

The Cameroon and Nigeria Negotiation Process over the Contested Oil rich Bakassi Peninsula

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1. Introduction

This paper is aimed at exploring the negotiation process between Cameroon and Nigeria over the resource-rich Bakassi Peninsula located along the gulf of Guinea. Although relations between neighboring Cameroon and Nigeria have been strained over issues relating to their 1,600-kilometer land boundary, extending from the Lake Chad Basin to the Bakassi peninsula and going as far as the maritime boundary in the Gulf of Guinea, Negotiation has helped create a workable solution for both countries. Among the issues involved are rights over the oil-rich land and sea reserves as well as the fate of the local populace of the region.

The contested Bakassi peninsula is an area of some 1,000km of mangrove swamp and half submerged islands mostly occupied by fishermen settlers (Anene, 1970:56). The discovery of potential oil reserves in the waters surrounding the Peninsula has only helped heighten tensions between the two countries. Since 1993, the peninsula, which apart from oil wealth also boasts of heavy fish deposit, has been a subject of serious dispute, between Cameroon and Nigeria with score of lives lost from military aggressions and tribal squabbles (Olumide, 2002:4).

As tension continued to mount and many more lives were lost as a result of the conflict, the Cameroonian government got tired and took legal action on march 24, 1994 by filing a law suit against Nigeria at the International Court of Justice, at the Hague, seeking an injunction for the expulsion of Nigerian force, which they said were occupying

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the territory and to restrain Nigeria from laying claim to sovereignty over the peninsula. Cameroon was confident about this law suit because they knew that the 1913 Anglo-German agreement shifted the peninsula from its original position in Nigeria in favor of Cameroon and also because of the 1975 “Maroun Declaration” between the Heads of state, General Yakubu Gowon of Nigeria and Ahmadu Ahidjo of Cameroon in which Gowon allegedly gave out the territory to Cameroon (Olumide 2002:4). Being the minority with only one-tenth of the Bakassi population, Cameroon felt justified that the courts will sympathize with her since Nigeria was only using its population advantage as an occupational tactic to claim ownership of the peninsula (1995, Vol. 1, p 8). Our decision to explore this conflict is not only because of the lost of lives and the interest it has ignited on both countries and the international community, but also because of the significance of its negotiated resolution to world peace and diplomacy.

In a bid to have an in depth investigation of the situation, our, paper has been divided into sections. After the introduction, a historical background of the conflict would be investigated, followed by the factors that contributed to the conflict, then the actual conflict itself, the negotiation process, proposed solutions/ICJ ruling and the implication of the judgment on both sides and the conclusion.

2. Historical Background of the Conflict

Disputes along the Cameroon-Nigeria boarder has been a matter of historic proportions especially along the Cross River to the Sea section where in lies the Bakassi peninsula. The dispute over the Bakassi peninsula is not only the product of redefinition of boundary by the colonial powers but more so a product of resource allocation and clash of tradition and modernity in which the pre-colonial history of the ancient kingdom of Calabar haunted the post-colonial reality of contemporary Nigeria and Cameroon.

In pre-colonial times, the now disputed Bakassi peninsula was under the ancient kingdom of Calabar which became part of Nigeria in 1914 under British rule. However, through a series of bilateral treaties and other legal instruments, the British ceded the territory, first to Germany, and then placed it under the mandate of the League of Nations and trusteeship of the United Nations. Meanwhile the British protectorates in Nigeria, including the Kingdom of Calabar were merged with its colonies in the area, as one integrated British colony. Later, largely due to the political errors and indifference of Nigeria politicians, the Republic of Cameroon obtained the Bakassi Peninsula in the process of a plebiscite conducted by the United Nations in 1959 and 1961. By the same process, Nigeria also obtained some territories which formerly belonged to Cameroon.

The most important documents that concerns the demarcation of the boarder between the Cameroons and Nigeria are the following: The Anglo-German Treaty; The Anglo German Protocol signed in Obokun, on April 12, 1913; The exchange of letters between British and German governments on July 6th 1914; the endorsement, in 1961, by both the United Nations General Assembly and the International Court of Justice of the results of the plebiscite conducted in Northern and Southern Cameroon. February 11th and 12th, 1961; and the diplomatic note, accompanied by a map, dispatched to the government of Cameroon by Nigeria, in 1962 accepting the results of the plebiscite ([http:// www.postwatchmagazine.com](http://www.postwatchmagazine.com))

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

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3. Factors that Contributed to the Conflict

Among the many factors that contributed to the above conflict was the legacy of both the imperialist colonial rule and the neo-colonial regimes in African at the time. The imperialist capitalist and the colonial masters like Portugal, German, France and Britain and their shrewd and selfish economic, political and strategic calculations of the 19th century acted as nursery for future African conflict. The ground work for such future conflicts in the region were laid through things like the divide and rule system of administration and the partitioning of African States and its people irrespective of the damage it caused to the peoples language, socio-political life and cultural affiliations and ancestral lineage. This selfish behavior divided ethnics groups into territories controlled by the colonial lords and then stifled the reign of peace in the region as divided families opposed the system and fought for the unity of their families and friends. This response became rampant across the board in Africa as people objected the cruel and selfish destruction of their culture caused by the colonial masters. This selfish, mean and sneaky behavior ignited many African conflicts especially the Bakassi peninsula case study http://socialistworld.net/eng/2002.11/12_nigeria.htm.

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

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

The African family is extended and covers a sum total of brothers and sisters of parents, with their families as well as grandparents. Relationships between uncles and nephews can be just as close as and even closer than between actual parents and their children. Children tend to be closer to their grandparents than their own parents because grandparents care for the children throughout the day while the parents are away working. A person then has many people who could be considered their fathers and mothers as well as a gamut of brothers and sisters. This deep sense of community living does not end at the level of the extended family but continues to the larger community of the tribe and even the clan which is not only limited to those living but extends backward to the ancestral spirits who constitute a vital part of the community. To Mbiti then existence in relationships sums up the pattern of the African way of life (1969, p. 102). From the above worldview, it is certain that redefining boundaries and separating people under the pretext of colonization was deeply offensive to Africans values, thus conflict.

It is a paradox to realize that the United Nations decision to end colonialism and grant autonomy to African states which was meant to be source of empowerment turned out to be a curse instead. When news went out from the UN that African States be granted their independence, the colonial masters used the most careless exit strategy ever. They hurriedly packed their things and left, without preparing these states for leadership in systems planned and build using foreign ideology and still disguisedly run from abroad. If suspicion were anything to go by, then one would be right to say that this option was taken because the colonial masters did not really want to provide a framework through which Africans could truly be free from colonial

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exploitation. The reality then was not only chaos throughout the African territory but an outburst of civil wars and tribal conflicts as a result of boundary issues exemplified by the Bakassi conflict. The question that remains now is: Are African states truly independent considering that they are an arbitrary creation of colonial creed? Is conflict not perpetual visitor among African states? Who can say?

The manner, in which the colonial masters invaded the African continent during the concluding years of the nineteenth century in their scramble for territories, was bound to leave a legacy of unnaturally controlled borderlines, which now define the emergent African states. It is then for this reason that the International Court of Justice ruling on the Bakassi peninsula conflict between Nigeria and Cameroon was critically examined. It is absolutely unfortunate that international agreements held during the era of the scramble for Africa generated conflict among African states themselves due to their devious motives thus creating an unhappy legacy for colonialism.

The primary cause of conflict between Cameroon and Nigeria was the discovery of natural crude oil in the region. It is interesting to say that long before the discovery of oil in Bakassi, Cameroonians and Nigerians in the region lived in harmony although few squabbles were registered here and there. The reason both countries did not pay attention to Bakassi is in part because it was a remote area inhabited by people considered to be non-consequential. Notwithstanding, when oil and other natural resource and minerals were discovered in the peninsula, attention from both countries and also from their colonial connections was ignited thus creating tension, argument and in some cases death. This is sad and really hypocritical because if oil was never discovered in this region, both regimes would have cared less about the region with its poor, remote, marshy and non-consequential inhabitants.
<http://socialistworld.net/eng/2002/11/12nigeira.html>.

This newly developed interest to the peninsula after oil had been discovered was viewed with suspicion by the indigenes since they suspected that such interest could only be superficial and geared towards personal gain and nothing

else. The Nigerian and the Cameroon regime at the time could say that conflict started as a result of the scramble for oil but for the indigenes of Bakassi, conflict was as a result of a much more complex reality although the discovery of oil was one of them. Much more serious to the indigenes was the sometimes separation of families and tribes from their ancestral ties, burial grounds and religious sites due to displacement not only generated by the effects of the scramble of Africa but because of the internal conflict experienced over the newly discovered treasure. Although oil played a fundamental part in the conflict, deeper issues related to fighting, destruction and displacement were equally played key roles in the whole saga.

As has already been stated, colonial activity along the Cameroon Nigeria border caused more harm than good because of the cultural genocide which was consciously or unconscious ignited by separation of people through redefinition of boundary. This did not only leave people homeless but destroyed cultures. Culture shapes peoples identity and directs their thinking, feeling and reaction as it is obtained and spread through sings and symbols which represent the distinctive achievements of human groups (Clyde Kluckhohn 1951). Although culture is acquired over time and shaped by the contingencies of social living in a particular location, it truly becomes an inherent part of a people's life and defines their uniqueness to the extent that one is left with no substance and essence when detached from his or her culture (Avruch 1998, p. 5). For this reason, any conscious or unconscious act that alienates people from their culture greatly violates people's values and ignites conflict. The Bakassi conflict is no exception.

4. The Conflict

Although the conflict between Cameroon and Nigeria in the Bakassi peninsula is generated by the discovery of oil and natural resources, it is equally a problem of land allocation, underdevelopment and more so the effects that governance has on national identity. The conflict itself lies in the fact that the people of Bakassi live in an area disputed by Cameroon to be theirs but claimed by Nigeria for decades.

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Whatever the case, the oil-rich peninsula is highly valuable to each country to the extent that both countries have come to the brink of war several times over its ownership.

On May 15th 1981, it was broadcasted over Cameroon radio news that a Nigerian military patrol army violated the Cameroon's national territory by infiltrating the Peninsula and opened fired on the Cameroon army. When this happened, the Cameroonian army fired back and killed 5 Nigerians soldiers. These pockets of fights continued and in 1992-1993, reports have it that Cameroonian gendarmes openly killed some Nigerian civilians in Cameroon.

In 1992-1993, the Cameroon government continued with aggression against Nigerians by openly killing some Nigerian civilians in Cameroon during the time when Anglophones demanded their autonomy from the Francophone's. At this time, some Nigerians were even ousted from Cameroon as the harassing tax-drives went on.

From January of 1994 to May of 1996, border clashes between Cameroon military personal and the Nigeria military continued to occur, this time on a more serious manner. By the 6th of May 1996, diplomatic representations reported that over fifty Nigerian soldiers had been killed and some taken to prisons in Cameroon. Although Nigeria is much bigger in population and military size, it is said that Cameroon did not have any casualties in the battle. (NY Time, May 7th 1996, p. 5)

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

It should be mentioned that from 1919-1958, Southern Cameroon was jointly administered with Nigeria and Bakassi was located in the Southern Cameroonian region. For this reason, Nigeria rejected any calls from French Cameroon that she should leave the peninsula thus leading to conflict between Nigeria and French Cameroon as French Cameroon protected Bakassi as part of the federation.

It is even registered that as recent as June 21st 2005, tension continued to mount in Bakassi and this time Nigerian troops fired rocket-propelled grenades at a Cameroon security posts, killing one Cameroonian soldier. (UN report, June 23 2005)

5. The Negotiation Process and the ICJ Ruling

As tension continued to mount along the Cameroon and Nigeria border and particularly in the peninsula, the Cameroonian government got really tired of trying to handle this situation by themselves and decided to forward the case to the International Court of Justice (ICJ) in 1994. When Cameroon took this move, the ICJ under the supervision of the United Nations Secretary General Kofi Annan invited representatives from both countries for the negotiation process. It is interesting to say that what seemed easy took 8 years of intensive negotiation to settle. Representatives from both countries worked hard to support their thesis and the ICJ listened carefully and also reviewed historical documents in a bid to arrive at a just settlement. Among the points presented by Cameroon to justify their claim, was the famous Anglo-German agreement of March 1913 in which the boundary was defined and signed. Nigeria on its own part among other things claimed that the most democratic way to decide Bakassi's sovereignty was to hold a referendum since the 300,000 people living on the Peninsula did not want to be Cameroonians. (Eboh, Camillius, 2005). Nigeria also argued that the sovereignty of Bakassi was not a matter of oil or natural resources on land or in coastal waters, but a matter of the welfare and wellbeing of the settlers who were Nigerians. (Nov 7th 2002)

On Thursday 10th October 2002, the International Court of Justice located at Hague Netherlands delivered

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judgment on the disputed oil-rich Bakassi peninsula conflict in favor of Cameroon. The court's decision was based on old colonial documents. The boundaries in the Lake Chad region were determined by the Thomson-Marchand Declaration of 1929-1930 and the boundary in Bakassi determined by the Anglo-German agreement of 11 March 1913. With this settlement, Nigeria was supposed to quickly and unconditionally withdraw its administration; police and military from the area of Lake Chad under Cameroonian sovereignty and from the Bakassi Peninsula. Cameroon on its part was supposed to remove its citizens from anywhere on the new border between the two countries and the land boundary from Lake Chad in the north to Bakassi in the South was demarcated and signed by both countries. (Bekker, Pieter 2003, p 387-398)

Weeks before the ICJ ruling, Kofi Annan the then Secretary General of the UN invited Presidents Paul Biya of Cameroon and Olusegun Obasanjo of Nigeria to meet with him on 5th September 2002 in Paris. During the meeting, the ICJ verdict was released to the two presidents and they agreed to respect the anticipated decision, and also to establish an implementation mechanism. After the ICJ judgment, the Secretary General facilitated the formation of the Cameroon-Nigeria Mixed Commission which was to enable a smooth handing over ceremony. The Mixed Commission did their home work on the handing over logistics and a few years later on 12 June 2006, the two parties concluded the "Green Tree Agreement" and the handing over ceremony was done in front of UN officials and diplomats from numerous countries.

The Implications of the Judgment

From the Cameroonian perspective, this judgment was not only a boost to the Biya regime but it assured the general population of the importance of the United Nations as an organization that handles international issues. The only problem left now is for the Cameroonian government to integrate the people of Bakassi into the system and work hard to bring development in the region so that they do not feel isolated. It will also be the wish of the general population that the government should start the exploitation of oil from

Bakassi so as to rescue the country from economic crisis and the impoverishment that has come to slow growth and in some cases bring death to many.

From the Nigerian perspective, this declaration meant many things. Firstly, the social implication is that Nigerians, who have lived in Bakassi all their lives, would have to face the sad reality of having to evacuate a region that is part and parcel of them, thus losing not only their cultural connection but also their source of livelihood and resources. Politically, the decision made the Nigerian government seem weak and unable to solve the problems of the citizens. Economically, the decision could mean that oil companies had to leave the area and relinquish the oil wells to the Cameroonians, thus crumbling the Nigerian economy. Although negative implications could easily be seen from the Nigerian perspective, cooperating with the decision could bring Nigeria respect in National politics as a promoter of world peace and it could also be a diplomatic strategy to lobby Nigerians acceptance as a member of the UN's security council.

To conclude, the Bakassi peninsula, ruling was a great lesson to the world that peace could still be attained through diplomatic negotiation and a sign that the UN could still be looked upon as a world unifier and promoter of peace among nations.

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