

# Pacific Settlement of Border Disputes: Lessons from the Bakassi Affair and the Greentree Agreement

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**Cover Photo:** President Paul Biya (left) of Cameroon and President Olusegun Obasanjo of Nigeria (right), along with UN Secretary-General Kofi Annan (center) sign an agreement regarding the two countries' dispute over the Bakassi Peninsula, June 12, 2006, Greentree, Long Island, New York. © UN Photo/Eskinder Debebe.

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## MEETING NOTE

# Pacific Settlement of Border Disputes: Lessons from the Bakassi Affair and the Greentree Agreement

*Mashood Issaka and Kapinga Yvette Ngandu, rapporteurs*

### INTRODUCTION

On July 18, 2007, the International Peace Institute (formerly *International Peace Academy*) co-hosted an international policy conference in New York titled, “Pacific Settlement of Border Disputes: Lessons from the Resolution of the Bakassi Dispute.” The conference was organized in collaboration with the University of Yaoundé II, Cameroon; the Nigeria Institute of International Affairs (NIIA); and the Commonwealth Secretariat in London, with additional support from the Cameroonian and Nigerian governments. The main aims of the conference were to deepen the knowledge of the international community on border disputes in Africa and to provide a sophisticated understanding of lessons learned from the resolution of such localized cases as Bakassi since these may be applicable elsewhere.<sup>1</sup>

The meeting brought together fifty senior government officials and policymakers from Cameroon and Nigeria, the Commonwealth Secretariat, the United Nations, the African Union, and regional economic communities. Participants also included mediators, academic experts, and civil society actors from Africa, Europe, and North America.

As was identified by the conference participants, the resolution of the Bakassi dispute highlighted valuable lessons in conflict management. These



Map courtesy of Rigzone.

include the importance of strong leadership and its perseverance to overcome domestic reluctance; the strategic role of an impartial mediator—in this case former UN Secretary-General Kofi Annan—in providing an environment of trust through his “good offices” role within the context of Chapter VI of the UN Charter;<sup>2</sup> the valuable role of the Cameroon-Nigeria Mixed Commission (CNMC) in monitoring the implementation of the Nigerian administration’s withdrawal and transfer of authority in the maritime zone to the government of Cameroon; and the importance of sustained international commitment to preventive diplomacy and rule of law in compliance with the

<sup>1</sup> The land and maritime boundary dispute between Cameroon and Nigeria is commonly referred to as the “Bakassi dispute” though the territories in dispute extend from Lake Chad in the north to the sea.

<sup>2</sup> The “good offices” role of the UN Secretary-General entails “steps taken publicly and in private to draw upon his independence, impartiality and integrity, to prevent international disputes from arising, escalating or spreading.” See UN biography of Kofi Annan, available at [www.un.org/News/press/docs/2001/sgbio.htm](http://www.un.org/News/press/docs/2001/sgbio.htm).



International Court of Justice (ICJ) judgment.<sup>3</sup>

Conference participants expressed particular concern about existing and potential threats to the process, including the following:

- a. hostilities toward the government of Cameroon among inhabitants of the Bakassi area;
- b. continuing harassment and acts of violence perpetrated by the Cameroonian gendarmes;
- c. complications, and harassment of individuals, caused by the identification process;
- d. failure by the government of Cameroon to fulfill its pledges for economic and social development;
- e. isolated acts of violence committed by Nigerian armed forces; and
- f. concerns that the new Nigerian government, which took office in May 2007, would not be fully committed to comprehensive implementation of the peace process by June 2008.<sup>4</sup>

This report seeks to set the dispute into context, highlight key features of its resolution as a model of international negotiation, identify the challenges facing the ongoing implementation of the ICJ ruling, and outline lessons learned and recommendations which could be applied elsewhere.

## THE BAKASSI DISPUTE IN CONTEXT

Relations between Nigeria and Cameroon have been strained for a number of years due to disagreements over their common border, specifically the 2,300 kilometer land boundary extending from Lake Chad to the Bakassi Peninsula and the maritime boundary which lies in the Gulf of Guinea. Among the issues at stake are rights over the oil-rich land and sea reserves and the fate of local populations in Bakassi. As Lake Chad has dried up due to desertification in northern Nigeria, Chad, Cameroon, and Niger, local populations that rely on the lake for their livelihoods have followed the receding waters and resettled irrespective of the national boundaries sharing the lake.

With its roots in the colonial period, the dispute has traversed a three-phase evolution in which successive governments failed to resolve the issue. From Nigerian independence in 1960, through to

1975 when the government of General Murtala Mohammed came to power in Nigeria, the situation progressively deteriorated. Initially, the Bakassi question merely concerned delineating the ocean boundary to conform with a 1913 Anglo-German Treaty.

Tensions increased when General Mohammed's government questioned borders inherited from World War I-era treaties. After only four weeks in power, his government began to lay claim to the Bakassi Peninsula by declaring illegal the agreement signed on June 1, 1975, by his predecessor, President Yakubu Gowon, and President Ahmadou Ahidjo of Cameroon.

Phase II of the issue, from 1975 to 2006, includes its metamorphosis into a formal legal dispute, which escalated on occasions into a military conflict with Nigerian armed forces taking over villages in the Lake Chad region. In turn, this caused the relocation of inhabitants after the 1981 skirmish in Rio Del Rey, the 1987 military attacks in the Lake Chad area, and the Nigerian army's incursion at the mouth of the River Akwayafé in 1993. In the maritime areas of the impasse, Cameroon feared the loss of potentially rich stretches of ocean to Nigeria, especially with no clarity as to where Bakassi actually lay. Cameroon's attempt to place police and administrators on the peninsula met with harsh confrontation and an invasion of the peninsula in 1994 by the military government of Nigeria's General Sani Abacha.

That year, Cameroon filed a petition with the ICJ for a determination of the sovereignty of the entire boundary. Eight years later, on October 10, 2002, the ICJ, citing the same agreements of 1913 between Great Britain and Germany, reached various decisions on the issue.<sup>5</sup> Arguably the most significant of them is the confirmation of the sovereignty of Cameroon over Bakassi. After the judgment, Secretary-General Annan arranged a further meeting between Presidents Paul Biya of Cameroon and Olusegun Obasanjo of Nigeria in Geneva on November 15, 2002, during which both Cameroon and Nigeria agreed to establish the Cameroon-Nigeria Mixed Commission (CNMC).

<sup>3</sup> "Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria: Equatorial Guinea intervening)," International Court of Justice Press Release 2002/6, October 10, 2002, available at [www.icj-cij.org](http://www.icj-cij.org). Chapter VI of UN Charter pertains to *Pacific Settlement of Disputes*.

<sup>4</sup> Statements even from high military hierarchy in Nigeria are not favorable to the Agreement; see comments by Chief of Defence Staff, Owoye Azazi, on potential for war. Available at <http://allafrica.com/stories/200807170436.html>.

<sup>5</sup> See ICJ ruling, Press Release 2002/26, 10 October, 2002, available at [www.icj-cij.org](http://www.icj-cij.org).

The CNMC would be overseen by the UN Office for West Africa (UNOWA) and would “consider ways of following up on the ICJ ruling and moving the process forward.”<sup>6</sup>

Phase III began in 2006 with the launch of the implementation of the ICJ ruling and plans for signing of an agreement at Greentree, New York. The meeting was attended by Presidents Obasanjo and Biya and Secretary-General Annan. Germany, France, the United Kingdom, and the United States came as observers. The Greentree Agreement provided a timetable for the handover of the Bakassi Peninsula to Cameroon by June 2008,<sup>7</sup> as well as a code of conduct for the treatment of local populations. Nigeria would maintain a presence in 18 percent of the territory for two years (until the June 2008 deadline). This formula—based on a similar nineteenth century agreement between Ecuador and Peru—was viewed as a face-saver for Nigeria.<sup>8</sup>

The Bakassi boundary resolution is the only comprehensive settlement of a boundary dispute of this nature in Africa. It is also the longest border ever resolved by the UN, longer than the Kuwait-Iraq, Ethiopia-Eritrea, and the East Timor-Indonesia borders combined.<sup>9</sup> In Africa, other boundary disputes include Chad-Libya, Namibia-Botswana, Burkina Faso-Mali, Western Sahara-Algeria-Morocco, Gabon-Equatorial Guinea, and Ethiopia-Eritrea. The Cameroon-Nigeria boundary settlement, in particular the resolution of the Bakassi dispute, underscores the important role of leaders in peace processes. It also underscores the importance of regular interactions and consultations among the disputant states. Following the ICJ ruling, additional meetings between Nigeria and Cameroon resulted in three agreements preparatory to the final handover:<sup>10</sup>

- 1) the December 16, 2003, Agreement for Lake Chad, in which Nigeria lost thirty-three villages. Although, in a compromise, Cameroon ceded two of those villages to Nigeria;
- 2) the July 14, 2004, Agreement over the land boundary from Lake Chad to the sea; and

- 3) the May 11, 2007, Agreement on the final handover of Bakassi, which is considered the most difficult of the agreements because of the significant oil, gas, and fish in the area, and because of complications surrounding access to the sea for the Nigerian naval base at Calabar.

### THE ATTRIBUTES OF THE BAKASSI RESOLUTION AS A MODEL OF INTERNATIONAL NEGOTIATION

Participants highlighted the following contributing factors as important to confidence-building among the parties in the Bakassi settlement:

- 1) the participation of neutral third parties, including the UN’s chairmanship and monitoring of the handover process;
- 2) the use of competent external experts;
- 3) access to sufficient resources necessary to sustain the process;
- 4) the establishment of trust between parties;
- 5) a willingness to take political risks;
- 6) a realistic assessment by the parties of the domestic political repercussions of settlement; and
- 7) a joint agreement on the structure of the negotiation process.

Participants noted the fact that time and patience also played a role in the outcome of the negotiations, more of which would be required for successful implementation.

Germany, France, the UK, and the US provided core support to the settlement process, with France and the UK in particular applying pressure to maintain the momentum. The UN’s continued engagement in the process was vital once the agreement was signed. More crucial, however, was the role of the media, who proved capable of helping matters by restraining themselves from aggravating adverse reactions in both Nigeria and Cameroon.

The absence of the African Union and the lack of involvement by both the Economic Commission for West Africa (ECOWAS) and the Economic

6 “Cameroon-Nigeria Mixed Commission – Background,” United Nations Office for West Africa, April 2005, available at [www.un.org/unowa/](http://www.un.org/unowa/).

7 Now August 2008, see Nigeria’s *This Day* newspaper of June 13, 2008.

8 For an analysis of the more recent boundary dispute between Ecuador and Peru and the resolution of the Cenapa War of 1995, see Monica Herz and Joao Pontes Nogueira, *Ecuador vs. Peru: Peacemaking Amid Rivalry*, International Peace Academy Occasional Paper (Boulder, CO: Lynne Rienner, 2002).

9 “Cameroon-Nigeria: Settling Bakassi - interview with UN envoy Ahmedou Ould-Abdallah,” UN OCHA news service IRIN, Dakar, November 14, 2007, available at [www.irinnews.org/](http://www.irinnews.org/).

10 Ibid.

Commission of Central African States (ECCAS) diminished the weight of subregional inputs in the process. With the increasing importance of regional bodies in interstate processes, the future engagement of the AU and subregional organizations in border disputes would help guarantee successful settlements.

### CHALLENGES FACING THE IMPLEMENTATION PROCESS

Some friction is inevitable when implementing the resolution of a territorial dispute. However, international and regional actors can play an important role in supporting successful implementation processes. The following are the key challenges facing the stable implementation of the Greentree agreement.

- *Domestic Resistance and the Confidence Building Process*

At Greentree, both countries committed to engage in confidence-building strategies. However, in Nigeria, President Yar'Adua's government has been challenged in court over the legality of the Agreement.<sup>11</sup> While Nigeria tries to contain domestic resistance, Cameroon has to address the concerns of the people living in Bakassi—of whom, a great majority still consider themselves Nigerian. Fears among the inhabitants pertain to acts of violence reportedly committed by Cameroonian gendarmes. Even though Cameroon has assured the local population of its determination to provide protection and engage in development projects, such as providing access to free education, building a modern hospital, and constructing roads, delays in delivering these pledges are reducing public confidence in the Cameroonian leadership.

- *The Niger Delta Spillover*

Another concern relates to the surge in rebel attacks on the oil industry in the Niger Delta since early 2006. Located just to the west of Bakassi, the Niger Delta suffers from violence rooted in poverty and neglect. Until December 2005, there was no apparent connection between the Niger Delta crisis and the Bakassi dispute. No longer. Separatist sentiments may already exist in Bakassi, and

Bakassian claims may be over rights to territory in a place now recognized as part of Cameroon, but the rebellion in the Delta—which is over control of resources within only one country, Nigeria—nonetheless has a significant influence on the strife in Bakassi. By November 2007, some of the militant activities in the Delta region had spilled into the Bakassi region.<sup>12</sup> Even so, policymakers maintain the provisions of judgment on Bakassi, stating that the ownership of a territory is not identified by the citizenship of its inhabitants and thus all claims for Bakassi “independence” are illegal:

The identity of a people is not always the same as the identity of the territory they live on. There are more than three million Nigerians living in various parts of Cameroon. Only a small percentage of them live in Bakassi. Whether they are living in Bakassi or elsewhere in Cameroon, that territory is not Nigeria.<sup>13</sup>

Indeed, most of the Nigerian population living in the Lake Chad area was also displaced as a result of the receding lake. They were resettled along Lake Chad's current location, which is in Cameroon and Chad. However, that was less problematic than the maritime boundary, which has been the most difficult aspect of the negotiation process primarily because of the oil, gas, and fishing resources there. Access to the sea for the Nigerian naval base at the nearby town of Calabar has also been a point of contention.

### LESSONS LEARNED

Participants highlighted a number of important lessons from the dispute. Among them, cost to the international community in support of peacekeeping efforts was paramount; between 2000 and 2006 for instance, approximately \$20 billion was spent on UN peacekeeping around the world.<sup>14</sup> Consequently, one of the most important lessons of Bakassi is that it saved the international community from calamity, and underscored the need for proactive measures to prevent disputes from escalating into conflict. Other significant lessons to emerge from the resolution of Bakassi dispute were the following:

11 “Dispute over ceding of Bakassi continues,” Afrol News, July 4, 2008, available at [www.afrol.com/articles/2970](http://www.afrol.com/articles/2970).

12 ThisDay, “Cameroon: 20 Soldiers Killed in Bakassi Clash,” *ThisDay* (Nigeria), November 14, 2007.

13 IRIN News, “Cameroon-Nigeria: Settling Bakassi - interview with UN envoy Ahmedou Ould-Abdallah,” UN OCHA, Dakar, November 14, 2007, available at [www.irinnews.org/](http://www.irinnews.org/).

14 United Nations Department of Peacekeeping Operations (DPKO), “A Note on the Financial Crisis,” available at [www.un.org/Depts/dpko/dpko/intro/finance.htm](http://www.un.org/Depts/dpko/dpko/intro/finance.htm).



1) *The role of political leadership*

Constructive leadership in peace negotiations is the most important determinant of success or failure. Preventive diplomacy in advance of judgments; tolerance of others' viewpoints; and agreement among leaders to concentrate on the normalization of relationships are essential preconditions for success in dispute resolution. It was also suggested that the ICJ ruling would not alone have been sufficient to end the dispute; strong leadership lessened tensions and generated the positive context in which the ruling was effected.

2) *The role of the mediator*

Mediators should seek long-term inclusive solutions, not quick fixes. In other situations similar to Bakassi, the UN should continue to assume its quiet, trustworthy, behind-the-scenes peacemaking role, even in instances where it is not initially involved. Secretary-General Annan built close relationships with Presidents Obasanjo and Biya and, as a West African himself, enjoyed more credibility in the region than other international figures might have. Additionally, the resources supplied for the Mixed Commission gave the UN the necessary leverage to mediate without hindrance. Quiet diplomacy, or the "good offices" role of the UN Secretary-General, is a vital instrument for developing confidence and sustaining negotiations.

3) *The role of handover agreements and monitoring mechanisms*

Handover agreements and flexible mechanisms for monitoring them help soften the settlement's implementation, in the sense that the flexible mechanisms allow for a gradual transfer that is not harsh on local populations. Although the Joint Cameroon-Nigeria Border Commission, established in the mid-1960s, ensured that ongoing efforts led to a diplomatic solution, even in periods when violence flared up, the parties were still concerned that implementation of the ICJ ruling could be difficult without additional mechanisms to facilitate it. The Greentree Agreement and the CNMC defined soft modalities under which

the ruling could be executed. The Agreement and the CNMC were therefore very significant in this respect.

4) *The rule of law, compliance, and confidence building*

The Nigeria-Cameroon settlement reflects the impact of improved governance in both countries. The relative advance of democracy in both contributed to a climate of confidence. Both wanted to be included in the international community and to be seen to respect the rule of law. The wide dissemination of the ICJ ruling and ongoing efforts even within the new Nigerian leadership at further normalization of bilateral relations has also been useful.

5) *The role of time*

Dispute resolution as a process is need-based and careful timing is important. When the process is hastened on grounds of expediency, there is often the potential to endanger the settlement. Much violence has come after peace agreements have been made and often as a result of injudicious timing.<sup>15</sup> The Bakassi resolution took a long time to reach, but the degree of disaffection over the terms could have been higher if the process were not tempered with patience and sensitive timing.

6) *The external image of the disputants*

Implementation of the Court's decision also promoted a growing culture of peace within Cameroon, Nigeria, and beyond. As a regional hegemon, Nigeria's acceptance of a judicial decision, by the ICJ for instance, was exemplary in the region and provided a boost to its moral clout.

## RECOMMENDATIONS

The conference brought to light a number of important factors, which allow the following recommendations to be made:

- a. The CNMC should provide guidance on how to best assist the Nigerian population remaining in Bakassi by providing protection against harassment during the identification process. The minority who opt to relocate should also be assisted.
- b. African financial institutions, such as the African

<sup>15</sup> Peter Wallensteen, *Understanding Conflict Resolution* (London: Sage, 2007), p. 45.

Development Bank, should take the lead in providing and mobilizing resources.

- c. Cameroon should be encouraged to join the Gulf of Guinea Commission, based in Luanda, Angola; its experience may be useful to the Gabon-Equatorial Guinea boundary impasse.
- d. Given their increasing recognition as the building blocks in regional integration, ECCAS, ECOWAS, IGAD, SADC, and the East African Community (EAC) are encouraged to play greater roles in dispute resolution processes.
- e. A joint development zone encompassing Nigeria and São Tomé and Príncipe would be prudent, since it would strengthen regional peace in the Gulf of Guinea.

## CONCLUSIONS

The resolution of the land and maritime border dispute between Cameroon and Nigeria provides hope that balanced solutions may be found for other African boundary issues born of colonialism. Such issues can be tackled rationally and resolved peacefully with combined local and international efforts. The leaders of Cameroon and Nigeria recognized the long-term benefits of peaceful relationships between their nations, whose geography, history, and culture have been

intertwined for centuries. Additionally, former Secretary-General Kofi Annan was instrumental in establishing an atmosphere of trust, which attests to the importance of good offices in resolving disputes. The CNMC also played a positive role as an instrument for monitoring and implementing the ICJ ruling and the Greentree Agreement. Underlying these important factors was the sustained commitment to preventive diplomacy and the rule of law.

In the months leading up to the final handover of Bakassi and the conclusion of the political transition in Nigeria, there were moments when the implementation of the Greentree Agreement seemed in doubt, most dramatically, on November 12, 2007, when twenty-one Cameroonian soldiers were killed in a raid. Yet Nigerian President Umaru Yar'Adua appeared before the Nigerian Senate on December 12, 2007, to confirm his personal commitment to the ICJ ruling and the Greentree Agreement, and by overturning the Senate's efforts earlier in November to block the implementation, reinforced the strong prospects for the final handover of the Bakassi territory to Cameroon, which was indeed completed in a ceremony on August 14, 2008.



Participants at the Conference, "Lessons from the Resolution of the Bakassi Dispute," July 18, 2007, InterContinental Hotel, New York City.

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## ADDRESSES

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### Keynote Address: Lessons from the Resolution of the Bakassi Dispute

*Ibrahim A. Gambari\**

Mr. Chairman,  
Excellencies, Distinguished Participants,  
Ladies and Gentlemen,

I am grateful to Ambassador Hirsch, Mashood Issaka, and their colleagues at the IPA, and the other co-hosts of this international conference for the invitation to address this distinguished audience on such an important subject. And I thank Professor Adefuye, my dear friend, brother, and colleague, for the generous introduction. It is also a happy coincidence that, as a former Director-General myself, I took my seat sandwiched between two other Director-Generals of the Nigerian Institute of International Affairs (NIIA) – immediate past and present.

With your permission, distinguished delegates, I would like to place the Bakassi dispute in the broader context of the role of the Secretary-General's good offices in the pacific settlement of disputes, as provided for in the UN Charter, especially Chapter VI, and the Secretary-General's own creative responses to the challenges of peacemaking in this regard. Although good offices work in conflict prevention and resolution has never been easy, it has become more complex over the last several years, even while the demand for such work has increased. In striving to meet that demand, the international community has enjoyed important successes of which we can all be justifiably proud.

Since the end of the Cold War, for instance, more armed conflicts have ended through negotiation than ever before, and the United Nations, along with other partners, has been called upon to work in places like Central America, Namibia, Equatorial Guinea, Gabon, Mozambique, Cambodia, Tajikistan, Bougainville, and East Timor, to name a few. According to the Human Security Report, there has been a forty percent decline in conflict since 1992, which it attributes in part to UN peacemaking. However, the report also notes—and I would underscore—that this is no time to be complacent. Several longstanding conflicts are still unresolved and we never know when a new one may erupt. In addition, some peace processes have failed or taken too long to succeed. We need to better understand the reasons for that and adapt our capacities to meet such challenges.

Furthermore, our collective objective should not be to arrange short-term fixes of conflicts but the promotion of sustainable peace which addresses the real problems underlying conflicts, both intrastate and interstate. With regards to the former, these include good governance, sound political institutions, and broad participation of civil society's practice of the politics of inclusion. There are three other relevant challenges worthy of further consideration:

- (a) the growing number of actors and issues to be reconciled;
- (b) the implementation of arrangements; and
- (c) the use of leverage in support of the peaceful resolution of conflicts.

I will not dwell on the first, as these tend to be well-known. With regard to the second, more often than we would like, we in the United Nations are asked to help the parties implement agreements that were reached

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\* Professor Gambari is Under-Secretary-General and Special Adviser to the United Nations Secretary-General.



without our involvement. Although this is not the case in the Bakassi dispute, there are several instances where the agreement that we are asked to implement goes against fundamental UN principles and, moreover, offers no practical possibilities for implementation. For example, the agreement may hold unrealistic expectations of international support or timetables which neither party can plausibly manage. Therefore, as a general rule, my view is that those institutions/organizations which would be expected to lead or support implementation should be present, at least as observers, during the negotiations preceding the agreement.

A third challenge is the appropriate exercise of leverage in support of peacemaking and conflict prevention. A lot has been written about sticks and carrots, so I won't elaborate on those today. Instead, I would draw attention to three other types of leverage that are sometimes undervalued and therefore underutilized:

- The first is the leverage which accrues when a mediator builds a relationship of trust with the parties, so that they will have sufficient confidence to ask for advice and to be amenable to accepting the mediator's need to be prepared to invest.
- The second is the leverage that comes with being able to mobilize impartial technical expertise on some of the issues being negotiated. All peace processes are fundamentally political, of course, but some apolitical technical advice can sometimes help to find a way out of an impasse, not least by giving the parties a common professional language or set of concepts with which to work.
- A third form of leverage is what has been called "enabling resources" which help a party to carry out its part of the bargain. A classic example is the assistance to a guerrilla army to transform itself into an effective political party but there are others such as resources for border delimitation and demarcation.

#### Distinguished Participants,

Now, it is impossible to draw lessons from the resolution of the Bakassi dispute without recognizing its full dimension and historic background. As an illustration, the dispute is not only about the resource-rich Bakassi Peninsula... rather, it concerns the "Land and Maritime Boundary between Cameroon and Nigeria" – consisting of the entire boundary from Lake Chad in the North to the sea in the Gulf of Guinea.

Moreover, the origin of the Bakassi dispute lies in the continent's colonial inheritance of artificial boundaries (separating communities that perhaps should have been united and vice versa) based purely on the convenience and changing interests of the colonial powers. In this case, the various agreements delimiting each others boundaries in Africa between Britain and Germany signed on November 15, 1803, and supplemented with another March 19, 1906, respectively. These agreements also covered their respective territories from Yola in North Eastern Nigeria, northwards of Lake Chad. Northern and Southern Nigeria provinces were subsequently to be created by declarations in 1900, 1903, and 1906.

In 1913, Britain and Germany again reached agreement on the boundary from Yola to the Gulf of Guinea, which involved offshore Bakassi almost in the intersection in the waters between Cameroon and Nigeria. German and British interests in the waters around the peninsula coincided in shrimps but because the Germans had options of using the Douala environs for their activities, the British, who had little interest in expanding eastwards were pleased with concessions from Germany to operate in navigable portions on the offshore borders west of Bakassi. For Germany's agreement not to threaten access to the waters where the British operated in Southern Nigeria, Britain agreed to concede the Bakassi Peninsula to Germany.

Following the First World War, German territories in Cameroon were divided and placed under British and French mandates, the boundaries between mandated Cameroon being defined in a way that retained the 1913 border. At independence of both countries in 1960 (January and October respectively) the instruments creating the two states rehashed their colonial boundaries as defined by previous colonial agreements. Following the Nigerian Civil War, the territorial boundaries between both countries took greater prominence, especially on Bakassi, with both seeking clarity on where the lines lay. The disagreement continued through the 1990s until Cameroon took the matter to the International Court of Justice (ICJ) in 1994. In its judgement in October 2002, the ICJ ruled on, among others, the exchange of villages in the Lake Chad area as well as along the border to the sea. The most prominent ruling was on Bakassi which the Court ruled would be retained by Cameroon while

Cameroon would leave oil exploration sites in the Bakassi under current Nigerian ownership for two years.

- The peaceful settlement of the Cameroon-Nigeria boundary dispute over Bakassi is indeed an illustration of the vital role that the Secretary-General's good offices could play when the parties to a given dispute have the political will and remain steadfast in their resolve to reach a peaceful settlement and the entire process is benefiting from the support of the international community.
- The peaceful settlement of disputes is one of the core principles enshrined in the UN Charter, and the Secretary-General as the Chief Administrative Officer of the world body is expected to play an active role in the attainment of the goal. Article 98 of the UN Charter clearly establishes the Secretary-General's duty not only to act as the Chief Administrative Officer, but also to perform such other functions as are entrusted to him by the other principal organs, which may include those in the field of the prevention and peaceful settlement of disputes.
- Article 99 gives the Secretary-General more specific powers in connection with the prevention and peaceful settlement of disputes by providing that the Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.
- Other important international instruments, such as the 1988 UN Declaration on the Prevention and Removal of Disputes and Situations describe the role of the Secretary-General in the peaceful settlement of disputes.

This important document states that the Secretary-General, if approached by a state or states directly concerned with a dispute or situation, should respond swiftly by urging the states to seek a solution or adjustment by peaceful means of their own choice under the Charter and by offering his good offices or other means at his disposal, as he deems appropriate; the Secretary-General should consider approaching the states directly concerned with a dispute or situation in an effort to prevent it from becoming a threat to the maintenance of international peace and security.

- In the case of Bakassi, it is interesting to note that the Security Council (particularly its five permanent members) felt that a collective and formal involvement of the Council would not be appropriate and encouraged the Secretary-General to continue to use his good offices. This is exactly what the Secretary-General did before and after the October 2002 ruling of the International Court of Justice (ICJ) on the land maritime boundary between Cameroon and Nigeria.
- When tensions erupted between Cameroon and Nigeria in 1994 and 1998, the Secretary-General reiterated his call to both parties to avoid an escalation.
- In October 1996, the Secretary-General dispatched to the area a Goodwill Mission to assist in promoting a peaceful settlement. The Goodwill Mission recommended an immediate cease-fire, and agreement to a separation of forces, establishment of a neutral monitoring group, an exchange of prisoners, the return of displaced persons, and a Summit meeting between the two heads of state.
- On September 5, 2002, the Secretary-General invited the two presidents to meet in Paris, in his presence, to discuss Bakassi. Both leaders agreed to respect and implement the ICJ's decision, as well as on the need



Professor Joy Ogwu (left) (Minister of Foreign Affairs, Nigeria) and Professor Ibrahim Gambari (Under-Secretary-General and Special Adviser to the United Nations Secretary-General)



- for confidence-building measures, including the eventual demilitarization of the Peninsula.
- When the ICJ issued its ruling in October 2002, the Secretary-General wrote and called President Paul Biya and President Olusegun Obasanjo encouraging them to issue public statements committing themselves to respect and implement the Court's decision.
  - In a press statement, the Secretary-General reiterated his call to both parties to respect and implement the ICJ's decision, and expressed the UN's readiness to assist in its implementation.
  - The Secretary-General invited the Cameroonian and Nigerian leaders to meet in Geneva on 15 November 2002 in his presence. He secured their commitment to (a) abide by the spirit and letter of the ICJ decision on the boundary issues, (b) agree on a series of confidence-building measures relating to the issues raised in the decision, (c) agree on the mechanisms and modalities for implementing them, (d) to determine the nature and scope of the United Nations assistance to that end.
  - Both leaders asked the Secretary-General to establish a mixed commission of the two countries to consider ways of following up the ICJ ruling and moving the process forward.
  - Through telephone calls and letters, the Secretary-General personally kept both heads of state committed and encouraged them to engage their respective populations in the process aimed at achieving a peaceful and durable settlement of the Bakassi border. He also invited them to facilitate the promotion of positive media campaigns in both parties to rally their populations' acceptance of, and support to the Court's decision.
  - At the last summit in June 2006, the Greentree Agreement on the modalities of the withdrawal and transfer of authority in Bakassi was signed.
  - A key lesson learnt from past and current precedents involving the United Nations – Chad/Libya (subjected to an ICJ judgment), and Ethiopia/Eritrea (subjected to a decision of a boundary commission created in accordance with 12 December Peace Agreement between both countries), or not involving the United Nations such as the border dispute between Bahrain and Qatar (subjected to an ICJ's ruling) that the acceptance by the neighbouring countries of the delimitation/demarcation decision is essential in order to avoid a resumption or escalation of tensions between the parties.
  - It is also essential that the parties agree to implement confidence-building measures immediately after such a delimitation/demarcation decision. These should include disseminating widely the decision and launching positive media campaigns in both countries to rally their populations' acceptance of, and support for the decision. The normalization of relations between the countries to a border dispute, including an exchange of visits of their heads of state (which Presidents Obasanjo and Biya did) is necessary to curb tensions.

Finally, it is important to note that a judicial decision by the ICJ would alone have been insufficient to curb the deep tensions the border dispute had generated between the two countries. The commitment of the concerned heads of state, the continued role played by the United Nations to promote a peaceful settlement of the dispute, in particular the Secretary-General's good offices, as well as the support of key international partners, have greatly contributed to the peaceful settlement of the Bakassi dispute.

Thank you.

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## Bakassi, Conflict Prevention, and the Path to Peace

*Joy Ogwu\**

Mr. Chairman, distinguished colleagues, members of the IPA, ladies and gentlemen:

I wish to express my profound appreciation for this opportunity created by the IPA for the evaluation of the border relations between Nigeria and Cameroon in the Bakassi Peninsula. I acknowledge that participants at this conference are essentially experts and eminent personalities who have a lot to contribute to the development of international law and will indeed bring their valued expertise to bear on the cause of peace and security in the Bakassi Peninsula. The landmark judgment terminating the Bakassi conflict in 2002, and its subsequent implementation in 2006, represents for Nigeria and Cameroon a remarkable experiment in conflict prevention. That event was not a happenstance. It was an event marked by years of painstaking negotiations, demonstrations of leadership quality, good judgment, a test for political will and uncommon courage.

On its part, the Nigerian government, while accepting the verdict, called for an agreement that would provide peace with honor for both sides in the dispute. The result had been the establishment of the Cameroon-Nigeria Mixed Commission charged with the responsibility of implementing the peace and security measures inherent in the court judgment. With the International Court of Justice (ICJ) ruling, and the cooperation between the two countries culminating in the establishment of the Mixed Commission, the focus should no longer be, in my view, on the determination of winners or losers in the erstwhile protracted dispute. In other words, emphasis should now be placed on the implementation of the in-built stabilization mechanisms of the landmark judgment.

These mechanisms, I believe, constitute the principal elements of the mandate of the Mixed Commission. Perhaps, it is prudent for us to consider at this meeting how the Mixed Commission has fared with its assignment, what are the impediments so far encountered and what additional measures can be taken to actualize the objectives of the Mixed Commission? These are the core tasks before this conference. I must be quick to point out here that the Mixed Commission framework represents a measure for strengthening international law, the rule of law, and the maintenance of international peace and security. Nothing should be done to derail this process.

From the point of view of an insider, I wish to aver that the acceptance of the ICJ verdict by both sides in the conflict reflects the hallmark of the key objectives of the Nigerian foreign policy of peaceful co-existence, good neighborliness, and the affirmation of adherence to the relevant provisions of Chapter VI of the UN Charter which enjoins member states to take recourse to pacific settlement. It further sends a powerful signal to the world that Africa is capable of managing its affairs when external interference is not involved. It also sets an unprecedented record of crisis management between nations without recourse to war. Nigeria and Cameroon should sustain the momentum. Indeed, the principal actors should be accorded a place of honor among nations.

Mr. Chairman,

The settlement of the border dispute between Nigeria and Cameroon provides a model for dialogue and mediation in the prevention of armed conflict. The Bakassi model demonstrates that conflict can indeed be prevented and provides an eloquent example of how countries can utilize the resources of the United Nations to resolve disputes peacefully. By peacefully resolving the dispute, Nigeria and Cameroon have demonstrated that nations do not have to resort to armed conflict to resolve disputes. The two countries have proven that through good faith, political will, and commitment of political authorities, bloody conflicts can indeed be avoided.

There were other options, yet the two countries chose the path of peace. For Nigeria in particular, we believe that boundaries between and among neighboring states should serve as platforms for building bridges of friendship and cooperation rather than a source of endless disputes and conflicts. Nations have neighbors by force of

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\* During the time of this speech Dr. Ogwu was Minister of Foreign Affairs of the Federal Republic of Nigeria. She is currently Permanent Representative of Nigeria to the United Nations.

circumstance and not by choice, which imposes an obligation on them to live in peace and harmony with those neighbors. With these as guiding principles, the Federal Government established the National Boundaries Commission in 1988 as a permanent mechanism for peaceful resolution of any border issue or problem that might exist or arise with any of Nigeria's neighbors, including coastal neighbors. The objective was, and still is, to reach out to our neighbors and build bridges of friendship and cooperation. It is gratifying to note that the National Boundaries Commission of the Member States of the Gulf of Guinea Cooperation Commission, a regional body established many years ago at Nigeria's initiative, has been working assiduously with cooperative spirit in delineating coastal boundaries inherited at independence thus reducing any possibility of friction among states in the Gulf.

In accepting the decision of the ICJ on Bakassi, we believe that no sacrifice was too much for peace and harmony that would exist between our two countries. The area in dispute represented for Nigeria the main source of aquarium resources apart from the fact that it has some oil deposits. But we believe that genuine commitment to peace constitutes a critical element of our national interest and should transcend any other interest. The problem for many countries, particularly those in Africa, is that of reluctance to relinquish their tenacity on natural resources found in disputed areas. In fact, in most cases, the discovery or availability of natural resources are themselves the sources of the disputes. This is why the Nigeria/Cameroon example remains an important lesson for Africa and the rest of the world.

The core message here is the enduring need for conflict prevention. The international community had over the years introduced conceptual, normative, and institutional measures at conflict prevention, but much remains to be done in terms of concrete action. An unacceptable gap still remains between rhetoric and reality in the area of conflict prevention. Time has come to ask some hard questions about why this gap has proved so difficult to bridge. The fact is that while sovereign states have the primary responsibility to prevent and resolve conflicts, the key lies in equipping and assisting them through multilateral or regional efforts to resolve their problems in ways that are most appropriate to them. It is essential that states in dispute are strengthened by early action to obviate the need for unwelcome external interference. Between 2000 and 2006, \$24 billion was spent on UN peacekeeping operations. If a fraction of that amount had been spent to prevent conflicts from erupting in the first place, countless lives and dollars could have been saved. While peacekeeping, peacebuilding and peacemaking are useful measures for resolving conflicts or containing violence in areas where they have already occurred, greater emphasis should now be placed on preventing those conflicts from occurring in the first place. The tragedy of Rwanda should not be allowed to happen again.

At the 2005 World Summit, member states solemnly renewed their commitment to promote a culture of prevention of armed conflicts as a means of effectively addressing the security and development challenges faced by peoples throughout the world, as well as to strengthen the capacity of the United Nations to prevent armed conflict. States should live up to this commitment. Preventing conflicts represents a dual challenge: that of tackling the sources of stress and tension in states and societies, and that of making conflict resolution mechanisms stronger and more accessible. States or parties in dispute should be encouraged to make better use of the support that the United Nations and other international institutions can provide.

There are many lessons to be drawn from the peaceful resolution of the Bakassi dispute. It includes the need for the international community, under the leadership of the United Nations, to adopt proactive measures to prevent disputes from escalating into armed conflict. States should be encouraged to jettison the culture of reacting to outbreaks of armed conflict and adopt the culture of prevention. Going to war must be made as unattractive an option as possible, while mechanisms for dialogue and peaceful resolution of disputes must be made more appealing and accessible. It is important that member states implement their commitment at the 2005 World Summit to prevent armed conflicts. Similarly, the international community should recognize that time is now ripe to implement the recommendation of the Secretary-General that a certain percentage of the peacekeeping budget be devoted to conflict prevention. We must not forget that the founding principle of the United Nations "to save succeeding generations from the scourge of war" is aimed at preventing conflict among nations. It is an obligation that states must now respect to ensure the maintenance of international peace and security.

I thank you.

## ARTICLES

### The Bakassi Affair: Cameroon's Challenge for Peace

*Maurice Kamto\**

#### INTRODUCTION

Cameroon and Nigeria are located on the Atlantic coast of Africa, on the cusp of Central and West Africa. They share a common border which is 1,700 kilometers long. The land border stretches from Lake Chad in the North to the mouth of the River Akwayafe in the South. To understand the difficulties relating to this border, it should be recalled that at the end of the nineteenth century and at the beginning of the twentieth century, Germany, France, and Great Britain signed several agreements to demarcate the borders of their respective colonial territories. The border between the territories of Germany and Great Britain was initially fixed by the 1893 and 1906 Agreements and the western part redefined by the London and Obokum Agreements of 1913, which clearly fixed Bakassi in German territory, and thus in Cameroon.

After the First World War, the Treaty of Versailles divided all German territories in the region between France and Great Britain which were subsequently placed under British and French mandate by the League of Nations. It was therefore necessary to demarcate these territories. After the Second World War, British and French mandates over Cameroon were replaced by trusteeship agreements under the United Nations (UN).

On January 1, 1960, Cameroon's territory under France gained independence, followed by Nigeria on October 1, 1960. But Cameroon's future under the British remained at issue. During the plebiscites organized in the West and North Cameroons on February 11 and 12, 1961, to determine the status of the populations of these territories, the population of West Cameroon decided to unite with the Republic of Cameroon. That of Northern Cameroon decided to join Nigeria. Cameroon then became a bilingual country with an Anglophone



*Left to right: Professor Ruth Iyob (University of Missouri), Professor Maurice Kamto (Minister Delegate of the Ministry of Justice, Cameroon), and Ambassador John L. Hirsch (Senior Adviser, IPI)*

and Francophone heritage and a long border with Nigeria, demarcated and left by the colonial powers.

After independence, Cameroon and Nigeria accepted the colonial borders. But, Nigerian authorities decided in 1980 to question these borders. This protest degenerated into a military conflict: in 1981, there was a skirmish between a fast attack craft of the Nigerian police and a detachment of Cameroon's marines in Rio Del Rey, i.e., in Cameroon's territorial waters. In 1987, Nigeria's armed forces took over several Cameroonian villages in the Lake Chad area forcing the inhabitants into exile in Cameroon's territory. On December 21, 1993, Nigeria's armed forces crossed into Cameroon's border at the mouth of the River Akwayafe and took over Bakassi.

This last invasion caused Cameroon to seek redress through the International Court of Justice (ICJ) at the Hague by a petition of March 29, 1994, supplemented by the additional petition of June 6, 1994, which extended the litigation to the entire

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border between the two countries because of Nigeria's formal claim over some localities on the land border as well as the villages occupied in the Lake Chad area.

At the end of a process which lasted eight years, the ICJ rendered its final verdict on October 10, 2002:

1. It confirmed the demarcation by the Lake Chad Basin Commission (LCBC) and demanded Nigeria withdraw its administration, armed forces, and police immediately and unconditionally from Cameroon's territory.
2. It fixed the border between the two countries from Lake Chad to the Bakassi Peninsula.
3. It confirmed Cameroon's sovereignty over said peninsula.
4. And it proceeded with the demarcation of the maritime border between the two countries.

Implementing this verdict was not easy: besides many meetings held by the Cameroonian and Nigerian leaders, an ad hoc mechanism, the Mixed Commission, was set up at the Geneva Summit of November 15, 2002, by the Secretary-General of the United Nations, then Mr. Kofi Annan, bringing together Presidents Paul Biya of Cameroon and Olusegun Obasanjo of Nigeria. The commission is comprised of representatives from both countries and the United Nations, and is chaired by the Special Representative of the Secretary-General, Mr. Ahmedou Ould Abdallah. The mandate of this Mixed Commission is the following:

1. Reflect on the means of executing the ICJ judgment and move the process forward.
2. Examine all implications of the ICJ's decision, in particular the necessity to protect the rights of the populations concerned of the two countries.
3. Make recommendations on supplementary confidence-building measures.
4. Demarcate the land border between the two countries.

The Mixed Commission held its first session in December 2002 in Yaoundé. It holds ordinary sessions after two months alternatively in Yaoundé and Abuja. It has held nineteen ordinary and five extraordinary sessions since its inception. During its nineteenth session, held on July 5-6, 2007, Cameroonian and Nigerian parties lauded the work done and progress made since 2002. Difficulties

which cannot be solved by the commission are jointly examined by the heads of state of both countries and the Secretary-General of the UN. To this end, four heads of state summits have been held at the insistence of the Secretary-General.

Based on this brief history, the objective of this presentation is to demonstrate that Cameroon has always sought peace and conciliation in what can be called the "Bakassi Affair." The choice for peace made by Cameroon's authorities is obvious prior to the case before the ICJ, during the hearing before the ICJ, and during the execution of the verdict rendered by this respected international court. The execution of this verdict reveals that it is possible to guarantee peace by an original mechanism for the execution of the decisions of the world court.

### CHOICE FOR PEACE BY CAMEROON'S AUTHORITIES BEFORE PETITIONING THE ICJ

The support by Cameroon's authorities for Nigeria's administrations dates back to the war of secession dubbed the "Biafran War." It should be recalled that from 1967 to 1969 the Nigerian Federation was rocked by a secessionist threat by a Southeast separatist movement. At the outbreak of the civil war, some African and non-African countries recognized the state of Biafra proclaimed by the secessionists. Cameroon, for its part, denounced the secession and refrained from helping the secessionists, thereby contributing decisively to preserving the integrity and unity of the Nigerian Federation.

When Nigerian forces occupied Cameroon's territory in the Lake Chad area in 1987, the border demarcation between the Lake Chad neighboring states, members of the LCBC, was ongoing. To avoid an escalation which could have led to a serious crisis with Nigeria, and in the hope that the demarcation exercise would stabilize the situation, Cameroon refused to react to this Nigerian presence which breached its territorial sovereignty. However, the Nigerian government refused to sign the demarcation report although it was approved by all national experts in July 1992 and by the summit of heads of states, members of the LCBC, in March 1994.

Cameroon remained faithful to its peaceful approach for settling the border crisis with Nigeria even after the latter's forces invaded the Bakassi



Peninsula by the end of December 1993. Cameroon's President, Paul Biya, preferred appeasement and explored a bilateral solution to the crisis, although some Cameroonians wanted a powerful military reprisal. Thus, on February 19, 1994, he forwarded a message to his Nigerian counterpart proposing a just solution based on international law to the border conflict between the two countries.

Given the silence of Nigeria's authorities, President Biya confirmed his resolute preference for a peaceful resolution to the conflict by envisaging a multilateral solution. Hence, on February 28, 1994, Cameroon seized the Organization of African Unity and the United Nations simultaneously. In spite of their efforts, the two international organizations could not settle the dispute.

Cameroon then decided to petition the ICJ in March 1994, with encouragement from the UN, the European Union (EU), and many bilateral partners. Cameroon's peaceful approach was maintained throughout the trial leading to the ICJ judgment on October 10, 2002.

### CAMEROON'S PEACEFUL APPROACH DURING THE ICJ HEARING

Cameroon petitioned the ICJ on March 29, 1994, followed by an additional petition on June 6, 1994, that extended the litigation to the entire border between the two countries. When Cameroon seized the court, preliminary pleas were raised by Nigeria relating to the jurisdiction of the court and the admissibility of Cameroon's petition. The ICJ rejected them with the exception of one—a specific issue which was included on the merits by an order of June 11, 1998. Given that Nigeria was not satisfied by this order, it requested further interpretation: the ICJ made another order on March 25, 1999, stating its preceding decision was clear and did not require further interpretation.

Although the Court was engaged, the conflict continued and intensified militarily. This notwithstanding, Cameroon's head of state maintained his search for a peaceful resolution of the conflict. It was after the massive attack of Nigerian forces in February 1996 that they militarily seized and occupied about three quarters of the Bakassi Peninsula. In spite of this act of war and pressure for a proportionate military retaliation, Cameroon's

armed forces showed a greater sense of restraint, and on the instructions of the head of state and head of armed forces, remained on the defensive. President Biya decided to let the ongoing mediation by the Togolese president, Gnassingbe Eyadema, dubbed "The Kara Process," take its course. But the efforts of the head of state of Cameroon were undermined by the Nigerian authorities. However, in keeping with its policy for a peaceful settlement of the conflict in accordance with international law, Cameroon once more deferred to the ICJ, demanding protective measures be taken.

On March 15, 1996, the ICJ, decided, *inter alia*, that both parties should respect the terms of the agreement signed by the Ministers of Foreign Affairs at Kara, Togo, on February 17, 1996, to halt all hostilities on the Bakassi Peninsula; and that Nigeria should withdraw its troops to the position they occupied prior to the attack of February 3, 1996. This judgment was not executed. But Cameroon's armed forces remained on the defensive because President Biya was convinced only a peaceful approach to the conflict would ensure a durable settlement without irredeemably jeopardizing relations between the two countries. The ICJ's decision rendered in favor of Cameroon on October 10, 2002, did not change his position. In effect, after the verdict of the court, Cameroon's authorities showed remarkable restraint that impressed all observers, and no doubt, Nigeria itself.

### CAMEROON EXALTS A PEACEFUL APPROACH IN THE IMPLEMENTATION OF THE JUDGMENT OF THE INTERNATIONAL COURT OF JUSTICE

Prior to the delivery of the judgment of the ICJ, the UN Secretary-General invited the heads of state of Cameroon and Nigeria to attend a meeting in Saint-Cloud, France, on September 5, 2002. The purpose of this meeting was to preemptively defuse eventual tension likely to arise from the future judgment of the International Court. President Biya attended this meeting. In the declaration that was made public at the close of this meeting, the two heads of state made a commitment to respect and implement the verdict of the ICJ relating to the Bakassi Peninsula and, furthermore, to set up an implementation framework with the support of the United Nations.

As noted earlier, the judgment of the ICJ of October 10, 2002, through a balanced decision, gives satisfactory responses to the major issues raised by Cameroon. The International Court had confirmed therein the demarcation carried out by the Lake Chad Basin Commission with regard to the Lake Chad area and requested Nigeria unconditionally and immediately withdraw its administration, and police and armed forces from the area to be retrieved by Cameroon. The court's judgment fixed the border between the two countries and confirmed the sovereignty of Cameroon over the Peninsula. Lastly, it confirmed the maritime border between the two countries.

However, in order to preserve peace with its Nigerian neighbor and create an environment conducive to the effective implementation of the court's verdict, Cameroon's president requested his people to abstain from gloating. Therefore, the Cameroonian authorities left no stone unturned to ensure the numerous Nigerian citizens residing in Cameroon continue living peacefully and in security in Cameroon.

As has been said, the ICJ verdict of October 10, 2002 requested Nigeria to unconditionally and immediately withdraw its armed and police forces as well as administration from Cameroonian territory. However, in tune with its policy of peace, President Biya of Cameroon, in Geneva, accepted without hesitation from Geneva on November 15, 2002, the setting up with his Nigerian counterpart and the UN Secretary-General, of an ad hoc institutional mechanism, to wit the Cameroon-Nigeria Mixed Commission, chaired by the UN and responsible for the implementation of the judgment of the October 2002 ICJ judgment.

This Mixed Commission drew up a detailed working program comprising a timetable, with the following points:

1. The withdrawal from and transfer of authority in the Lake Chad area;
2. The withdrawal from and transfer of authority on the land border;
3. The withdrawal from and transfer of authority in the Bakassi Peninsula;
4. The demarcation of the land border;
5. The delineation of the maritime border;
6. The resolution of the issue of the nationality of the populations concerned;

7. The deployment and activities of the observatory staff.

The Mixed Commission successfully fulfilled its mission, ending in August 2004:

- by properly ensuring the withdrawal of Nigerian armed forces from the Cameroonian territory in the Lake Chad area and by carrying out the transfer of authority in the portions of territory retrieved from either country along the land border;
- by solving to the satisfaction of both parties the issue of the populations concerned who may choose to remain in the territory retrieved from either country by keeping their nationality or by applying for naturalization in the host country;
- by carrying out the demarcation process up to the complete planting of pillars; and
- by holding discussions aimed at finalizing the maritime border.

This Mixed Commission faced major difficulties when the withdrawal of Nigerian troops from Bakassi was to be tackled in August 2004. In this regard, it must be recalled that, according to the initial timetable, Nigeria should have withdrawn its forces from Bakassi by May of the same year. The Nigerian authorities had, for internal reasons, wished the above date to be postponed to September 15, 2004.

In consonance with his concern for peace and particularly in order not to embarrass the Nigerian government which was facing such difficulties, Cameroon accepted the postponement by Nigeria. On July 28 and 29, 2004, President Obasanjo of Nigeria paid an official visit to Cameroon. This visit convinced observers that the implementation process of the ICJ's judgment was on the right track and that both parties would respect their commitments with regard to the withdrawal of troops from Bakassi. But, on August 2, 2004—that is, just three days after President Obasanjo visited Cameroon—Nigeria announced the unilateral suspension of the withdrawal of its armed forces from Bakassi, without clearly indicating its reasons.

The Cameroonian head of state had to demonstrate patience and firmness in order to renew dialogue. Therefore, President Biya of Cameroon accepted an invitation to participate, on May 10 and 11, 2005, in a meeting in Geneva with the Nigerian President and the Secretary-General



President Paul Biya of Cameroon (left) with Secretary-General Kofi Annan (center) and President Olusegun Obasanjo of Nigeria (right) at Greentree, Long Island, New York, June 12, 2006.

of the United Nations. The purpose of this meeting was to relaunch the proceedings of the Cameroon-Nigeria Mixed Commission. At this meeting, the two heads of state and the Secretary-General requested the Mixed Commission draw up a new withdrawal program to be submitted for approval.

The nonrespect of the timetable for the withdrawal of Nigeria's armed forces from Bakassi—a process that was to end on September 15, 2004—and the silence observed by the Nigerian side following the new timetable of withdrawal drawn-up by the Joint Commission and submitted for approval by the two heads of state and the UN Secretary General in October 2005 led to a bottleneck in the implementation process of the ICJ's judgment. However, the process was reactivated through an initiative by the UN Secretary-General who invited both leaders to a meeting at Greentree, New York, on June 12, 2006, in order to discuss a draft resolution on the issue of withdrawal from and transfer of authority in the Bakassi Peninsula.

The Greentree meeting marked a decisive turning point in this process, with an Agreement signed by the Cameroonian and Nigerian heads of state, with the UN Secretary-General, Germany, the United

States, France, and the UK as witnesses. According to this historic Agreement, Nigeria fully recognized the sovereignty of Cameroon over the Bakassi Peninsula, made the commitment of withdrawing its armed forces from the entire Peninsula within a time limit of sixty days with effect from the date of the signature of the Agreement, and of transferring to Cameroon authority over almost the totality of the Peninsula, with the exception of an area of about 20 percent placed under the Nigerian administration for a two year period. Cameroon, for its part, undertook to respect the rights of the Nigerian population living in the Peninsula and to grant them some facilities, in particular in matters of customs and movement between the Bakassi Peninsula and Nigeria. This special regime was to last for seven years with effect from the date of signature of the Agreement. Besides, the Greentree Agreement set up a follow-up commission, comprised of representatives from the two parties, the United Nations, and the four witness nations mentioned above, under the chairmanship of the Representative of the United Nations Secretary-General, Sir Kieran Prendergast

It is worth emphasizing that the main actors of



Greentree have a shared perception of the Agreement of June 12, 2006, and of the entire implementation process of the International Court of Justice's judgment of October 10, 2002: all of them extol their joint commitment for peace.

President Biya renewed his "gratitude to Mr KOFI ANNAN for his initiative and devotedness" and "congratulated his brother President OBASANJO for showing proof of his willingness to ensure peace not only with regard to their bilateral relations but also throughout the continent" while wishing that the "commitments thus taken are scrupulously respected" so as to reserve the "credibility" of both countries and the United Nations. He concluded his speech by saying that the implementation of the agreement "will certainly open a new era of confidence, peace and cooperation between Nigeria and Cameroon."

In the same vein, President Obasanjo said on this occasion that Nigeria "is a great advocate of the observance of the rule of law, nationally and internationally, and of the settlement of disputes peacefully." That is why it entered into negotiations with the sister Republic of Cameroon "on how best to carry out the verdict of the International Court of Justice in a way that will ensure lasting peace between the two countries, taking cognizance of the affected population." The Nigerian president added that the signature of the Greentree Agreement, which is the peak point in the implementation process of the International Court of Justice's judgment, "is a clear demonstration that where there exist good will and equal commitment to peaceful resolution between two parties in dispute, a happy and equitable solution can always be found." Therefore, he had "at this juncture to pay a well deserved tribute to his brother, President Paul BIYA for his commitment and patience" and to the Secretary-General, Mr. Kofi Annan, for his devotedness and diplomatic competence. He then concluded: "Today's Greentree Accord should be a landmark in the peaceful resolution of disputes." Indeed, as highlighted by the Joint Communiqué published at the close of the Greentree meeting "their willingness to settle this dispute through peaceful means, the two heads of state of Cameroon

and Nigeria was a demonstration of their desire to free themselves from a difficult past so as to tackle the deep causes of conflict."

Greentree is indisputably a major historic benchmark in the peaceful settlement of disputes in the world.

#### GUARANTEEING PEACE THROUGH AN ORIGINAL MECHANISM FOR IMPLEMENTATION OF JUDGMENTS BY THE WORLD'S HIGHEST COURT

The implementation process of the International Court of Justice's judgment of October 10, 2002 provides a positive example for future conflict resolution. This is evidenced by at least two essential facts: first, the peculiarity of its mechanism, the unusual articulation of which certainly explains its effectiveness; second, its particularly economic nature with regard to the relation between its cost and its outcome. United Nations Secretary-General, Kofi Annan, on the day of the Greentree Agreement congratulated "the Heads of State of Cameroon and Nigeria for devising a new approach in the area of conflict resolution and emphasized that the United Nations has played an important role in the process through an extremely cost effective mechanism."<sup>1</sup> In the same vein, the Nigerian president said, "Our agreement today is a great achievement in conflict prevention management which practically reflects its cost effectiveness when compared to the alternative of conflict resolution. Its significance therefore goes beyond Nigeria and Cameroon, It should represent a model for the resolution of similar conflicts in the rest of Africa, and dare I say it the world at large."<sup>2</sup>

In light of this experience, it is necessary to suggest the creation of a follow-up mechanism for the execution (or implementation) of judgments by the International Court of Justice to be supported by a voluntary support fund, like the Special Fund for the Secretary-General, to support poor countries which submit their dispute to the ICJ for settlement. Such a mechanism would be placed under the General Secretariat of the United Nations which would therefore be in a position to keep both

<sup>1</sup> "United Nations Communiqué Following Signing of Boundary Agreement by Presidents of Cameroon, Nigeria," UN Doc. SG/2113 AFR/1395, June 13, 2006.

<sup>2</sup> "UN MEDIATION- NIGERIA AND CAMEROON SIGN PEACE ACCORD," UN Gazeti, issue no. 187, June 14, 2006. Available at [www.unicnairobi.org/display.asp?section\\_id=30&storynr=186](http://www.unicnairobi.org/display.asp?section_id=30&storynr=186).

the General Assembly and the Security Council informed of the development of the execution of an ICJ judgment.<sup>3</sup>

## CONCLUSION

The Joint Cameroon/Nigeria/United Nations Commission on the implementation of the International Court of Justice's judgment is an ad hoc mechanism which is an original and innovative approach for the execution of judgments by the International Court, and beyond, of an interstate court. Within the global framework of this process, the Greentree Meeting, and the Agreement which derived therefrom, sound as a diplomatico-legal symphony for peace. By affixing their signature to this Agreement, the United Nations and the witness nations, among whom were the Permanent Members of the UN Security Council, demonstrated their necessary political and moral guarantee which reassured both the parties and observers which were more skeptical following the nonrespect on two occasions of the timetable for the withdrawal from and transfer of authority of the Bakassi Peninsula.

However, this success, which is unanimously welcomed, is definitely due to the personalities and actors who played fundamental roles in the process, namely their Excellencies Presidents Paul Biya and Olusegun Obasanjo, and UN Secretary-General Kofi Annan:

- *Firstly*, they have successfully tackled the issues at stake and identified from the onset the fundamental concerns of either party in the process of implementation of the ICJ's judgement, notably the full implementation of the judgment

as far as Cameroon is concerned and the issue of the populations of the disputed area as far as Nigeria is concerned. It is the conciliation of these two preoccupations which enabled the process to move forward and even ensured the success of the historic Greentree Meeting. The Agreement of June 12, 2006, appears in this regard as a model of striking a balanced settlement;

- *Secondly*, they successfully overcame all considerations and prejudices, rebuilt confidence that was disrupted between the two countries by resorting to dynamic direct contacts between the two heads of state and by demonstrating tokens of confidence which gradually eliminated suspicions on the one hand and on the other hand reassured experts from both countries working in the Joint Commission, as well as the populations concerned in the field;
- *Thirdly*, they gave preference to a long term vision of relationships between their two countries, as they were conscious that their peoples are brothers who are related by geography, history, and culture, and called upon to eternally live together. Therefore they made from the onset, the choice of peace as a categorical imperative, a transcendent objective to attain at all costs.

We are impressed by the number of times the word "peace" has been mentioned and since the beginning, in particular in President Biya's addresses with respect to this dispute. For him, this is a fundamental tenet of political philosophy which guides his action both at the domestic level and at the international level, and the patience, firmness, perseverance, and wisdom that he demonstrated in the settlement of this dispute with Nigeria are a resounding illustration of this fact.

<sup>3</sup> With regard to this suggestion, see Maurice Kamto "Considerations Actuelles sur l'inexécution des décisions de la Cour Internationale de Justice" in Liber Amicorum Judge Thomas Mensah, to be published in 2007.



## Nigeria and Cameroon Before the International Court of Justice

*Osita C. Eze\**

### INTRODUCTION

The long-standing dispute between Nigeria and Cameroon over the ownership of the Bakassi Peninsula and the bordering territory from Chad to the coast, apparently laid to rest by the International Court of Justice (ICJ), provides an example of judicial settlement at the international level. The issue of ownership of the Bakassi Peninsula was a protracted dispute that involved several attempts by leaders and representatives of both countries to resolve. Indeed, such has been the doggedness of both countries to their claims that the region witnessed the eruption of violence on a number of occasions. The dispute was considered awkward for Nigeria, because it has a record of avoiding territorial ambition. Yet, for the population who has always considered Bakassi part of its territory, it was incomprehensible. For the Nigerian government the issue was thus a highly sensitive one.

The Bakassi Peninsula is a network of islands and creeks situated between latitudes 4°50' and 4°25' north. It is bounded to the north by the Akpa Yafe river. Its western limit lies at approximately 8°43' east of Greenwich. To the west lies the estuary of the Cross River, into which flows the Akpa Yafe. To the east of Bakassi lies the Rio del Rey estuary; and to the south of Bakassi lies the South Atlantic Ocean, known in this region as the Gulf of Guinea, consisting of the Bight of Benin and the Bight of Bonny (known in the past as the Bight of Biafra). The Bakassi Peninsula is transversed by numerous channels and creeks of varying sizes and navigability. Transportation around the peninsula is mainly water-based; and at its widest point the Bakassi is approximately twenty-eight kilometers across. The total area covered by the peninsula is approximately 700 square kilometers.

According to the National Population Commission of Nigeria, the current population of Bakassi is approximately 37,500. This figure is

projected from the last census, which was carried out in 1991. Approximately 40 percent of the population is engaged in fishing.

### HISTORICAL BACKGROUND

By 1884, the British had been interested in the West African coast, including the Cameroons, for many decades. The British government, from the 1830s onwards, entered into a series of treaties with the kings and chiefs of various parts of the Guinea Coast. The major British objectives in this period were to secure and encourage the trade in palm oil and ivory and to end the trafficking of slaves.

In very general terms, the city-states of the Calabar region were, in pre-colonial days, an acephalous federation with the major cities being Duke Town, Creek Town, and Old Town (Obutong). The political system of Calabar might be thought of as a federation or conglomeration of loosely-knit towns. Each town was a political unit with a territorial basis, its head having jurisdiction over his own town or house and representing the founding ancestors of his particular family. Each maintained its own administration and had the right to enforce sanctions on others. Both these factors point to the fact that each of the towns was recognized to be politically equal. The relations among the major towns were in the order of intertown dealings. Thus, they were in their political relations similar to European nation-states in the eighteenth and nineteenth centuries. Political power ultimately resided in the segments rather than in a central government.

The city-states of the Calabar region were the holders of historic title over the cities and their dependencies, and the Bakassi Peninsula had long been a dependency of Old Calabar. It is this historic title which the British Crown acknowledged in treaties with the kings and chiefs of Old Calabar and it was this same historic title which subsisted under the umbrella of the Protectorate of Southern

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Nigeria, created in 1906.

By the early 1880s British, German, and French rivalry in West Africa had intensified. In particular, Germany was by then seen as the principal commercial threat to British interests in Africa. Like the British, the Germans also entered into several agreements with Cameroonian rulers which opened the way for their eventual occupation by the Germans.

#### *Establishment of the British Protectorate in 1884*

In the 1880s, Britain and Germany sought to establish and consolidate their respective spheres of influence in the area, and in particular along the coastal stretches of what are today Nigeria and Cameroon. To that end, numerous treaties were signed by these colonial powers and native chiefs. While generally these treaties are often referred to as “treaties of protection,” their true legal significance can only be established by a careful reading of their contents and terms. They were essentially “unequal treaties.”

For Great Britain, a series of such treaties was concluded between July 19 and September 10, 1884, covering the stretch of coast from Old Calabar in the west to Victoria, some sixty miles along the coast to the east. These treaties were concluded by or under the authority of the British Consul Edward Hewett.

The European imperial powers used the concept of “protectorate” as the legal basis for much of their activity in Africa, acquiring protectorates on the basis of treaties of protection between themselves and the kings and chiefs of the protected lands. This system effectively met the European powers’ needs for a degree of control in “their” protectorates, which excluded those of their rivals, while at the same time leaving in place the local authority of the kings and chiefs within their territories.

The traditional ruling class was a recognized feature of the pre-colonial Nigerian reality. The exact number of these pre-colonial empires, kingdoms, caliphates, and autonomous communities cannot easily be determined, and varied from period to period. Furthermore, the size, character, and form of these traditional political units were not uniform. Some were as large and populous as some African states today, while the influence and activities of others were limited. The kings and

chiefs of Old Calabar, however, constituted a very powerful polity wielding considerable influence and authority, extending even to Victoria in Cameroon. During the pre-colonial period, these traditional authorities exercised complete sovereign power over their people and territory. In some pre-colonial societies, political power was centralized in the office of the traditional ruler while in others it was dispersed to a variety of smaller units.

It is important to emphasize that during the pre-colonial period, an effective system of government of the kind described above was in operation in the region. This is why, when European powers and their agents (including public and private commercial enterprises) tried to establish themselves on the shores of West Africa, they negotiated and entered into treaties of friendship, protection, and commerce with the relevant traditional rulers. Along the coast of Nigeria such treaties were entered into with the city-states and similar treaties were entered into with the Obas in the Yorubaland and Benin Empires. In northern Nigeria by 1888, several of these treaties had been finalized.

In the light of the relevant considerations of international and municipal law, it is apparent from the terms of the treaties of 1884 and subsequent British arrangements for the governance of Nigerian territories that

1. those territories constituted British Protectorates;
2. the Protectorates were at no stage transformed into a British colony;
3. they were in no way assimilable to a British colony;
4. Great Britain possessed in relation to them only such rights and powers as had been conferred by the 1884 Treaty of Protection;
5. Great Britain at no time possessed territorial sovereignty over them, in whole or in part;
6. in their relationship with Great Britain, the Protectorates were at all times foreign countries; and
7. in exercising its rights and responsibilities as the protecting state, Great Britain was bound to uphold and not to subvert the interests of the Protectorates.

*The Anglo-German Exchange of Notes of April 29 to May 7, 1885*

The first agreement on a line of separation between

British and German activities in the area was concluded by an exchange of notes on April 29 and May 7, 1885. This exchange of notes was the culmination of negotiations for separating and defining the spheres of action of Great Britain and Germany in those parts of Africa where the colonial interests of the two countries might conflict. The line of separation was defined in the following terms:

Great Britain engages not to make any acquisitions of territory, accept protectorates or interfere with the extension of German influence in that part of the coast of the Gulf of Guinea, or in the interior districts to the east of the following line; that is on the coast, the right river bank of the Rio del Rey entering the sea between 8° 42' and 8° 46' longitude east of Greenwich; in the interior, a line following the right river bank of the Rio del Rey from the said mouth to its source, thence striking direct to the left river bank of the Old Calabar or Cross River, and terminating after crossing that river at the point about 9° 8' of longitude east of Greenwich.<sup>1</sup>

This placed the Bakassi within the British sphere of influence. There was another exchange of notes on July 27 and August 2, 1886. Essentially this new exchange of notes extended the line delimiting their spheres of activity into the hinterland, to a point close to Yola.

*The Anglo-German Demarcation Agreement of October 1906 and the Treaty of March 1913*

The terms of the Demarcation Agreement of October 1906 were influential for future developments, including the Anglo-German treaty of 1913. Starting well to the north of the area of Bakassi, it extended the boundary southwards to the point established by the southernmost pillar of the 1905-1906 demarcation. The 1913 treaty, which drew from this agreement, redrew the eastern boundary of the protectorate of southern Nigeria in such a way that the boundary between the Protectorate and Cameroon runs to the west of Bakassi thus placing the Bakassi Peninsula under German control.

However, immediately before the conclusion of the Anglo-German Treaty of March 11, 1913, the only Anglo-German agreements relevant to sovereignty over the Bakassi Peninsula which had entered into force were the Exchanges of Notes of 1885 and 1886 and the Agreements of 1890 and April 1893, by virtue of which the boundary between British and German spheres of influence was set at the Rio del Rey, placing the Bakassi Peninsula clearly on the British side of the boundary.

The Treaty of March 11, 1913, however, lapsed as result of the First World War. Article 289 of the Treaty of Versailles provided for the revival of pre-war bilateral treaties with Germany upon notification to Germany by the other party. However, Great Britain took no steps to revive the March 1913 treaty. In the terminology of Article 289, it was and remained abrogated. Cameroon did not therefore succeed to the Treaty itself.

*Nonimplementation of the 1913 Treaty by Germany*

The signature of the Treaty of March 11, 1913, was followed in August 1914 by the outbreak of World War I, leading to the military occupation of German Kamerun by British, French, and Belgian forces. That occupation ended in May 1916.

Cameroon relied on the Treaty of March 11, 1913, in support of its claim to the Bakassi Peninsula, but did not contend that the treaty was carried into effect in the form of actual occupation or administration of Bakassi by the authorities of German Kamerun. The weight of the evidence strongly suggested that there was no German occupation or administration of Bakassi, nor any significant pattern of German activities there in the period between March 1913 and May 1916. In Bakassi during that period and thereafter, the authority of the kings and chiefs of Old Calabar and of the developing Nigerian regional and local governmental structures of the Nigerian Protectorate continued uninterrupted. The realities of administrative development in Bakassi between 1913 and 1960 show that, as before, Bakassi continued to be administered as part of Nigeria.

After 1916, the territories on both sides of the

<sup>1</sup> Justice Muluw Mbu, "The Bakassi Peninsula Dispute," available at [http://www.postwatchmagazine.com/files/bakassi\\_notes.pdf](http://www.postwatchmagazine.com/files/bakassi_notes.pdf). Edward Hertslet, *The Map of Africa by Treaty* (London: Harrison and Sons, 1894) Digitized Aug 28, 2007, p. 395. Available at [http://books.google.com/books?id=V1kMAAAAYAAJ&printsec=frontcover&dq=The+Map+of+Africa+by+Treaty,+Edward+Hertslet&ei=vaLaSKulDJbQzATd9\\_DrDg](http://books.google.com/books?id=V1kMAAAAYAAJ&printsec=frontcover&dq=The+Map+of+Africa+by+Treaty,+Edward+Hertslet&ei=vaLaSKulDJbQzATd9_DrDg).

Akpa Yafe continued, as before, to be administered by Great Britain. The western part of the former German Kamerun was administered by Britain until the Second World War, first as a result of military occupation, then pursuant to the Treaty of Versailles (signed on June 28, 1919), the Milner-Simon Declaration of July 10, 1919, and subsequently under the British Mandate of July 20, 1922. After World War II, it was again administered by Great Britain, this time under the United Nations Trusteeship Agreement of December 13, 1946. Administrative, legal, and other ties between Bakassi and the rest of Nigeria continued unbroken and uninterrupted throughout the period between 1913 and Nigeria's independence in 1960.

Cameroon contended that after World War I Bakassi was administered as part of the British mandate territory of the Southern Camerouns. However, after World War I, the whole of the mandated territory of the British Camerouns came to be administered as part of the Nigerian Protectorate, so that the distinction between mandated and protectorate territory, while acknowledged in principle, had virtually no practical significance for the people of Bakassi and Calabar. There was no practical day-to-day need for the British or the local administration to distinguish between what might have been former German territory and what was British-protected Nigerian territory. Conduct in relation to Bakassi would in practice have been the same whether it was regarded as former German territory or whether it was British protected territory.

#### *The Legal Situation at the Time of Nigeria's Independence*

Nigerian title to Bakassi was originally vested in the kings and chiefs of Old Calabar. The original title of Old Calabar was not affected by the Anglo-German Treaty of March 11, 1913, and was eventually absorbed in the emerging entity of Nigeria. By the time of independence in 1960, the original title to Bakassi became vested in Nigeria as the successor to Old Calabar.

In 1961 the United Nations conducted a plebiscite in the Trust Territory of Cameroon. The northern part voted to remain in Nigeria while the

southern part of the Trust Territory voted to reunite with independent Cameroon. Border adjustments were made by October 1, 1961, to reflect political changes occasioned by the plebiscite. Available records confirm however that at all times before and during the Mandate and Trusteeship regimes over Cameroon, the Bakassi Peninsula was administered under the Eket and Oron divisions of Nigeria, and accordingly was outside the plebiscite area.

#### *The Bases to Nigeria's Title Claim*

The Nigerian claim to title over the Bakassi Peninsula was based on the following four points:

1. Long occupation by Nigeria and by Nigerian nationals constituting an historical consolidation of title and conforming to the original title of the kings and chiefs of Old Calabar which became vested in Nigeria at the time of independence in 1960.
2. Effective administration by Nigeria, acting as sovereign, and an absence of protest.
3. Manifestations of sovereignty by Nigeria together with the acquiescence by Cameroon to Nigerian sovereignty over the Bakassi Peninsula.
4. Recognition of Nigerian sovereignty by Cameroon.<sup>2</sup>

On June 1, 1975, however, the heads of state of Cameroon and Nigeria adopted the Maroua Declaration, which, in part, read as follows:

During the meeting held at MAROUA from May 30<sup>th</sup> to June 1<sup>st</sup> 1975, the two Heads of State of CAMEROUN and NIGERIA agreed to; extend the delineation of the maritime boundary between the two countries from Point 12 to Point G on the Admiralty Chart No.3433 annexed to this Declaration.<sup>3</sup>

The Declaration however was not ratified by Nigeria's Supreme Military Council. A few weeks after this Declaration was signed, General Yakubu Gown was deposed by Murtala Muhammed. During the short period for which he held office before his assassination, he was, as would be expected, preoccupied with other affairs of state, and the fact of nonratification was not communi-

<sup>2</sup> Brian Taylor Summer, "Territorial Disputes at the International Court of Justice," *Duke Law Journal* 53 (2004): 1779-1812.

<sup>3</sup> See The Maroua Declaration (June 1, 1975), available at [www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/TREATIES/CMR-NGA1975MD.PDF](http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/TREATIES/CMR-NGA1975MD.PDF).



cated to Cameroon. On his death, he was replaced as head of state by General Olusegun Obasanjo.

The government of Nigeria regarded the Declaration as lacking legal validity and expressed this opinion in negotiations with Cameroon. At an August 1977 meeting, General Obasanjo informed President Ahidjo that Nigeria did not accept the Maroua Declaration. General Obasanjo also told President Ahidjo that, as the Nigerian head of state, he was a trustee of Nigerian property, both land and territorial waters, and he could not alienate that property or give it away unconstitutionally. He explained that the Supreme Military Council had not ratified the Declaration. General Obasanjo replied that, since President Ahidjo was not prepared to renegotiate, the matter should be left to be dealt with by their successors, and the issue was left open.

*Historical Consolidation of Title: The Legal Concept*

The legal concept of historical consolidation of title was invoked by Nigeria as the principal basis of its claim to sovereignty over the Bakassi Peninsula. The specific components of the historic consolidation of Nigeria's title include the following:

1. The original title of the city-states of Old Calabar to the Bakassi.
2. The attitude and affiliation of the population of Bakassi, which has been characterized by strong ethnic and social ties with the people of Old Calabar.
3. The names borne by the settlements in the Bakassi confirm affiliation with Efik and Ibibio groups.
4. Bakassi continued to be administered as part of Nigeria from 1913 to independence.
5. The exercise of authority by the Obongs of Calabar includes the Bakassi.
6. Nigeria has maintained and regulated the customary law courts in the Bakassi.
7. The long settlement of Nigerian nationals in the Bakassi.
8. Nigerian administration in the territory since 1960 through
  - a. the maintenance of public law and order;
  - b. collection of taxes;

- c. local governance;
- d. delimitation of electoral wards;
- e. participation in elections;
- f. census taking;
- g. public works and development administration;
- h. exercise of military jurisdiction;
- i. public education;
- j. provision for public health;
- k. granting of oil exploration permits;
- l. collection of customs duties;
- m. use of Nigerian passports by residents of Bakassi; and
- n. internal state rivalry over Bakassi.

#### ATTEMPTS TO RESOLVE THE DISPUTE<sup>4</sup>

Over the years, bilateral attempts at resolving the dispute were carried out within the framework of the Nigeria-Cameroon Joint Commission before Cameroon took the case to the International Court of Justice (ICJ) in 1994. On October 10, 2002, the ICJ, citing agreements between the United Kingdom and Germany in the early twentieth century, issued its irrevocable judgment on the entire land and maritime boundary between Cameroon and Nigeria. The decision confirmed sovereignty over portions of the territory in question to Cameroon and delineated the border. According to the ruling, Nigeria also made certain land gains in the northern reaches of its boundary with Cameroon.<sup>5</sup> This gave rise to debates and reactions from a broad spectrum of Nigerians as to whether Nigeria should defer to the judgment of the Court.

The ICJ verdict was taken as a major blow by Nigerians principally because of the stakes involved. Nigeria's stakes in the dispute over the Bakassi Peninsula are largely economic, social, and geopolitical in nature. They include the following:

- People – the indigenous inhabitants of the area;
- Territory – land and sea;
- Marine resources – fish and shrimp;
- Hydrocarbon reserves – petroleum and gas;
- Geostrategic significance of the Bakassi maritime

<sup>4</sup> For documents from the arbitration process see the website of the United Nations Office On West Africa at [www.un.org/unowa/](http://www.un.org/unowa/).

<sup>5</sup> International Court of Justice Gives Judgment in the CAMEROUN-NIGERIA BOUNDARY DISPUTE, ICJ PRESS RELEASE, ICJ/603, 10/10/2002. Land and Maritime Boundary between Cameroun and Nigeria (Cameroun v. Nigeria; Equatorial Guinea intervening) International Court of Justice Press Release 2002/26.

area for marine transportation and the naval defense of Nigeria's southern zone.<sup>6</sup>

#### *Good Offices of the Secretary-General*

Weeks before the ICJ judgment, the Secretary-General invited Presidents Paul Biya of Cameroon and Olusegun Obasanjo of Nigeria to meet with him on September 5, 2002, in Paris. The two presidents agreed to respect and implement the anticipated ICJ decision, and to establish an implementation mechanism. They also agreed on the "need for confidence building measures, including the eventual demilitarization of the peninsula, with the possibility of international observers to monitor the withdrawal of all troops" with the support of the United Nations.

After the ICJ judgment, the Secretary-General facilitated a further meeting between both presidents in Geneva on November 15, 2002. In a joint communiqué, the two leaders agreed to ask the Secretary-General to establish a mixed commission of Cameroon, Nigeria, and the United Nations "to consider ways of following up on the ICJ ruling and moving the process forward." The Secretary-General designated his Special Representative for West Africa, Mr. Ahmedou Ould-Abdallah, Chairman of the Cameroon-Nigeria Mixed Commission.

In a joint communiqué issued after the January 31, 2004 Tripartite Summit in Geneva, the Secretary-General and two presidents welcomed the adoption of a comprehensive work plan up to 2005, and also welcomed the smooth withdrawal of civilian administration and military and police forces in the Lake Chad area, where a transfer of authority took place in December 2003. They noted that the area has remained calm since then.

The Secretary-General emphasized that the progress achieved so far had proven that neighboring states, with minimal UN support, can work together to prevent border conflict and to settle their differences peacefully. Cameroon and Nigeria had set an example for the region, he said.<sup>7</sup>

He renewed his appeal to the international community to provide support within the context of preventative diplomacy for the ongoing efforts by the two countries, in particular by providing

financial assistance for the demarcation process and for confidence-building measures such as the rehabilitation of the Moutenguene-Abakaliki road, the reactivation of the Lake Chad Basin Commission, and other cross-border environmental projects.

For their part, the two presidents agreed to strengthen confidence-building measures through an exchange of ambassadors, opening consulates along their common border, and introducing joint patrols by security forces. They also agreed to consider a treaty of friendship and nonaggression between the two countries. They also renewed their commitment to take appropriate measures to guarantee the security and welfare of the populations affected by the Court's decision in areas under their respective sovereignty.

#### *The Cameroon-Nigeria Mixed Commission*

The Cameroon-Nigeria Mixed Commission met in Abuja and Yaoundé every two months on an alternating basis and held its tenth meeting in Abuja in June 2004. Chaired by the Secretary-General's Special Representative Ahmedou Ould-Abdallah, it was comprised by the Delegation of Cameroon, led by Mr. Amadou Ali, Senior Minister in charge of Justice, and the Delegation of Nigeria, led by Prince Bola Ajibola, former Minister of Justice. It was decided at the January 31, 2004 Tripartite Summit that high level meetings would continue annually.

The Mixed Commission's mandate covers the following areas:

- The demarcation of the land boundary between the two countries;
- The withdrawal of civil administration, and military and police forces, and the transfer of authority in relevant areas along the boundary;
- The eventual demilitarization of the Bakassi Peninsula;
- The protection of rights of the affected populations in both countries;
- The development of projects to promote joint economic ventures and cross-border cooperation; and

<sup>6</sup> Rudolf Tracib-Merz and Douglas Yales, eds., *Oil Policy in the Gulf of Guinea: Security & Conflict, Economic Growth, Social Development* (Bonn: Friedrich-Ebert-Stiftung, 2004).

<sup>7</sup> Communiqué and official statements available online at [www.un.org/unowa/cnmc/preleas/sgstmts.htm#2](http://www.un.org/unowa/cnmc/preleas/sgstmts.htm#2).

- The reactivation of the Lake Chad Basin Commission.

In pursuit of these objectives, the Mixed Commission established the following subsidiary organs, with experts from the two parties and the United Nations:

- A subcommission responsible for demarcation of the land boundary between the two countries;
- A subcommission on affected populations with a mandate to assess the situation of these populations and to consider effective ways to ensure protection of their rights;
- A working group on the withdrawal of civil administration and military and police forces, which completed its work in January 2004, and the transfer of authority in the Lake Chad area;
- A working group on the maritime boundary;
- A working group on withdrawals and transfers of authority in both the land boundary and the Bakassi Peninsula.

To facilitate the activities of the Mixed Commission, the UN has established a support team based in Dakar. In addition to technical and logistical assistance, this UN team also provides substantive support to the Mixed Commission and to the two subcommissions and working groups. The UN civilian observers of the Mixed Commission are both actively involved in monitoring the situation along the land boundary from the Lake Chad to the Bakassi Peninsula, and the demarcation activities contributing to strengthening the confidence of the population.

#### *Mixed Commission's Achievements*

The Mixed Commission met on eighteen occasions from December 2002 to May 2007 either in Yaoundé or in Abuja. In 2003, the Mixed Commission carried out field visits to the Lake Chad area, the land boundary, and the Bakassi Peninsula.

In 2003, 2004, and 2006 the processes of withdrawal and transfer of authority as stipulated in the ICJ judgment was implemented respectively in the Lake Chad area (Naga'a, Darack, Dambore, Tchika between December 7 and December 18,

2003); along the land boundary (Ndabukura, Narki, Bourha Wango on July 13, 2004); and in the Bakassi Peninsula excluding Atabong and Abana (on August 14, 2006).

The Mixed Commission held its fifth extraordinary meeting, its most recent, in Abuja on May 10-11, 2007. The objective of the meeting was to finalize the maritime boundary between the two countries, using the data collected at sea, as delineated by the International Court of Justice in its October 10, 2002 judgment. During the session, following the advice of legal experts and based on the presentations made by cartographers, the parties agreed on the georeferencing of the 1994 edition of the British Admiralty Chart, showing the maritime boundary line between the two countries. While congratulating the Cameroonian and Nigerian delegations as well as his UN colleagues, the chairman of the Mixed Commission, Mr. Ahmedou Ould-Abdallah, stated that "this agreement concludes the execution of the October 10, 2002 judgment. Now, the demarcation of the rest of the land boundary needs to be expedited and bilateral cooperation engaged in respect of the oil fields stranding the maritime boundary."<sup>8</sup>

#### *Funding for the Demarcation*

In order to assist the two countries in the peaceful implementation of the ICJ's judgment, a budget of about \$12 million for the demarcation is needed. Cameroon and Nigeria have each contributed \$3 million to the UN Trust Fund for initial financing; the European Commission has agreed to grant €400,000 for demarcation; the United Kingdom has offered a contribution of £1 million; and other donors have been approached.

From March 5 to March 13, 2004, a tripartite delegation from Cameroon, Nigeria, and the United Nations conducted a series of visits to several countries to mobilize further diplomatic and financial support for the demarcation. Official meetings were conducted in Paris, Brussels, Washington, DC, and New York.

## CONCLUSION

The dispute between Nigeria and Cameroon illustrates that the political will, the UN machinery and procedures for peaceful resolution of conflicts

8 UNOWA, "Towards a Final Delineation of the Maritime Boundary between Cameroon and Nigeria," Press Release UNOWA 2007/08, Dakar, May 11, 2007, available at [www.un.org/unowa/unowa/preleas/pr082007.pdf](http://www.un.org/unowa/unowa/preleas/pr082007.pdf).



can and do work. From good offices, to judicial resolution and the post-judicial Mixed Commission, one can see a well ordered pattern of conflict resolution, peacemaking, peacebuilding, and ultimately prevention.

Few realize that it was not easy to convince Nigerians to accept that they should go to any court over territories which they were convinced were theirs, and it may therefore be necessary to educate Nigerians about the peace process to avoid a recurrence of insecurity in the region.

It should also be borne in mind that the court's judgment on Bakassi may not have finally decided the ownership of the hydrocarbon which may lie underground across the national boundaries. And

the configuration of the region may also pose problems for the full actualization of the Exclusive Economic Zone for coastal states. Yet, the Gulf of Guinea Commission provides an umbrella for cooperation and peaceful management of hydrocarbon and other resources of the Gulf of Guinea, which under treaty extends from Nigeria, including all coastal states to Angola as well as São Tomé and Príncipe.<sup>9</sup> And both the African Union Constitutive Act and the United Nations Charter also provide hierarchically structured regimes for resolving such conflicts.<sup>10</sup> Finally, the Bakassi settlement has shown that Nigeria and Cameroon are indeed committed to conducting their affairs within the framework of international law.



*Left to right:* Martin Belinga-Eboutou (Cameroon), John Hirsch (IPI), Maurice Kamto (Cameroon), Ade Adefuye (Commonwealth Secretariat), Joy Ogwu (Nigeria), Ibrahim Gambari (UN), and Osita Eze (Nigerian Institute of International Affairs).

<sup>9</sup> Osita C. Eze and Rudolf Traub-Merz, "Inter-State Conflicts and Conflict Resolution Between Countries in the Region," in *Oil Policy in the Gulf of Guinea*, edited by Rudolf Tracib-Merz and Douglas Yales (Bonn: Friedrich-Ebert-Stiftung, 2004).

<sup>10</sup> United Nations Convention on the Law of the Sea, United Nations Conference on the Law of the Sea, New York, 1983; See also "North Sea Continental Shelf Cases," ICJ Reports 1984, p.3; "Anglo-French Continental Shelf Case," (1978) 18 I.L.M., 397; "Gulf of Maine Case," I.C.J. Reports 1984, p.246, "Guinea-Guinea Bissau Maritime Delimitation Case" (1985) 77 ILR, 636, "Tunisia/Libya Case and Libya Malta Case" cited in I.A. Ayua "Delimitation of Maritime Boundaries In the Light of the New Law of the Sea" in *The New Law of the Sea and The Nigerian Maritime Sector: Issues and Prospects for the Next Millennium*, pp. 69-70, also Osita C. Eze, "Historical overview of the 1982 UN Convention On the Law of the Sea. Fifteen Years after signature" in I.A. Ayua, T.A.T. Yagba, A.O.



## Comparative Perspectives: Territorial and Boundary Disputes in the Horn of Africa

Ruth Iyob\*

### INTRODUCTION: THE CONTEXT(S) OF CONFLICT VS. COOPERATION IN THE HORN

The Horn of Africa represents a subregion which hosts numerous border/boundary disputes embedded in conflicts over resources, identity, and unaddressed grievances of inhabitants partitioned by antagonistic nation-states.<sup>1</sup> The webs of conflict that underpin territorial disputes in the Horn remain to this day ill-understood by observers and intermediaries whose task is to facilitate negotiated resolution. The earliest border dispute—before the founding of the Organization of African Unity—occurred in 1958 with the Sudan claiming Halai'b from Egypt.<sup>2</sup> The Arab League upheld the norm of territorial integrity as did the OAU in the aftermath of the Somali wars over the Ogaden and the former Northern Frontier District (1964 and 1977).

In the second half of the twentieth century, while newly-independent African states in West, Central, and North Africa faced the challenges of boundary disputes and economic development, the countries of the Horn remained mired in guerrilla wars and plagued by recurrent famine and drought.<sup>3</sup> The unaddressed grievances over loss of ancestral lands and citizenship rights became intertwined in armed struggles for self-determination that consumed the meager resources of governing elites.<sup>4</sup> While incumbent regimes in the Horn fought wars of attrition with the various guerrilla groups, their counterparts in West and North Africa were engaged in political experiments, boundary

disputes, border clashes, arbitration, and international adjudication.<sup>5</sup>

In 1991, the political map of the Horn underwent a transformation brought about by the successful secession and establishment of Eritrea as a sovereign state, the unacknowledged secession/re-emergence of Somaliland in the aftermath of the implosion of Somalia, and the establishment of a land-locked, ethnically reconstituted federalist Ethiopia.<sup>6</sup> The newly minted state, Eritrea, found itself confronting Djibouti over boundary coordinates as well as unsuccessfully challenging Yemen's ownership of the Hanish Islands. The Sudan, too, had refashioned itself as a theocratic Afro-Arab state with a new ideological righteous zeal that led to its isolation by an alliance of the former guerrillas who now constituted the new rulers of Eritrea and Ethiopia.<sup>7</sup>

The short-lived alliance disintegrated when a skirmish over a boundary dispute in Badme, a dusty hamlet in the Ethio-Eritrean-Sudanese borderlands, exploded into a costly war spanning from 1998 to 2000, with over 100,000 casualties. Following the signing of a peace agreement in Algiers in 2000, the Eritrea-Ethiopia Boundary Commission (EEBC) published a report which upheld the sanctity of colonial borders. Although both Eritrea and Ethiopia were awarded different areas (some of which had never been contested but which emerged in the EEBC's investigation), the border war had left a bitter legacy compounded by the loss of hundreds of thousands of lives.<sup>8</sup>

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1 Anthony A. Asiwaju, *Partitioned Africans: Ethnic Relations across Africa's International Boundaries* (New York: St. Martin's, 1985). See also Saadia Touval, *The Boundary Politics of Independent Africa* (Cambridge, MA: Harvard University Press, 1972).

2 Malcolm N. Shaw, *Title to Territory in Africa: International Legal Issues* (Oxford: Clarendon Press, 1986), pp. 251-253.

3 Christopher Clapham, *African Guerrillas* (Oxford: James Currey, 1998).

4 Morten Boas and Kevin C. Dunn, eds., *African Guerrillas: Raging Against the Machine* (Boulder, CO: Lynne Rienner, 2007), pp. 15-37.

5 Victor T. Le Vine, *Politics in Francophone Africa*, (Boulder, CO: Lynne Rienner, 2004), pp. 201-230.

6 Edmond J. Keller, "Making and Remaking State and Nationalism in Ethiopia," in *Borders, Nationalism and the African State*, edited by Ricardo R. Laremont (Boulder, CO: Lynne Rienner, 2005), pp. 97-102; Mark Bradbury, Adan Yusuf Abokor & Haroon A. Ahmed Yusuf, "Somaliland: Choosing Politics over Violence," *Review of African Political Economy*, No. 97 (2003): 456-458; Wendy James, Donald L. Donham, Eisei Kurimoto and Alessandro Triulzi, eds., *Remapping Ethiopia: Socialism & After* (Oxford: James Currey, 2002); and John Ravenhill, "Redrawing the Map of Africa?" in *The Precarious Balance: State and Society Arica*, edited by Donald Rotchild and Naomi Chazan (Boulder, CO: Westview, 1988), pp. 284-285, 291-297.

7 Marina Ottaway, *Africa's New Leaders: Democracy or State Reconstruction*. Washington DC: Carnegie Endowment for International Peace, 1999, pp. 110-114.

8 The most comprehensive volume which provides wide and diverse views on this most recent of disputes in the Horn is the edited volume by Dominique Jacquin-Berdal and Martin Plaut with a fitting title: *Unfinished Business: Ethiopia and Eritrea at War* (Trenton, NJ: Red Sea Press, 2005).

### COMPARING REGIONAL DYNAMICS: PRAGMATISM VS. HEGEMONIC POLITICS

The pragmatic policies of the Cameroonian and Nigerian leadership succeeded in deescalating the violence in the dispute over Bakassi, whereas the Eritrean-Ethiopian dispute over Badme was transformed from a skirmish into a conventional war with aerial bombing, deportation of communities, and large-scale mobilization of civilians to the war front. The frenzy of war consumed both societies and produced toxic narratives of demonization and hatred that continue to reemerge as editorials in the local media.<sup>9</sup> The OAU/AU, UN, European Union (EU), and Arab League found themselves facing a dangerous script being played out in the theatres of war while meetings to produce peace proved ineffective.<sup>10</sup> The long absence of peace in the subregion, a culture of war, and simmering discontent at, and fear of, further territorial losses locked the two sides in a fatal zero-sum game. In contrast to such dynamics, the regional climate in West Africa did not lend itself to the hysteria of an all-out war (although the narratives were certainly emotive), but resorted to legal disputations and international arbitration, after the experience of casualties estimated at two hundred.

In the Horn, more so than in West Africa, the potential role of border populations in bridging the barricades of border wars is one that needs to be explored. An unintended consequence of the numerous intrastate and intercommunal wars has been the emergence of settlements of mixed populations whose role as domestic peacemakers and intermediaries remains untapped.<sup>11</sup> Programs encouraging the development of peripheral areas—which have succeeded in other regions of the world—both enhance cooperation in border areas and provide models for the crafting of lasting solutions to African border disputes.<sup>12</sup> The lack of economic alternatives in borderlands has

transformed such areas into havens for armed political exile groups and contraband traders linking demarcation disputes to new security threats. Subregional economic and security arrangements such as ECOWAS and SADC serve to mitigate such concerns in these regions. The fragility of the subregional organizations of the Horn, such as IGAD and COMESA, necessitates their monitoring by larger, more stable organizations such as the AU and the UN.

More than any other subregion, the Horn of Africa, remains plagued by claims to territories based on colonial boundaries which are stridently contested by the legatees of ancient empires and medieval kingdoms. In Ethiopia, as in Morocco, diplomatic savoir faire and the finely-honed craft of statesmanship have enabled contemporary leaders to counter the twentieth century norm of territorial integrity and respect for colonial boundaries with creative strategies that stymie peacekeepers and peacemakers, thus creating a condition of “no war no peace.” Whether in the Horn or the Maghreb, a lasting resolution to such boundary disputes will clearly require more than the signing of peace agreements by heads of states. Viable solutions for such disputes require (1) the political will of the leadership to both renounce violence (military/psychological/economic) and commit to establishing peace among states and societies; (2) the selection of competent, knowledgeable, and principled intermediaries to identify concerns and conduct dialogue based on shared interests rather than differences; (3) the emergence of a continental consensus, likely through the AU, to commit resources and personnel to ending hostilities between the member states; and (4) the harnessing of international goodwill and resources, likely through the UN, to invest in transforming the borderlands into bridges between populations. To date, the absence of these factors has hindered the building of peace in this subregion.

9 Tekeste Negash and Kjetil Tronvoll, *Brothers at War: Making Sense of the Eritrean-Ethiopian War* (Oxford: James Currey, 2000), pp. 84-101.

10 The domestic hysteria whipped up by both regimes' media resulted in a wall of anger and resentment between the two societies which makes any reversal of position for the leadership incomprehensible to their constituencies. This inflexibility is also mirrored in the incessant verbal fencing between diplomatic representatives which reflect the two regimes' unwillingness and/or inability too extricate themselves from the stalemate.

11 A.I. Asiwaju, *Artificial Boundaries* (New York: Civiletis International, 1990), p. 39.

12 The Somali experience of statelessness and survival in the era of globalization should be re-evaluated in order to counter the pervasive image of the displaced, uprooted refugee as irrelevant or an aberration to the norm. For details, see Peter D. Little, *Somalia: Economy Without State* (Oxford: James Currey: 2003), pp. 11, 87; 91-94.

13 Erik Jensen, *Western Sahara: Anatomy of a Stalemate* (Boulder, CO: Lynne Rienner, 2005).

### COMPARISONS AND CONTRASTS: GEOGRAPHIC AND HISTORICAL FACTORS

In the twenty-first century, a time of rapid transportation, technological warfare, and instantaneous communications, the weight of history and geography appear to be largely neglected by mediators and peacemakers.<sup>14</sup> This tendency contributes negatively to a comprehensive understanding of why and how the territorial disputes in the Horn continue to defy legal definitions. A major reason is that these areas were subjected not only to inter-European colonial treaties but also agreements entered into by personages of the Anglo-Egyptian Condominium and Ethiopian Empire dealing with various Italian, French, Russian, and British signatories. Through their meticulous research, various boundary commissions have unearthed contradictory correspondences of different powers and their emissaries, different coordinates, and a dizzying array of different maps. Sorting out these different materials has been a difficult task but not necessarily impossible for observers, analysts, and intermediaries. What has continued to impede any progress on the resolution of boundary disputes in the Horn is the lack of political will by the leadership and the inability and/or unwillingness of regional/international organizations to disentangle territorial disputes from other sources of conflict.

The lack of an open forum to enable the inhabitants of contested areas to voice their concerns and express their preferences—free from fear of reprisals by either side—is lamentable. In light of the fact that, historically, during the decolonization period (1940s-1950s) UN Commissions of Inquiry had engaged in such exercises in order to determine the demand for a plebiscite or for self-determination. In the twenty-first century, the exercise of citizenship, with its duties and privileges, is even more important since it provides an option to either

nurture peace or fuel war. How will the inhabitants of Halai'b cope with their status as the bridge between the Sudan, which claims the area, and Egypt, which has continued to administer the area? What has been the impact of a half-century of uncertainty over their status? Has it created a *modus vivendi* between the inhabitants of the area dissected by state boundaries? Have there been enough economic development and social interactions to enable the border population to benefit from the status quo or have they been left to stagnate? What are the ties that bind these communities to the two states?<sup>15</sup> Since the mid-twentieth century, the Sudan, mired in internal communal and intrastate conflicts, has not launched an effective campaign to alter the status quo.<sup>16</sup> A comparative inquiry into how Sudan's new status as a petrostate will impact its relations with its former occupier would provide useful indicators as to when and how the Halai'b dispute will conclude after a half-century.

In contrast to the Sudanese-Egyptian dispute, the Ethio-Somali dispute arose over the justifiable discontent of the populations whose appeals, in the 1940s, to British and Italian authorities to maintain the Ogaden and the Haud as parts of the emergent postcolonial Somali state, were largely ignored. International collusion with imperial Ethiopia's demands for reparation—for its suffering at the hands of Mussolini's Italy—led to the tearing away of large chunks of Somali-inhabited lands and attaching them to the rump of the Ethiopian state.<sup>17</sup> In light of such experiences with a blatant disregard for their appeals, generations of Somalis have continued to defy the internationally sanctioned norms of respecting colonial borders and to engage in two wars with Ethiopia intended to wrest control of the Ogaden and parts of Northern Kenya. The episodic violence in these contested areas continues to rest on Somali nationalists' rejection of borders based on the colonial inheritance or on Anglo-

14 An interesting alternative to this convention is provided by Michel Ben Arrous, *Beyond Territoriality: A Geography of Africa From Below* (Dakar, Senegal: CODESRIA Working Paper Series, 4/96).

15 Contemporary research on the relationships of peoples to hegemonic powers provides insights that may be useful to policymakers seeking to understand state-society relations in the Horn. For details see, Eve M. Troutt Powell, *A Different Shade of Colonialism: Egypt, Great Britain, and the Mastery of the Sudan* (Berkeley: University of California Press, 2005) and Heather J. Sharkey, *Living With Colonialism: Nationalism and Culture in the Anglo-Egyptian Sudan*, (Berkeley: University of California Press, 2003).

16 The issue of how the inhabitants of contested areas can express their preferences regarding their identification with one or both of the nation-states vying for control requires an understanding of the type of conflicts that have shaped interstate and intercommunal relations. For a better understanding of the complexities surrounding Afro-Arab communities, see Amir H. Idris, *Conflict and Politics of Identity in Sudan* (New York: Palgrave Macmillan, 2005), pp. 119-112.

17 I. M. Lewis, *A Modern History of Somalia: Nation and State in the Horn of Africa* (Boulder, CO: Westview, 1988), pp. 116-129; 130; 192.

Ethiopian/Anglo-Italian treaties.<sup>18</sup>

The armed intervention by Ethiopia into Somalia in December 2006, ousting the Union of Islamic Courts—which had successfully established order in war-torn Mogadishu—only serves to alienate the majority of Somali populations.<sup>19</sup> Clearly, the time is past for the UN to appoint a special envoy to initiate dialogue between the various contestants of fragmented Somalia to ensure a withdrawal of Ethiopian troops and to keep regional spoilers at bay. The April 2006 attacks on oil exploration sites in the Ogaden indicate that Ethio-Somali tensions had already reached dangerous levels before the concerted attacks on the UIC by the US-assisted Ethiopian army.<sup>20</sup> The combination of the cynical politics of Sino-African ventures, the Bush Administration's "war on terror," and the Eritrean regime's policy of harboring anti-Ethiopian groups all combine to foment a volatile discord—and the possible blow-up of yet another ill-understood war in the Horn. Preemptive diplomacy and a fair hearing of the alienated Somalis besieged in their own country would go a long way to defuse tensions.<sup>21</sup> Again, the webs of conflicts rooted in past and present grievances highlight regional differences and point to the urgent need to disentangle the multiple threats to intraregional accord.

Nineteenth century empire-builders and twentieth century "realists" valued the Horn of Africa for its geopolitical proximity to the Mediterranean and as an outlet to the Indian Ocean. In the twenty-first century, the discovery of petroleum and natural gas trumps location. Thus, while the Bakassi Peninsula itself is commonly described as "oil-rich," the contested areas of the Horn have yet to be identified as having commercially viable deposits of oil, although rumors of preliminary oil explorations persist. Does the discovery of oil in the Sudan serve as harbinger for the other members of the Horn? Time and invest-

ment will be necessary, as they were in the Bakassi, where considerable interest from oil companies resulted from the discovery of high-grade crude oil reserves elsewhere along the Delta and southern coastal areas—both onshore and offshore—in the territorial waters of Nigeria. At least eight international oil companies, plus Cameroon's national oil company, the Société Nationale de Hydrocarbures (SNH), are involved in exploration concessions in the area, also both onshore and offshore, and recent discoveries of viable deposits in both the Douala and Rio del Rey (geologic) basins have spurred further exploration. To date there are no reliable estimates of the possible oil or gas reserves in the exploration concessions, but while potential discoveries may not match those in Nigeria, optimistic projections suggest that enough oil may be found to reverse the downward trend in Cameroon oil exports, at the low level of 60,000 barrels per day (BPD) in 2005, down from a high of 84,800 BPD in 2000.<sup>22</sup>

#### THE ROAD TO RESOLUTION OR PERDITION?

Four years after the ICJ delivered its verdict awarding Bakassi to Cameroon and the EEBC's report identifying Badme as Eritrean territory, Presidents Paul Biya (Cameroon) and Olusegun Obasanjo (Nigeria) finally resolved the issue in talks led by then UN Secretary-General Kofi Annan in New York. Nigeria agreed to abide by the Court's judgment and to withdraw its troops from Bakassi and its environs. On August 14, 2006, a ceremony marked the formal handover of the northern part of the territory to Cameroon, the remainder to stay under Nigerian civil authority for two more years, during which the rest of the Nigerian troops and officials would withdraw. Understanding the genesis of this crystallization of political will—after more than three decades have elapsed—may shed light on the various factors that served as impediments.

18 It should be noted that despite the overwhelming historical and legal evidence that point to the justified ire of Somalis subjected to various forms of disenfranchisement by both their northern (Ethiopian) and southern (Kenyan) neighbors, conventional wisdom in Africa—and the international arena—is to ignore the factors that lead to Somali defiance. Dismissing Somali grievances as banditry or *shifita activities* or *Islamist zeal* discourage meaningful dialogue that may lead to reconciliation.

19 Abdi I. Samatar, "Somalia: Warlordism, Ethiopian Invasion, Dictatorship and America's Role," *Third World Traveller*, February 13, 2007, available at [www.zmag.org](http://www.zmag.org).

20 *Associated Press*, "74 dead in attack on Chinese oil field in Ethiopia, official says," available at [www.iht.com/articles/asp/2007/04/24/africa/AF-GEN-Ethiopia-C...](http://www.iht.com/articles/asp/2007/04/24/africa/AF-GEN-Ethiopia-C...)

21 The postponement of the most recent peacetalks appear to flounder in face of exiled UIC leaders who have declined to attend in view of the heavy presence of Ethiopian troops who ousted them. *BBC NEWS*, "Somali peace conference postponed," July 15, 2007, available at <http://news.bbc.co.uk/2/hi/africa/6899684.stm>.

22 Adaeze Ifesi, "Offshore delimitation of resource deposits situated across national boundaries: The International Court decision in Cameroon v. Nigeria lending clarity or compromise?" *Transnational Dispute Management* 1 no. 1, (February 2004). See also Piet Konings, "The Anglophone Cameroon-Nigeria Boundary: Opportunity and conflicts," *African Affairs* 105, no. 415 (2005): 275-301.



In the Horn, there has yet to emerge a counterpart to the Gowon-Ahidjo 1975 *entente* (the Maroua Declaration), but both the leaders of Ethiopia and Eritrea have used “the Badme card” to show their strength, as did Gen. Murtala Mohammed, who overthrew Gowon five weeks after the Maroua Declaration (and rejected it), and the Babangida and Abacha regimes who gave priority to the acquisition of oil rights and territory. It took the second round of Obasanjo’s presidency to agree to endorse the Court’s decision. Moreover, the armed clashes in and around Bakassi between 1993 and 1996 proved inconclusive for both sides, and the military option lost its luster for the pragmatic leaders and generals of the two nations.

The Cameroonian governments, first that of Ahmadou Ahidjo until 1982, and its successor Biya regime to the present, never wavered in their claim on Bakassi, deploying diplomatic and legal means, plus the threat (and apparent use) of military action, to strengthen its arguments. Resort to the International Court of Justice (ICJ) also indicated that the Cameroonians understood that despite the inconclusive results of the military confrontations of 1993-1996, their military could not hold on indefinitely in the face of superior Nigerian forces, and that their best chance of resolving the issue, absent a workable diplomatic agreement with the Nigerians, lay with the Court. In 1962 Cameroon went to the Court to challenge one result of the 1961 UN plebiscite in British Cameroons—the Northern Cameroonians’ decision to join Nigeria—and lost; this time they had a much better case and a much better chance of winning.

The question remains of what the lessons were, for both Ethiopia and Eritrea, from the long hiatus since the EEBC report which upheld the sanctity of colonial borders. Historically speaking, one surmises that this decision was unpalatable for the legatee of the Ethiopian empire—whose 1896 victory over Italian colonialism garnered it international praise. On the other hand, Eritrea, whose claims were validated by the legal ruling, has shown neither magnanimity nor civility by incessantly engaging in hostile discourse and proxy wars. Ultimately, pragmatism has not been accorded a

pride of place in the Horn which it holds in Douala and Abuja. The regimes in Addis Ababa and Asmara continue to lack the political will and the pragmatism necessary for transforming “barricades to bridges.”<sup>23</sup>

The Ethio-Eritrean border dispute continues to simmer, accompanied by the hostile rhetoric of both regimes and constituencies which perceive war as inevitable. Despite the severe economic hardships faced by their citizenry, the leadership of both countries have yet to find the impetus to engage in ending the no-war-no-peace stalemate. The conflicts of the subregion have engulfed all but the microstate of Djibouti and the unacknowledged Somaliland. War remains the norm while peace is perceived as an aberration. Until such time that border disputes, old or new, cease to be central to the politics of the nations of the Horn, the prospects for resolution of festering border disputes remain distant. The lessons of the Bakassi experience, nevertheless, highlight the importance of what has been absent in the Horn and can serve to enlighten those willing to learn.

### LESSONS YET TO BE LEARNED: THORNY DISPUTES OF THE HORN OF AFRICA

1. The dispute over the border town of Badme became a defining moment in the history of the post-1991 regimes of Ethiopia and Eritrea. The 1998-2000 war clearly demonstrated the weaknesses and strengths of the “new leaders” to their national constituencies and international observers. Their respective populations, whose actions were based on responses to regime directives, experienced deep insecurity,<sup>24</sup> which led to challenges to the regimes, which in turn, also solicited the violent silencing of dissident voices. These chains of events have continued to make Badme an iconic representation of the insecurities of elites and grassroots, thereby creating conditions where fear and anger are nurtured while reasoned thinking is banished as treasonous or defeatist.

2. Because the Badme dispute involved a conflict over both vision and territory, it became more complicated and involved factors beyond

23 A.I. Asiwaju, *Boundaries and African Integration: Essays in Comparative History and Policy Analysis* (Lagos: Panaf, 2003) pp. 255-256 & 297-317.

24 For an understanding of the interface between the individual and the state, see Barry Buzan. *People, States & Fear: An Agenda for International Security Studies in the Post-Cold War Era* (Boulder, CO: Lynne Rienner, 1991) pp. 66-70.

geography and history.<sup>25</sup> In the case of the Bakassi dispute the leaders of both sides did not view dialogue as capitulation. This has not been the case in the Horn, where the conflict has been seen as a zero-sum game. Badme, although not yet known to possess petrol or natural gas, has become the *desiderata* of Ethiopian and Eritrean nationalists. In order for mediators and peacekeepers to address the boundary dispute and identify possible paths to its resolution it will be necessary to disentangle the territory's symbolic significance from the politics of its ruling guerrilla elites—the EPRDF and the PFDJ.

3. Ethiopia's military prowess was demonstrated in 2000, as was Eritrea's defensive capability. Yet, the excessive human cost of this confrontation—with estimated casualties of 100,000—also exposed the absence of civility and statesmanship of both leaders as well as the immaturity of their national and diasporic constituencies. By comparison, Cameroon and Nigeria fought each other to a draw—political and military—to the point that a combination of political accommodation on both sides and the opportunity for a face-saving intervention (by the ICJ and the UN) could produce a, more or less, win-win outcome. (To be sure, Cameroon came out materially ahead in the affair, but Nigeria in fact lost little and gained considerable face and political goodwill in the bargain.)

4. The aftermath of the war and the EEBC report have yet to be understood by the citizenry and therefore continue to be taken out of context by the ruling elite. Until open discussion of the report and dialogue on its recommendations is possible, it will be hard for civil society in both countries to go beyond angry rhetoric.

## RECOMMENDATIONS

(1) **Break the “no-war-no peace” stalemate which is an impediment to a negotiated resolution.** To prevent yet another “unthinkable” confrontation in

the absence of a political will for peace by the ruling elites of both countries, both the AU and the UN should consider addressing related concerns that continue to fuel fear, anxiety, and the inevitability of war.

(2) **Disentangle the border dispute issues from the other issues of contention between the two regimes.** Going beyond the iconic nature and symbolic value of the border war would help actors understand the social impediments to arriving at a satisfactory resolution of the conflict.

(3) **Protect the rights of cross-border residents.** Pursue policies which would transform contested areas from barricades to bridges in order to allow the normalization of relations.

(4) **Provide cross-border development incentives.** Encourage communal interaction and economic exchanges and thereby turn what had been barricades into bridges between the two nations.

(5) **Acknowledge the unaddressed grievances that trigger territorial disputes.** Airing grievances rather than fanning fears could allow both ruling elites and grassroots actors to endorse pragmatic solutions that enhance shared benefits rather than zero-sum game outcomes.

## CONCLUSION

The record shows that the resolution of boundary and other interstate disputes occur more often when the parties avail themselves of good offices, mediation, arbitration, and other conflict resolution methods available through international organizations and neutral third parties. Resorting to war or other armed action to settle such disputes more often than not resolves little, leaves residues of antagonism, or encourages extremist elements on both sides. The Bakassi case illustrates the importance of political will and pragmatic leadership.



## Comparative Perspectives: Other Cases of African Border Conflicts

Gilbert M. Khadiagala\*

### INTRODUCTION

Border disputes have long been part of Africa's political landscape. They stem from the colonial processes of statemaking that arbitrarily divided peoples and groups into diverse territorial spaces. In the early independence era, bids by the new states to assert their internal and external sovereignty heightened these conflicts, forcing the evolution of continental norms embodied in the Organization of African Unity (OAU), now the African Union (AU).<sup>1</sup> The principles of nonintervention and territorial integrity did not eliminate border wars, but they helped tame their escalation and established mechanisms for finding solutions. The existence of international norms and institutions, notably the International Court of Justice (ICJ), has also been essential for conflict resolution, allowing states with disputes to litigate and arbitrate their claims. International instruments are vital in the conflict resolution repertoire, but their invocation often signifies the breakdown of bilateral and regional mechanisms for resolving these conflicts.

Throughout Africa, border disputes have been embedded in broader contexts of national prestige and sovereignty, personal and political clashes, and tangible resource contests. Alone or separately, these factors have determined the severity and vehemence of territorial disputes and shaped conflict resolution trajectories. For the most part, obstacles to the amicable settlement of border conflicts have prevailed where questions of national pride, idiosyncratic feuds, and bad neighborliness have overwhelmed the technical, historical, and legal questions occasioned by territorial disputes. By the same logic, both regional and international actors have successfully managed border disputes where disputants have separated power and personality politics from the more objective and technical questions of territorial delimitation and demarca-

tion. Comparative cases of most African border conflicts further reveal that respect for international law and adherence to technical solutions requires the judicious exercise of leadership, particularly in circumstances where competing political pressures frequently intrude on decisions about territorial disputes. Over the years, Africa's border conflicts have declined primarily because of the domestication of colonial boundaries and the gradual growth of regional economic institutions, but long-term solutions lie in solidifying the trend toward the delimitation and demarcation of existing borders.

This paper illustrates the above themes primarily by comparing the lessons and experiences of the Chad-Libya and Botswana-Namibia border disputes. It focuses on the evolution of these border conflicts and efforts to resolve them, highlighting the contexts in which states made claims, and examines the role of the ICJ and other actors in reaching settlements. The analysis begins with a brief overview of other border conflicts in Africa before focusing on the two cases, and concludes by arguing that border delimitation and demarcation should be urgent priorities for African diplomacy.

### BORDER CONFLICTS IN AFRICAN INTERNATIONAL RELATIONS

Africa has witnessed border disputes of varying magnitude and intensity. Since boundaries and borders were tangible symbols of the external reach of statehood for the new states, border conflicts performed nationbuilding roles and legitimated elite enterprises of affirming their hold on power. While for the most part, border conflicts were outcomes of the awkwardness of colonial cartography, their persistence reflected the bids by the postcolonial elites to furnish political and geographic certainty to the juridical artifices inherited from European colonialism.<sup>2</sup>

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1 For recent discussions on African borders, see Markus Kornprobst, "The Management of Border Disputes in African Regional Sub-Systems: Comparing West Africa and the Horn of Africa," *Journal of Modern Africa Studies* 40, no.3 (2002): 369-93; Pierre Englebert, Stacy Tarango, and Mathew Carter, "Dismemberment and Suffocation: A Contribution to the Debate on African Boundaries," *Comparative Political Studies* 35, no.10 (December 2002): 1093-1118; and Achille Mbembe, "At the Edge of the World: Boundaries, Territoriality, and Sovereignty in Africa," *Public Culture* 12, no.1 (2000): 259-84.

2 This argument is summarized in Khadiagala, "Reflections on the Ethiopia-Eritrea Border Conflict," *Fletcher Forum of World Affairs* 23, no.2 (1999): 39-56.



In the formative stages of the OAU, irredentist claims by Somalia on Ethiopia and Kenya tested emerging territorial principles. Border skirmishes arose on Somalia's frontiers with Kenya and Ethiopia through the activities of Somalia-sponsored *shiftas* (guerrillas). During the mid-1960s, Kenya and Somalia agreed to resolve their differences under OAU ad hoc mediation, culminating in the October 1967 Arusha agreement that paved the way for the resumption of diplomatic ties. Despite mediation by the OAU in the mid-1960s, the Ethiopia-Somalia dispute proved far more intractable until the latter's defeat in the territorial war in the Ogaden (1977-1978).<sup>3</sup> Equally significant in the 1960s was the border war between Morocco and Algeria, provoked by Moroccan claims to part of the Sahara administered by Algeria, that occurred barely four months after the formation of the OAU in 1963. It was only after four years of relentless efforts by an OAU ad hoc mediation committee and bilateral negotiations that the two parties signed a treaty of cooperation and established a boundary demarcation commission to resolve the border issues in May 1970.<sup>4</sup>

Outside the Horn and North African conflict cauldrons, conflicts were witnessed along the Togo-Ghana, Tanzania-Malawi, Uganda-Tanzania, Ghana-Burkina Faso (Upper Volta), Dahomey (Benin)-Niger, Senegal-Mauritania, Mali-Mauritania, Burkina Faso-Mali, and Gabon-Equatorial Guinea borders. The Ghana-Togo border conflict mirrored Somalia's irredentism whereby Togo supported the unification of Ewe-speaking peoples within the ambit of Togo. The Malawi-Tanzania conflict in the mid-1970s was brief, arising from the definition of the boundary on Lake Malawi. Between 1967 and 1972, Gabon and Equatorial Guinea fought over two islands in the Gulf of Guinea. In the Ghana-Burkina Faso dispute, the border conflict was over a fifty-mile strip of land and involved differing interpretations of historical treaties.<sup>5</sup>

Unlike the conflicts in the Horn, however, most of the above border wars were of low intensity, did

not entail extensive loss of lives, and did not alter boundaries. Moreover, as C. O. C. Amate has contended, most of these conflicts were not brought to the attention of OAU heads of state. For those that involved some measure of external involvement—Ghana-Burkina Faso, Burkina Faso-Mali, and Gabon-Equatorial Guinea—feuding parties largely found bilateral mechanisms to demarcate the borders and resolve the causes of the disputes, giving limited diplomatic engagement to continental institutions.<sup>6</sup> Of these, only the Burkina Faso-Mali conflict came under the arbitration of the ICJ. After the most serious clash in 1975, in which fifty people were killed, the two countries agreed on a ceasefire in December 1985 and on international arbitration by the ICJ in 1986. Both sides accepted the ICJ's verdict in 1988.<sup>7</sup>

#### THE CHAD-LIBYA DISPUTE, 1972-1994

The Chad-Libya border conflict was a contest over the Aouzou Strip in northern Chad, which was allegedly rich in uranium and oil. Libya had long claimed the Strip on the basis of colonial treaties between France and Italy. During Italian control of Libya, Italian dictator Benito Mussolini had claimed this territory as a link with the Italian East African Empire. Although the French colonizers recognized Italian ownership of the Aouzou Strip in 1935, this treaty was not ratified. Subsequent efforts by France and the Libyan monarchy to define the status of the frontier failed, until Muammar Qaddafi resurrected the historical claims. Imbued with the idea of leading a revolution on the ancient Trans-Saharan trade routes through the Strip into Sub-Saharan Africa, Qaddafi occupied Aouzou in November 1972, igniting twenty-two years of war with Chad.

Unlike most of Africa's border conflicts, the conflict over the Aouzou Strip reflected the intersection of Libyan geostrategic ambitions and Chad's internal fragmentation, factors that overshadowed the technical questions surrounding the contest and explained its longevity. Chad's internal weakness stemmed from the profound divide between the Muslim-dominated north and

3 Saadia Touval, *The Boundary Politics of Independent Africa* (Cambridge, MA: Harvard University Press, 1972); Touval, "Partitioned Groups and Inter-State Relations," in *Partitioned Africans: Ethnic Relations across Africa's International Boundaries*, edited by Anthony Asiawaju (New York: St. Martin's, 1985), pp. 223-32.

4 C.O.C. Amate, *Inside the Organization of African Unity: Pan-Africanism in Practice* (New York: St. Martin's, 1986), pp.4084-408; B. Meyers, "Intraregional Conflict Management by the Organization of African Unity," *International Organization* 28, no. 3 (Summer 1974): 345-75.

5 For detailed analyses of these conflicts, see Ian Brownlie, *African Boundaries: A Legal and Diplomatic Encyclopedia* (London: C. Hurst and Company, 1979).

6 Amate, *Inside the Organization of African Unity*, pp. 419-23.

7 Kornprobst, "The Management of Border Disputes" pp. 278-279.

Christian south. The northern region, including the Aouzou Strip, was never completely under the effective control of either the French or the independent government of François Tombalbaye. Moreover, as Pittman shows, even after independence in 1965, France continued to administer the northern region. When southerners replaced French administration, more resentment galvanized the *Front de Liberation Nationale du Tchad* (Frolinat), an opposition movement supported by Libya.<sup>8</sup>

Facing armed opposition from Frolinat in the early 1970s, Chadian President Tombalbaye asked for the return of French administration, a temporary move that deepened northern alienation. Unable to contain the restless region, Tombalbaye reached a rapprochement with Libya in 1972 whereby Qaddafi occupied the Aouzou Strip in exchange for Libya ceasing support to the Frolinat leadership. But this arrangement collapsed when Tombalbaye was overthrown in 1975 by General Felix Malloum. The new government denounced Libya's occupation of the Aouzou Strip and began to rely increasingly on French support. Additionally, Chad's neighbors, such as Sudan and Egypt, which had their own quarrels with Libya, jumped into the fray in a bid to check Qaddafi's expansionism.

In contrast to Chadian fragmentation was Qaddafi's formidable strength, boosted by oil revenues and unchallenged control in Tripoli. To Qaddafi, the Aouzou conflict epitomized his political and religious determination to rid the region of Western, in particular, French influence and impose a *Pax Libyana* on neighboring states. Access to key leaders in the fractious Chadian politics and within the OAU enabled Libya to have an upper-hand throughout the civil war. As Amate has noted,

The situation in the country [Chad] was complicated by the claim that Libya had made on the Aouzou strip. None of the Chadian leaders accepted this claim but, blinded by their personal ambitions, all of them went to Libya at one time or another to seek to obtain financial and military support for their fight against those who happened to be in

power in N'Djamena and dared challenge the Libyan claim.<sup>9</sup>

OAU attempts to resolve the conflict first began in June 1977 at the Council of Ministers meeting in Libreville, Gabon, when the Chadian foreign minister accused Tripoli of occupying the Aouzou Strip. Chad further alleged that Libya planned to form a separate state in the Borkou, Ennedi, and Tibesti regions.<sup>10</sup> Despite Libyan denials, the OAU heads of state created an ad hoc committee made up of Algeria, Gabon, Mozambique, Nigeria, Senegal, and Cameroon to investigate Chadian claims. As a result of the deterioration in relations, Chad broke off diplomatic ties with Libya in February 1978 and sent a complaint to the UN Security Council. The OAU heads of state meeting in Khartoum in July 1978 heard arguments by Chad and Libya on the status of the disputed territory, but despite a sympathetic hearing from the OAU, the Malloum government failed to obtain OAU condemnation of Libyan occupation.

All the diplomatic efforts were overshadowed from 1979 with the escalation in Chad's civil war following the ouster of the Malloum government and the subsequent jostling for power by armed factions variously supported by Libya and its regional and international opponents. Caught in the midst of the civil war was the OAU, which, under Nigerian leadership, first tried to mediate among the internal military factions. In August 1979, Nigerian mediation led to an all-party agreement for ceasefire and the formation of broad-based transitional government. But these efforts were scuttled when thousands of Libyan troops streamed from the north and captured N'djamena in December 1980. By early 1981, the Libyan-supported government restored a modicum of stability and signaled a determination to "merge" the two nations. Libya's victory reinvigorated OAU efforts to send a peacekeeping force to Chad. Marking the first peacekeeping bid by the OAU in a civil war, the intervention in Chad (1981-82) deeply divided Africa without making a substantive contribution to ending the Chadian war.

After the military victory of President Hissen Habre in 1982, Chad witnessed a period of relative

8 Dean Pittman, "The OAU and Chad," in *The OAU After Twenty Years*, edited by Yassin El-Ayouty and I. William Zartman (New York: Praeger, 1984), p.299.

9 Amate, *Inside the Organization of African Unity*, p. 457.

10 Brownlie, *African Boundaries*, p. 125.

stability. Through strong-arm tactics, Habre resuscitated the authority of the central government and revived the national economy. The alliance with France enabled Habre to defeat Libya in 1986 and 1987, weakening Tripoli's hold on the Aouzou Strip. In August 1989, Libya and Chad agreed to resolve the border dispute by peaceful means within one year, and in the absence of a political settlement, they pledged to submit the dispute to the ICJ. Intense negotiation between the two states failed to resolve the conflict within this deadline, forcing them to indeed seek the arbitration of the ICJ in August 1990. After Habre was overthrown in December 1990 by Idriss Deby, the latter reached out to Libya to resolve the border conflict. During bilateral talks in Tripoli in February 1991, Deby announced that the Aouzou Strip belonged to Chad. On February 3, 1994, the ICJ ruled in favor of Chad over the ownership of the Aouzou Strip.<sup>11</sup> In April 1994, the two sides signed an agreement on troop withdrawal, delimitation of the boundary, and bilateral cooperation. Libyan troops began to withdraw on April 15, 1994, under the supervision of a commission composed of Chadian, Libyan, and UN officers.

As a sign of improved relations, Deby visited Tripoli in June 1994 and signed a treaty of "good neighborliness and cooperation" with Qaddafi, stressing cooperation and calling for the normalization of the border situation. They also agreed to refrain from encouraging or providing support to any group hostile to parties from their territories. The two also established the Libyan-Chadian Higher Joint Committee. Bilateral negotiations under this rubric began to lay firm foundations for cooperation, with Deby saying that the Aouzou Strip problem was now settled for good. In addition, Deby has been a key supporter of Libyan-led Community of Sahelian and Saharan States (COMESSA), that promotes regional economic cooperation and political stability.

### BOTSWANA-NAMIBIA DISPUTE, 1984-1999

The Botswana-Namibia dispute arose from a contest over the ownership of a small island, Kasikili/Sedudu, on the Chobe River in northern Botswana. The island is inhabited mostly by hippos,

buffalo, and crocodiles, and is often flooded during the rainy season. In a drought-prone region, however, questions of ownership of the island featured prominently in both countries' calculus.<sup>12</sup> The dispute hinged on the interpretation of the Anglo-German Agreement of 1890 on the boundary line in the Chobe River and the ownership of the island. While Namibia contended that the boundary was located in the channel south of the island, Botswana argued that the boundary lay in the Chobe River to the west and north of the island. In addition to the disagreement on the location of the boundary around the island, both also disagreed on the status of the island. Each maintained that the island was part of their respective territory.

In October 1984, apartheid South Africa's forces skirmished with Botswana's defense forces around the island. Talks between the two governments in December 1984 led to an agreement to establish a joint survey to determine whether the main channel of the Chobe River lay to the north or south of the island. In a report released in July 1985, the survey concluded that the channel of the river passed to the north of the island, giving support to Botswana's claims. Subsequently, Botswana unsuccessfully sought confirmation of these findings from a South African administration that was preoccupied with handing over the territory to African nationalists.<sup>13</sup>

Namibia's President Sam Nujoma resurrected the border claims when the South-West African Peoples Union (SWAPO) gained power in the country in 1990. From the initial phases of Namibia's protest over the hoisting of the Botswana flag on the island, both countries resorted to regional mechanisms under the auspices of the Southern African Development Coordination Conference (SADCC), the predecessor to the current Southern African Development Community (SADC). As part of these efforts, both parties invited Zimbabwe to mediate the dispute, culminating in the appointment of a Joint Team of Technical Experts (JTTE) to resolve the matter in terms of the 1890 Anglo-German treaty. The JTTE met on several occasions but failed to reach agreement. In September 1994, it recommended

11 "Documents Concerning the Settlement of the Chad/Libya Territorial Dispute," *International Legal Materials* 33, no. 3 (1994): 571-72.

12 Absalom Shigweda, "Water Wars Rise Again," *New African*, June 25, 1998.

13 W. R. Alexander, "Science, History, and the Kasikili Island Dispute," *South African Journal of Science* 95 (1999): 321-23.

that the dispute be forwarded to the ICJ for a final and binding solution. In 1995, both parties submitted their claims to the ICJ through a Special Agreement negotiated cordially between them. They asked the ICJ to resolve the two outstanding questions: the boundary line around the island, and its legal status.

As the ICJ was considering the case, there were minor skirmishes between the Botswana and Namibian security forces on the river. Namibia also expressed displeasure at Botswana's arms build-up, persuading Germany in 1997 to block a proposed sale by the Netherlands of fifty-four German-built Leopard heavy tanks to Botswana. Although President Nujoma once publicly vowed to seize Kasikili/Sedudu by force if Botswana refused to honor any verdict by the ICJ in Namibia's favor, both countries refrained from overpoliticizing the border dispute and, as a result, there were no serious rifts in diplomatic relations.

Instead, the disputing parties largely deferred to expert and technical advice on the determination of the issues in the conflict. From the time of the joint survey in the mid-1980s, science played an increasingly important role in the resolution of the dispute, underscoring the importance of technical knowledge in the search for a solution. This role was even more pertinent during the hearing of the case. As Alexander has noted:

The ratio of ten lawyers to six scientists who made oral presentations to the ICJ during the Kasikili island dispute is an indication of the increasing role played by scientists in the resolution of international disputes. This is a challenging role. The scientist has several obstacles to overcome, starting with the realization that while science is logic based, law is based on precedent. Precedent in international law can go back a century or more, and it is often difficult to reconcile science with precedent-based legal decisions and their application to modern conditions.<sup>14</sup>

In December 1999, the ICJ rendered a verdict with three components. First, it found by eleven votes to four that the boundary between them lay in the northern channel of the Chobe River around the island, an outcome that favored Botswana.

Second, it found by eleven votes to four that the island belonged to Botswana. Third, it unanimously decided that in the two channels surrounding the islands, vessels from both countries would enjoy equal national treatment.<sup>15</sup> The third provision was in line with a 1992 bilateral agreement between Botswana and Namibia that allowed for freedom of navigation on the Chobe River.

Following the ICJ judgment, both sides unreservedly accepted the ruling. Common membership in SADC and solid bilateral relationships strengthened the momentum to resolve the conflict quickly, which was reinforced by a political leadership that recognized the advantages of a decision based on scientific evidence and fact. As Nicholas Sims has observed,

This was the first time that a case had been brought before the Court by two Commonwealth members 'arm in arm'; and it was the first time that a territorial dispute between two members, brought by any route, had proceeded the whole way to judgment on the basis of the merits of the case. It was also one of only a few disputes of any kind between Commonwealth countries ever to come to The Hague for adjudication.<sup>16</sup>

Ultimately, merit-based, technical settlements of border disputes can only be implemented by political leaderships that respect legality and are secure in their domestic domains.

## CONCLUSION

African borders have been domesticated over the years, acquiring an empirical reality that has grown with age. But these borders also remain permeable because of the integrative forces of economic, social, and political interactions and the disintegrative forces of state implosion. Integration denies the significance of geographical boundaries as barriers to the cosmopolitan and civilizational processes of trade and market expansion. State implosion makes external borders less salient, highlighting the imperative of remaking internal political boundaries of citizenship, commerce, and constitutionalism. The tension between the integrative and disintegrative forces is the key to probing the future of African boundaries.

<sup>14</sup> Ibid, p. 324.

<sup>15</sup> Constance Johnson, "International Court of Justice, Current Legal Documents," *International Journal of Marine and Coastal Law* 15, no.4 (2000): 581-599.

<sup>16</sup> Nicholas Sims, "The Commonwealth and the International Court of Justice," *Round Table*, no. 354 (2000): 205-206.



Regional integration depends first on sturdy and stable boundaries, demarcated and delimited by treaties and agreements. Before sovereignty is ceded, it has to be clearly defined and delineated, hence the urgency of delimitation and demarcation exercises. Within the ambit of the new institutions of the AU, there is need for movement on the establishment of a continental Boundary Demarcation Commission to preempt future border conflicts.<sup>17</sup> Where these processes are depoliticized, as the case of the Namibia-Botswana border decision reveals, there is bound to be less acrimony and conflict. Science, satellites, and surveys ought to be utilized to lend objective solutions to geographic contrivances as these contrivances lose their political sharpness. Integration promises new megastates and political federations, like that which the East African Community (EAC) contemplates doing by 2013 or like the “United States of Africa” perennially advocated by Qaddafi. Political federations will not

submerge borders, they may only manage them better once there is consensus on where the lines are and should be.

State implosion diminishes irredentist claims as the case of Somalia demonstrates, creating new opportunities for the emergence and reemergence of smaller states, reflecting a healthy balance between geographical and political boundaries. While not recognized in law, Somaliland and Puntland present interesting cases of this phenomenon. Yet as the border skirmishes between Somaliland and Puntland (and probably a new South Sudanese state with the old Sudan) attest, even new states need unambiguous borders. By the same token, efforts to check state disintegration are a collective and regional African enterprise, primarily because it unleashes refugees and other ills that task and threaten neighbors. Borders are a critical mark of sovereignty and responsibility, values that are obliterated when disintegration ensues.



Secretary-General Kofi Annan (center) walks with Presidents Olusegun Obasanjo (left) of Nigeria; and Paul Biya (right) of Cameroon, at the start of the meeting of the Cameroon-Nigeria Mixed Commission over the Bakassi Peninsula issue, at Greentree, Long Island, New York, June 12, 2006.

17 For discussions on the merits of demarcation, see I. William Zartman, “Bordering on War,” *Foreign Policy* 124 (May-June 2001): 66-67. Demarcation attempts may also be resisted, as witnessed in the Zambia-Malawi border where both governments have tried to demarcate the border to “bring order to the border.” In 2004, six months of negotiations on border demarcation were held, but settlers who have encroached from both sides threatened violence if security personnel from either country attempted to draw a line between them. See *Africa Contemporary Record*, April 2005. For some of the ongoing exercises in demarcation and delimitation, see Leon Edward Moller, “The Outstanding Namibian Maritime Boundary with Angola and South Africa,” *The International Journal of Marine and Coastal Law* 18, no.2 (2003): 241-260.

## DOCUMENTS

### International Court of Justice Judgment

## Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria: Equatorial Guinea intervening)

Press Release 2002/26

10 October 2002

The Court determines the boundary between Cameroon and Nigeria from Lake Chad to the sea. It requests each Party to withdraw all administration and military or police forces present on territories falling under the sovereignty of the other Party.

THE HAGUE, 10 October 2002. The International Court of Justice (ICJ), principal judicial organ of the United Nations, has today given Judgment in the case concerning the Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria: Equatorial Guinea intervening).

In its Judgment, which is final, without appeal and binding for the Parties, the Court determines as follows the course of the boundary, from north to south, between Cameroon and Nigeria:

- In the Lake Chad area, the Court decides that the boundary is delimited by the Thomson-Marchand Declaration of 1929-1930, as incorporated in the Henderson-Fleuriau Exchange of Notes of 1931 (between Great Britain and France); it finds that the boundary starts in the lake from the Cameroon-Nigeria-Chad tripoint (whose co-ordinates it defines) and follows a straight line to the mouth of the River Ebeji as it was in 1931 (whose co-ordinates it also defines) and thence runs in a straight line to the point where the river today divides into two branches.
- Between Lake Chad and the Bakassi Peninsula, the Court confirms that the boundary is delimited by the following instruments:
  - i) from the point where the River Ebeji bifurcates, as far as Tamnyar Peak, by the Thomson-Marchand Declaration of 1929-1930 (paras. 2-60), as incorporated in the Henderson-Fleuriau Exchange of Notes of 1931;
  - ii) from Tamnyar Peak to pillar 64 referred to in Article XII of the Anglo-German Agreement of 12 April 1913, by the British Order in Council of 2 August 1946;
  - iii) from pillar 64 to the Bakassi Peninsula, by the Anglo-German Agreements of 11 March and 12 April 1913.

The Court examines point by point 17 sectors of the land boundary and specifies for each one how the above-mentioned instruments are to be interpreted (paras. 91, 96, 102, 114, 119, 124, 129, 134, 139, 146, 152, 155, 160, 168, 179, 184 and 189 of the Judgment).

- In Bakassi, the Court decides that the boundary is delimited by the Anglo-German Agreement of 11 March 1913 (Arts. XVIII-XX) and that sovereignty over the Bakassi Peninsula lies with Cameroon. It decides that in this area the boundary follows the thalweg of the River Akpakorum (Akwayafe), dividing the Mangrove Islands near Ikang in the way shown on map TSGS 2240, as far as a straight line joining Bakassi Point and King Point.

- As regards the maritime boundary, the Court, having established that it has jurisdiction to address this aspect of the case—which Nigeria had disputed—fixes the course of the boundary between the two States' maritime areas.

In its Judgment the Court requests Nigeria expeditiously and without condition to withdraw its administration and military or police forces from the area of Lake Chad falling within Cameroonian sovereignty and from the Bakassi Peninsula. It also requests Cameroon expeditiously and without condition to withdraw any administration or military or police forces which may be present along the land boundary from Lake Chad to the Bakassi Peninsula on territories which pursuant to the Judgment fall within the sovereignty of Nigeria. The latter has the same obligation in regard to territories in that area which fall within the sovereignty of Cameroon.

The Court takes note of Cameroon's undertaking, given at the hearings, to "continue to afford protection to Nigerians living in the [Bakassi] peninsula and in the Lake Chad area".

Finally, the Court rejects Cameroon's submissions regarding the State responsibility of Nigeria. It likewise rejects Nigeria's counter-claims.

#### Composition of the Court

The Court was composed as follows: President Guillaume; Vice-President Shi; Judges Oda, Ranjeva, Herczegh, Fleischhauer, Koroma, Higgins, Parra-Aranguren, Kooijmans, Rezek, Al-Khasawneh, Buergenthal, Elaraby; Judges ad hoc Mbaye, Ajibola; Registrar Couvreur.

Judge Oda appends a declaration to the Judgment of the Court; Judge Ranjeva appends a separate opinion to the Judgment of the Court; Judge Herczegh appends a declaration to the Judgment of the Court; Judge Koroma appends a dissenting opinion to the Judgment of the Court; Judge Parra-Aranguren appends a separate opinion to the Judgment of the Court; Judge Rezek appends a declaration to the Judgment of the Court; Judge Al-Khasawneh and Judge ad hoc Mbaye append separate opinions to the Judgment of the Court; Judge ad hoc Ajibola appends a dissenting opinion to the Judgment of the Court.

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A fuller summary of the Judgment is given in Press Communiqué 2002/26bis, to which is annexed a summary of the judges' declarations and opinions. The full text of the Judgment, declarations and opinions, together with the press communiqués, is available on the Court's Internet site ([www.icj-cij.org](http://www.icj-cij.org)).



## The Greentree Agreement



President Paul Biya of Cameroon (left) and President Olusegun Obasanjo of Nigeria (right), along with United Nations Secretary-General Kofi Annan (center) sign an agreement regarding the dispute over the Bakassi Peninsula, at Greentree, Long Island, New York, June 12, 2006.

### Agreement Between the Republic of Cameroon and the Federal Republic of Nigeria Concerning the Modalities of Withdrawal and Transfer of Authority in the Bakassi Peninsula

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 their two countries for the well-being of their peoples and for stability in the subregion,

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 the 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 I 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 Committee 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 the 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:

For the Federal Republic of Nigeria:

Paul Biya, President

Olusegun Obasanjo, President

**Witnesses**

For the United Nations:

Kofi Atta Annan

For the Federal Republic of Germany:

For the United States of America:

H.E. Gunter Pleuger

H.E. Jackie Sanders

For the French Republic:

For the United Kingdom of Great Britain and Northern Ireland:

H.E. Michel Duclos

H.E. Karen Pierce

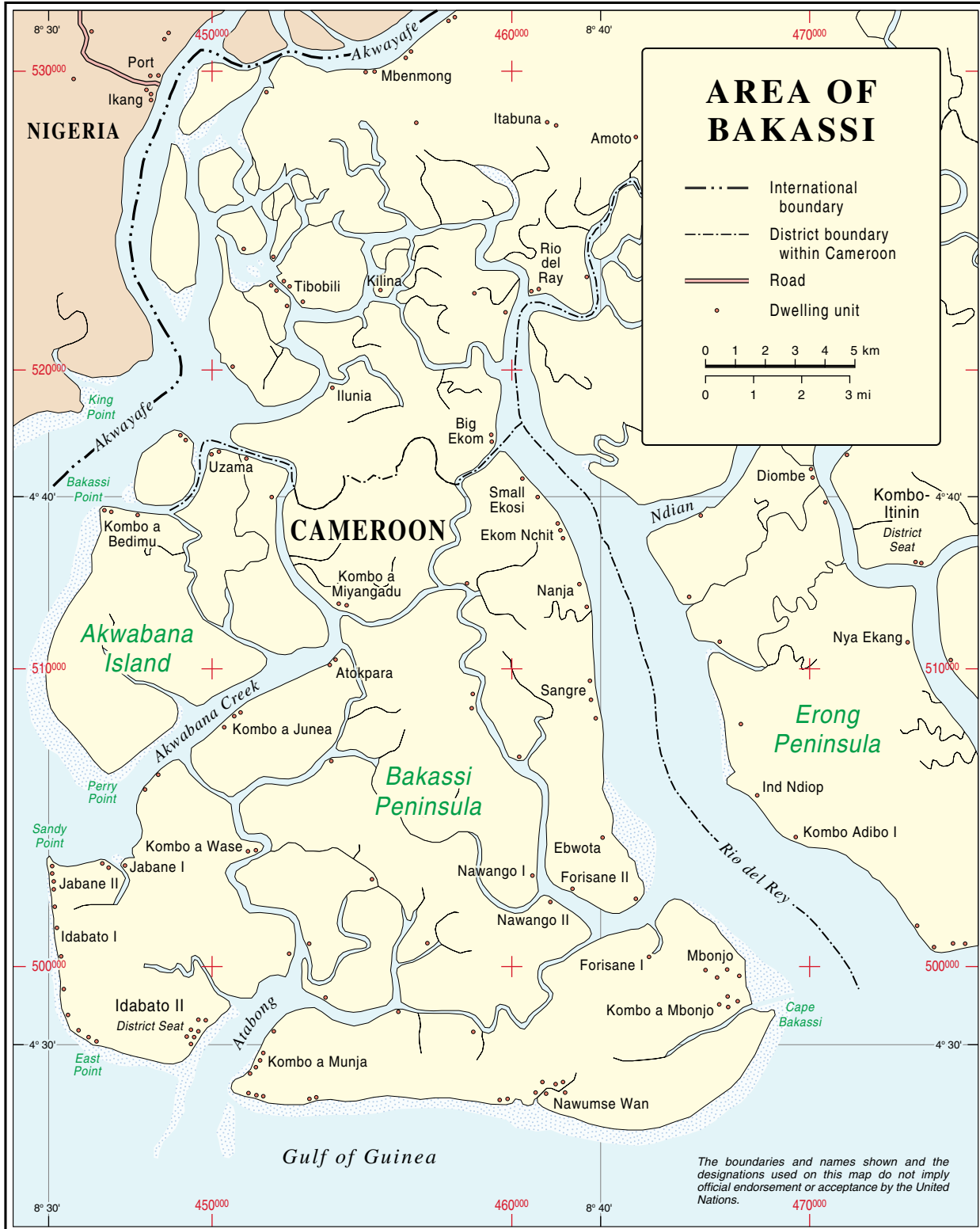
## Annex I

### Zone in question of the Bakassi Peninsula

1. In order to prepare the Nigerian nationals living in the zone in question of the Bakassi Peninsula (hereinafter “the Zone”) for the transfer of authority to Cameroon, the Zone shall temporarily be subject to a special status as laid down in this Annex.  
For the purpose of this Annex, the details of the delimitation of the Zone are set out in the attached map (Annex II).
2. (a) Cameroon shall allow Nigeria to keep its civil administration and a police force necessary for the maintenance of law and order in the Zone for a non-renewable period of two years from the time of the withdrawal of the Nigerian forces. At the end of this period, Nigeria shall withdraw its administration and its police force and Cameroon shall take over the administration of the Zone.  
(b) The United Nations and the witness States shall be invited to attend the ceremony of the transfer of authority.
3. For the duration of this period, Nigeria shall:
  - (a) not conduct or allow the conduct of any activities in the Zone which would prejudice Cameroon’s peace or security;
  - (b) take every necessary measure, under the supervision of the United Nations observers of the Cameroon-Nigeria Mixed Commission, to stop any transfer or influx of its nationals into the Zone;
  - (c) not engage in any activity in the Zone which would complicate or hinder the transfer of authority to Cameroon;
  - (d) equip its police force in the Zone with only the light equipment strictly necessary for the maintenance of law and order for personal defence;
  - (e) guarantee to Cameroonian nationals wishing to return to their village in the Zone the exercise of their rights;
  - (f) not conduct or continue the exploitation of natural resources in the sub-soil of the Zone, or to engage in any other activity harmful to the environment;
  - (g) take every necessary measure to prevent any change in land-property rights; and
  - (h) not position any armed forces in the Zone.
4. Following the transfer of authority over the Zone to Cameroon, the latter shall apply to the Zone a special transitional regime for a non-renewal period of five years.  
In the application of the special transitional regime, Cameroon shall:
  - (a) facilitate the exercise of the rights of Nigerian nationals living in the Zone and access by Nigerian civil authorities to the Nigerian population living in the Zone;
  - (b) not apply its customs or immigration laws to Nigerian nationals living in the Zone on their direct return from Nigeria for the purpose of exercising their activities;
  - (c) allow officers and uniformed personnel of the Nigerian police access to the Zone, in cooperation with the Cameroonian police, with the minimum of formalities when dealing with inquiries into crimes and offences or other incidents exclusively concerning Nigerian nationals; and
  - (d) allow innocent passage in the territorial waters of the Zone, to civilian ships sailing under the Nigerian flag, consistent with the provisions of this Agreement, to the exclusion of Nigerian warships.
5. At the end of the special transitional regime, Cameroon shall fully exercise its rights of sovereignty over the Zone.
6. In accordance with paragraph 4 of this Annex, any acquisition of land in the Zone by Nigerian nationals not resident in the Zone at the time of the signature of this Agreement shall be perfected only in accordance with the laws and regulations of Cameroon.

Annex II

Map of the Bakassi Peninsula





## APPENDIX

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### Conference Agenda

“Lessons from the Resolution of the Bakassi Dispute”

July 18, 2007

InterContinental Hotel, New York, NY

Jointly hosted by

University of Yaoundé II

Nigerian Institute of International Affairs

Commonwealth Secretariat

International Peace Academy (*now International Peace Institute*)

With support from the governments of Cameroon and Nigeria

#### Wednesday, July 18, 2007

08:30 – 09:00

**Breakfast**

09:00 – 09:30

**Session I: Setting the Scene**

**Welcome Remarks**

Ambassador John L. Hirsch, *International Peace Academy*

HE Dr. Joy Ogwu, *Minister for Foreign Affairs, Federal Republic of Nigeria*

HE Professor Maurice Kamto, *Minister Delegate of Justice, Republic of Cameroon;*  
*Professor, University of Yaoundé II*

09:30 – 10:15

**Keynote Address**

**Introduction**

Professor Ade Adefuye, *Special Adviser, Head of Africa Section, Political Affairs Division,*  
*Commonwealth Secretariat, London*

**Keynote Speaker**

Professor Ibrahim Gambari, *Under-Secretary-General and Special Adviser to the*  
*UN Secretary-General*

10:15 – 10:45

Coffee Break

10:45 – 12:30

**Session II: Getting to Yes: Opportunities and Challenges in the Bakassi Resolution**

**Chair**

Ambassador John L. Hirsch

*The session will investigate the underlying factors of the Cameroon-Nigeria border dispute from both Nigerian and Cameroonian viewpoints. The aim is to help uncover the deeper*

*issues of the dispute and the incentives responsible for bringing the parties to settlement. It will also provide a background to the character and role of third parties in mediation, especially the role of the United Nations. It will look at the advantages and disadvantages of court-based adjudication, the prospects of Bakassi succeeding, alternative mechanisms that could have been used, and any lessons for other African cases.*

**Discussants**

Professor Maurice Kamto

“Deconstructing the Cameroonian Case”

Professor Bola Ajibola, *Former Foreign Minister, Federal Republic of Nigeria*

“Bakassi: Issues from the Nigerian Perspective”

General discussion

12:30 – 13:30

Lunch

13:30 – 15:00

**Session III: Settling Border Disputes: the Relevance of Bakassi**

**Chair**

Professor Ade Adefuye

*This session will compare a number of African border disputes and determine how useful the Bakassi experience could be to these cases. Possible examples could be Eritrea-Ethiopia, Chad-Libya, Senegal-Guinea Bissau, or other cases that presenters might determine as broadening understanding in settling disputes in Africa and internationally. The session will also benefit from insights pertaining to various options for settling disputes, such as negotiation, mediation, arbitration/adjudication, and use of “good offices,” and how these help us understand why agreements succeed or fail.*

**Discussants**

Dr. Ruth Iyob, *Associate Professor, Department of Political Science, and Fellow, Center for International Studies, University of Missouri, St Louis*

“Comparative Perspectives: Cases from the Horn of Africa”

Dr. Gilbert Khadiagala, *Jan Smuts Professor of International Relations and Head of Department of International Relations, University of Witwatersrand, South Africa*

“Comparative Perspectives: Other Cases from Africa”

General discussion

15:00 – 15:30

Coffee Break

15:30 – 16:30

**Session IV: Preventing Border Disputes and Improving Compliance with Agreements: Lessons Learned**

**Chair**

Professor Maurice Kamto

**Discussants**

Mr. Geoffrey Mugumya, *Director, Peace and Security, African Union Commission, Ethiopia*

Colonel Larry Gbevlo-Lartey, *Coordinator, International Observer Team to the Cameroon-Nigeria Mixed Commission*

General discussion

16:30 – 17:15

**Session V: Closing Remarks and Recommendations****Chair**

Ambassador John L. Hirsch

**Discussants**

Mr. Haile Menkerios, *Assistant Secretary-General, United Nations Department of Political Affairs*

Professor Margaret Vogt, *United Nations Department of Political Affairs*

## Conference Participants

### Delegation of the Government of the Republic of Cameroon

**Mr. Anicet Abanda Atangana**

Senior Advisor, General Secretariat of the Presidency; Lecturer, University of Yaoundé II

**Professor Maurice Kamto**

Minister-Delegate, Ministry of Justice; Professor, University of Yaoundé II

**Dr. Fabien Nkot**

Adviser, Office of the Prime Minister; Professor, University of Yaoundé II

### Delegation of the Government of the Federal Republic of Nigeria

**Professor Osita Eze**

Director-General, Nigerian Institute of International Affairs

**HE Dr. Joy Ogwu**

Minister of Foreign Affairs of the Federal Republic of Nigeria

### Permanent Missions to the United Nations

**Mr. Ebenezer Appreku**

Minister Counselor and Alternate Representative to the Security Council, Permanent Mission of Ghana to the United Nations

**Mr. Tete Antonio**

Minister Counselor, Permanent Mission of the Republic of Angola to the United Nations

**Mr. Enama Atanhana**

First Secretary, Permanent Mission of the Republic of Cameroon to the United Nations

**HE Mr. Martin Chungong Ayafor**

Deputy Permanent Representative, Permanent Mission of the Republic of Cameroon to the United Nations

**HE Mr. Martin Belinga-Eboutou**

Permanent Representative, Permanent Mission of the Republic of Cameroon to the United Nations

**Mr. Alain Wilfried Biya**

Second Secretary, Permanent Mission of the Republic of Cameroon to the United Nations

**HE Mr. Araya Desta**

Permanent Representative, Permanent Mission of Eritrea to the United Nations

**Ms. Cécile Mballa Eyenga**

First Secretary, Permanent Mission of the Republic of Cameroon to the United Nations

**Mr. Amanuel Giorgio**

First Secretary (Social and Legal Affairs), Permanent Mission of Eritrea to the United Nations

**HE Mr. Tamsir Jallow**

Permanent Representative, Permanent Mission of Gambia to the United Nations

**HE Mr. Negash Kebret**

Deputy Permanent Representative and Head of Mission, Permanent Mission of Ethiopia to the United Nations

**Mr. Elias Melaku**

Assistant to the Deputy Permanent Representative, Permanent Mission of Ethiopia to the United Nations

**Ms. Julia Milders**

Assistant Attaché, Permanent Mission of the Kingdom of the Netherlands to the United Nations

**Mr. Kinge Monono**

Second Counselor, Permanent Mission of the Republic of Cameroon to the United Nations

**Mr. Ferdinand Ngoh Ngoh**

Minister Counselor, Permanent Mission of the Republic of Cameroon to the United Nations



**HE Mr. Joseph Ntakirutimana**  
Permanent Representative, Permanent Mission of  
Burundi to the United Nations

**HE Mr. Sylvester Rowe**  
Deputy Permanent Representative, Permanent  
Mission of Sierra Leone to the United Nations

**Mr. Victor Tchatchouwo**  
Second Counselor, Permanent Mission of the  
Republic of Cameroon to the United Nations

**HE Mr. Iya Tidjani**  
Deputy Permanent Representative, Permanent  
Mission of the Republic of Cameroon to the  
United Nations

**HE Mr. Aminu Wali**  
Permanent Representative, Permanent Mission of  
the Federal Republic of Nigeria to the United  
Nations

United Nations

**Dr. Roselyn Akombe**  
Political Affairs Officer, United Nations  
Department of Political Affairs

**Professor Ibrahim Gambari**  
Special Adviser to the Secretary-General of the  
United Nations

**Lt. Col. Larry Gbevlo-Lartey**  
Coordinator, International Observer Team to the  
Cameroon-Nigeria Mixed Commission

**Mrs. Angèle Makombo**  
Senior Political Officer, United Nations  
Department of Political Affairs

**Mr. Nick Seymour**  
Senior Political Adviser, Change Management,  
United Nations Department of Peacekeeping  
Operations

**Professor Margaret A. Vogt**  
Deputy Director, Africa 1 Division, United  
Nations Department of Political Affairs

African Union

**Mr. Geoffrey Mugumya**  
Director, Peace & Security of the African Union  
Commission

Commission of the Gulf of Guinea

**HE Mr. Carlos A. Bragança Gomes**  
Executive Secretary

**Ambassador Florentine Adenic Ukonga**  
Deputy Executive Secretary

The Commonwealth Secretariat

**Professor Ade Adefuye**  
Special Adviser and Head of Africa Section,  
Political Affairs Division

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Political Officer, Political Affairs Division,  
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Academics and Policy Analysts

**Dr. A. Sarjoh Bah**  
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(Global Peace Operations), Center on  
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**Ms. Catherine Bellamy**  
Associate Director (External Relations and Special  
Projects), Center on International Cooperation

**Dr. Ruth Iyob**  
Associate Professor, University of Missouri

**Dr. Bruce Jones**  
Co-Director and Senior Fellow, Center on  
International Cooperation

**Dr. Gilbert Khadiagala**  
Jan Smuts Professor of International Relations and  
Head, Department of International Relations,  
University of Witwatersrand, South Africa

**Dr. Kwaku Nuamah**

Associate Professor, Conflict Analysis and Dispute Resolution, Salisbury University, Maryland

**Ambassador Donald K. Steinberg**

Vice President for Multilateral Affairs,  
International Crisis Group

International Peace Academy (now International  
Peace Institute)

**Ambassador John L. Hirsch**

Senior Fellow

**Mr. Mashood Issaka**

Senior Program Officer, *rapporteur*

**Ms. Kapinga Yvette Ngandu**

Program Officer, *rapporteur*

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Special Assistant to the President







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