent National Electoral Commission (INEC). The boundary was adjusted based on the Law No 7 of 2007 of the Supreme Court (Una 2018) through the constitutional powers of the Cross River State government. The problem of political representation of the Bakassi people was seen as a major problem because though the state government had successfully adjusted the boundary but it was not within their jurisdiction to adjust the federal

constituency which is seen as the duty of INEC. It was thus in this manner that:

*Three clan heads of Bakassi took INEC to court insisting that the delineation of boundary automatically was also delineation of federal constituency. The case went from the High Court to the Supreme Court and the Supreme Court said the delineation of the boundary by the Cross River House of Assembly was proper under the section 4 and 7 of the constitution but it does not mean that the federal constituency lines have been redrawn for the purpose of election on which INEC should depend (Interview on Vanguard with Ekpo Eyo April 8 2018)*

It was thus on this basis that INEC was advised to carry out its constitutional power under sections 112, 113 and 114 to delineate the boundary between Akpabuyo and the new Bakassi Local Government (Una 2018). All these were efforts taken towards conserving the political rights of the returned Bakassi people.

## 9. Findings

It was observed that the Bakassi people are living in deplorable state. This is due to the fact that they returned with almost nothing. Thus, rebuilding their lives has become a challenge.

More so, the Bakassi people are known to be fishermen and net makers due to their nearness to the river but with their relocation to the new Bakassi local government, most of them are having a hard time sourcing for their livelihood.

Furthermore, several years after the verdict of the court, many Bakassi returnees are seen to be internally displaced with many returning to their states of origin like Delta, Bayelsa and Ondo. This displacement has in turn impacted on Cross River state with an increase in crime rate and other hoodlum

activities in nearby local government areas like Calabar South.

In addition, families have become scattered due to the verdict of the court as some decided to remain in the old Bakassi and others returned to Nigeria. This has made brothers of the same kinsmen to be like strangers.

Lastly, it was noted that there exist heavy military presence in the new Bakassi local government. This is attributed to the fact that there is a rise in militancy activities due to the oil wells and the creeks.

## 10. Conclusion/Recommendation

Precisely sixteen years ago, the International Court of Justice gave a ruling in favour of Cameroon over the Bakassi Peninsula. This judgement brought about mixed reactions particularly to Nigerians because several years after its ruling, the Bakassi returnees are yet to have fully settled. As opposed to other similar court cases ruling by the ICJ like that of Nicaragua and Colombia in favour of Nicaragua, both states finally settled the case by considering the people found in the disputed area. This to an extent averted an unforeseen damage and hardship for the Colombians. It is thus on this basis that Nigerians would have thought that the verdict taken would have considered the sensitivity of the case.

On this note, the paper recommends from findings of research carried out that, the Nigerian government should alleviate the living condition of the Bakassi returnees by giving them better living condition and an improved means of livelihood.

## References

Adigbuo, E. R. (2014). Role of Conflicts in Foreign Policy: Nigeria's Dilemma

- over Bakassi Peninsula. *The Constitution, A Journal of Constitutional Development*; 14 (3):1-29.
- Aghemelo, A.T & Ibhasebhor, S. (2006). Colonialism as a Source of Boundary Dispute and Conflict among African States: The World Court Judgement on the Bakassi Peninsula and its Implication for Nigeria *Journal of Social Sciences* Kamla-Raj 13(3):177-181
- Agwu, F.A. (2009). *National Interest, International Law and Our Shared Destiny*, Ibadan: Spectrum Books Limited.
- Ajomo, M.A. (2012). The Bakassi Peninsula Imbroglia: From Genesis to Revelation, *Nigerian Journal of Internal Affairs in Special Issue on Bakassi Peninsula*, 38(3):3-25.
- Apya, N.H. (2015). *International Arbitration and Peace in Post-Colonial Africa: Historical Reflections on the International Court of Justice Ruling over the Bakassi Peninsula*, in Orngu, C.S, Odeh, L.E and Vaaseh, G.A (Ed). *Multilateralism: The United Nations and Nigeria in the 20<sup>th</sup> & 21<sup>st</sup> centuries*, Abuja: Gwatex Publishers
- Asemanya, J.A. (2006). *Nigeria-Cameroun International Boundaries and the Dispute over Bakassi Peninsula*, Makurdi: Aboki Publishers.
- Babatola, J. (2012). Nigeria-Cameroun boundary dispute. The quest for Bakassi Peninsula. *International Affairs and Global Strategy*, 4:1-16
- Bassey, J.R (2014). Anglo-German Treaty of 1913 and its Influence on World Court Decision on the Nigeria versus Cameroun Case Concerning Bakassi *International Journal of Current Research*, 6 (11):1-9.
- Behravesh, M. (2011). Constructivism: An Introduction retrieved from [www.wir.info/2011/02/03/constructivism-an-introduction](http://www.wir.info/2011/02/03/constructivism-an-introduction) on 02/03/2016
- Chukwurah, O.A. (1967). *The Settlement of Boundary Disputes in International Law* London:
- Effiong, F. E.O. (2007). *The Bakassi Case at the World Court 100 Facts You Need to Know*. Calabar: University of Calabar Press.
- Egunjobi, L. & Odiaka, N.O (2014). The Negotiation Issues in Nigeria Post-Independence Conflicts. *Journal of Global Initiatives: Policy, Pedagogy Perspective* 9 (2): 33-46.
- Eregan, T. (2015). International Law, Boundary Dispute and Territorial Redistribution Between Nigeria and Cameroun on Bakassi Peninsula: Limits and Possibilities for Nigeria *European Journal of Business and Management*, 7(7): 1-12.
- Eze, O.C. (2008). Nigeria and Cameroun before ICJ: Cameroun's Challenge for Peace in Pacific Settlement of Border Disputes: Lessons from the Bakassi Affair and the Green Tree Agreement, International Peace Institute
- Falana, F. (2012). Legal Dimension to an Independent State of Bakassi. *Nigerian Journal of International Affairs in Special Issues on Bakassi Peninsula*, 38 No. (2): 85- 94.
- Familugba, J.O. & Ojo, O.O. (2013). "Nigeria-Cameroun Border Relation. An Analysis of the Conflict and Co-operation (1970-2004). *Journal of Humanities and Social Science*. 3 (11):1-10.
- Fombo, G.F. (2006). *International Politics of Border Conflict: Nigeria versus Cameroun* Unpublished Doctoral

- Thesis, University of Nigeria, Nsukka.
- Funteh, M.B. (2015). The Paradox of Cameroun-Nigeria Interactions: Connecting Between the Edges of Opportunity/Benefit and Quandary. *International Journal of Peace and Development Studies*, 6 (3):30-48.
- Holsti, O. (n.d).Theories of International Relations retrieved from [www.people.duke.edu/pfeaver/holsti.pdf](http://www.people.duke.edu/pfeaver/holsti.pdf) on 27/02/2016
- Hurd, I. 2008 *Constructivism* Reus-Smit Delhi
- Issaka, M. and Ngandu, K.Y. (2008). Pacific Settlement of Border Disputes: Lessons from the Bakassi Affair and the Green Tree Agreement. *Meeting Notes*, International Peace Institute.
- Kamto, M. (2008). The Bakassi Affair: Cameroun's Challenge for Peace in Pacific Settlement of Border Disputes: Lessons from the Bakassi Affair and the Greentree Agreement, International Peace Institute
- Karacasulu, N. & Uzgoren, E. (2006). Explaining Social Constructivist Contributions to Security Studies, paper presentation at METU conference on International Relations Ankara
- Katele, M.K. (2007). *Border Dispute Settlements in Africa and their Impact on Human Rights of Indigenous Occupants of Disputed Territories*, Zambia: University of Zambia Library.
- Mbuh, J.M. (2004). *International Law and Conflicts: Resolving Border and Sovereignty Disputes in Africa* Bloomington, Indiana: Universe Inc.
- Ngang, C.K. (2007). Understanding the Bakassi Conflict. A showcase of Conflict Prevention in Practice, in Tuschl R.H. (ed), *Research Papers* Issue 04(07): 1-38
- Njoku N.L. (2012). Neither Cameroon nor Nigeria: we Belong Here: The Bakassi Kingdom and the Dilemma of Boundaries and Co-existence in Post-Colonial African. *Africana*, 6 (1):60-78.
- Oluda, S. (2011). The Nigerian-Cameroonian Border Conflict (The Bakassi Peninsula Conundrum) retrieved from [oludaseyi.blogspot.com.ng](http://oludaseyi.blogspot.com.ng)02/05/2015
- Olumide, I. (2002). Letter from the Attorney General of the Federation to the Ministry of External Affairs. *Punch Newspaper*, October. 12.
- Oluyemi, F. (2014). Displacements in the Context of Social Crises in the Oil Rich Bakassi Peninsula in Cameroun. *International Journal of Social Work and Human Services Practice* 2 (1):28-34.
- Omada, C. (2013). Obasanjo's Administration and the Management of the Nigeria-Cameroun Dispute: A Critical Analysis of the Ruling and Protection of the Fundamental Rights of the People of Bakassi Peninsula Unpublished Masters Dissertation University of Nigeria, Nsukka
- Placido, G. (2014). The Bakassi Peninsula: A Discreet Problem with Major Implications Sub-Saharan Africa
- Price, F. (2005). *The Bakassi Peninsula: The Border Dispute Between Nigeria and Cameroun*, ICE Case Studies No. 163 retrieved from [www1.american.edu/|ted|ice|nigeria-cameroun](http://www1.american.edu/|ted|ice|nigeria-cameroun) on 25/08/2014
- Robert, J. & Sorenson, G. (2006). *Introduction to International Relations Theories and Approaches*. Oxford University Press

- Sama, C.M. & Ross, J.D. (2006). Reclaiming the Bakassi Kingdom: The Anglophone Cameroon-Nigeria Border. *Council for the Development of Social Science Research in Africa, Association of African Historians* Nos 13 &14: 103-122.
- Shaibu, M.T., Azom, S.N.and Nwanze, E.S. (2015). An Appraisal of the Dominant Causes of Boundary Conflict between Nigeria and Cameroun: The Bakassi Peninsula Perspective. *Global Journal of Arts, Humanities and Social Science*, 3(9): 25-47.
- Weladji, C. (1978). The Cameroun- Nigeria Border. *ABBIA*, 31(33):173-182
- Yagba, T.A.T. (1995). *The Legal Regime of African Boundaries. An Analysis of the Bakassi Peninsula Dispute*, in Asiwaju A.I (ed). *The Bakassi Peninsula Dispute Settlement*.