



REGAINING BAKASSI PENINSULA FROM CAMEROON: THE OPTIONS AVAILABLE TO NIGERIA

Adeleke Olumide Ogunnoiki

Graduate, Department of Political Science, Faculty of Social Sciences, University of Lagos,
Akoka, Lagos State, Nigeria

ABSTRACT: *The Bakassi Peninsula is a 1,600 kilometres long peninsula protruding from Calabar into the Gulf of Guinea. During the colonial rule of present-day Nigeria, Great Britain ceded the peninsula to Germany with the Anglo-German Treaty of 1913. As a result, the resource-rich Bakassi Peninsula became a disputed territory between Nigeria and her immediate neighbour, Cameroon, in the post-colonial era. In the year 1994, Cameroon instituted legal action against Nigeria at The Hague-based International Court of Justice (ICJ) which ruled in its favour in October 2002. In the month of June 2006, President Olusegun Obasanjo of Nigeria and his counterpart President Paul Biya of Cameroon signed the Green Tree Agreement (GTA) in New York, United States, which eventually led to the ceremonial handover of the peninsula by Nigeria during Yar'Adua's administration to Cameroon in August 2008. Nigeria had up to 2012 to appeal the ICJ verdict with fresh fact. Sadly, the government of President Jonathan failed to do so. Hence, Nigeria, through the adjudication method of pacific settlement of international disputes, lost Bakassi Peninsula to Cameroon. Thus far, there has not been any policy statement by the government of Nigeria to regain the peninsula from Cameroon. Should there be in the nearest future, this paper identifies the possible options still available to Nigeria to repossess Bakassi Peninsula. The historical approach was adopted for this study and the qualitative method of secondary data collection.*

KEYWORDS: Adjudication, Bakassi Peninsula, Cession, International Court of Justice, Treaty, War

INTRODUCTION

Home to about 300,000 people (mostly Efik from Cross River State, Nigeria), the mangrove swampland called 'Bakassi Peninsula', is a territory jutting from Calabar into the Gulf of Guinea. The 1,600 kilometres long peninsula is known for different things – a good fishing ground and, a land endowed with natural resources.

During the colonial rule of present-day Nigeria, Great Britain ceded the Bakassi Peninsula, which was within the territorial ambit of Old Calabar, to Germany with the Anglo-German Treaty in March 1913. In the post-colonial era, the resource-rich Bakassi Peninsula became a disputed territory between the Federal Republic of Nigeria and its immediate neighbour, the Republic of Cameroon. As both States claimed sovereignty over the peninsula, intermittent skirmishes between their armed forces occurred between 1981 and 1996.



In March 1994, Cameroon filed a case against Nigeria at The Hague-based International Court of Justice (ICJ) which ruled in its favour in October 2002. In June 2006, President Olusegun Obasanjo of Nigeria and his counterpart President Paul Biya of Cameroon were in New York, United States, to sign the Green Tree Agreement (GTA) on the implementation of the ICJ landmark judgment. According to the agreement, Nigeria was to expedite the withdrawal of its troops within 60 days from the peninsula which the government of President Obasanjo did in August 2006 while the Yar'Adua administration conducted the ceremonial handover of the territory to Cameroon in August 2008. Nigeria had up to 2012 to reverse the ICJ judgment delivered in 2002 by tabling before the Court fresh fact. Unfortunately, the Jonathan administration failed to do so before the 10 years period stated in the ICJ Statute elapsed. Hence, Nigeria, through the adjudication method of pacific settlement of international disputes, lost Bakassi Peninsula to Cameroon.

The Bakassi issue remains one of those diplomatic blunders Nigeria has made which may continue to haunt the country for generations to come (Akinboye, 2013). At the moment, there are no plans by the federal government of Nigeria to regain the peninsula from Cameroon. However, should there be in the not too distant future, this paper points out the possible options still available to Nigeria to repossess Bakassi Peninsula. For the purpose of the study, this research paper has been compartmentalised into the following sub-headings: the historical background to Nigeria-Cameroon Bakassi Peninsula dispute, Nigeria's ceding of Bakassi Peninsula to Cameroon: the socio-economic and security consequences, regaining Bakassi Peninsula from Cameroon: the options available to Nigeria and lastly, conclusion.

The Historical Background to Nigeria-Cameroon Bakassi Peninsula Dispute

The Bakassi Peninsula is a peninsula endowed with oil and gas. It was inhabited by the Efik people from Cross River State and Akwa Ibom State as well as the Efut, Ibibio and Annang people from Nigeria (Gbemre, 2016; Ogunnoiki, 2018a).

Historically, the Bakassi Peninsula was an extension of Old Calabar to the Gulf of Guinea before the 19th century scramble and partitioning of African territories. During the scramble for African territories, the peninsula became part of British Protectorate based on the September 10, 1884, Treaty of Protection concluded between the representative of Queen Victoria of Great Britain and the King and Chiefs of Old Calabar. On the 11th of March, 1913, Britain ceded the peninsula to Germany after the representative of both countries signed the 1913 Anglo-German Treaty (which was not ratified by the German parliament). The following year, the First World War broke out and Germany, being one of the Central Powers, was vanquished by the Allied Powers. Hence, German colonies, after the war came to an end on the eleventh hour of the eleventh day of November, 1918, were placed under the Permanent Mandates Commission of the League of Nations. The Bakassi Peninsula and the entire Southern Cameroons that was part of German territories in Africa was administered by the British Colonial Government of Nigeria (Baye, 2010; Lukong, 2011; Babatola, 2012; Etekepe, 2013; Ogunnoiki, 2018a).

In the post-colonial era, President Ahmadu Ahidjo of Cameroon and the Head of State of Nigeria, General Yakubu Gowon had a meeting at Yaoundé on April 04, 1971, to determine the maritime boundary of both countries. The said meeting ended with the signing of the Yaoundé II Declaration by both leaders. In June 1971, the Joint Boundary Commission led by Chief Coker for Nigeria and Mr. Ngo for Cameroon met in Lagos and came up with what



became known as the 'Coker-Ngo Line'. On the 1st of June, 1975, the Maroua Declaration on the delimitation of the maritime boundary of Nigeria and Cameroon was signed by President Ahmadu Ahidjo and General Yakubu Gowon (Baye, 2010; Babatola, 2012; Etekpe, 2013; Ogunnoiki, 2018a).

In the month of May 1981, a clash between the armed forces of Nigeria and Cameroon happened over the Bakassi Peninsula. Again, there was a military confrontation between both countries in December 1993 and February 1994 respectively. On the 29th of March and on the 6th of June, 1994, Cameroon, instituted legal action against Nigeria at the ICJ which Nigeria objected and filed its first preliminary objection on December 13, 1995 (Baye, 2010; Lukong, 2011, Etekpe, 2013; Ogunnoiki, 2018a). That the case on the disputed Bakassi Peninsula was being heard at the ICJ did not stop another skirmish from happening between the two claimant States in May 1996.

On October 10, 2002, the ICJ, based on the 1913 Anglo-German Treaty, gave its verdict on the delimitation of the land and maritime boundary of Nigeria and Cameroon. The Court affirmed that Cameroon had sovereignty over the Bakassi Peninsula and not Nigeria. On June 12, 2006, the then Secretary-General of the U.N in person of Kofi Annan witnessed alongside the representative of Britain, France, Germany and the United States, the historical signing of the Green Tree Agreement (GTA) in New York, United States, by President Olusegun Obasanjo of Nigeria and his counterpart President Paul Biya of Cameroon. This agreement led to the setting up of the U.N Nigeria-Cameroon Mixed Commission headed by the Secretary-General's Special Representative for West Africa, Mr. Ahmedou Ould-Abdallah. The Commission's mission was to facilitate the implementation of the 2002 ruling of the ICJ. On August 14, 2006, the Nigerian Army pulled out of the peninsula. Finally, on August 14, 2008, the Nigerian administration and police force pulled out of Bakassi. Their official exist was marked with a ceremonial handover of the peninsula to Cameroon in Calabar, Cross River State, Nigeria (Baye, 2010; Lukong, 2011; Daily Trust, 2012; Unachukwu, 2012; Adeola and Ogunnoiki, 2015; Ogunnoiki, 2018a).

Nigeria's ceding of Bakassi Peninsula to Cameroon: The Socio-Economic and Security Consequences

The ceding of Bakassi Peninsula by Nigeria to Cameroon has not been without socio-economic and security consequences for the country. Today, a number of Bakassi indigenes are scattered all over the South-South region of Nigeria. While some since 2013 have been in Internally Displaced Persons (IDPs) Camps in Akwa Ikot Eyo Edem, Akpabuyo Local Council, Cross River State, others are in Ifa Okon, Essien Udim Local Council, Akwa Ibom State. Daily at the Camps, the Bakassi people grapple with malnutrition, lack of decent accommodation, poor healthcare etc. Their demand from the Nigerian government remains, to permanently resettle them at Dayspring and Kwa Islands (Akpan, 2017).

Needlessly to say is that, following the ICJ judgment of 2002, Nigeria lost valuable natural and aquatic resources to Cameroon – crude oil and sea foods (e.g. crayfish which is a source of protein for many Nigerians). Also lost as a result of the ceding of the Bakassi Peninsula to Cameroon is the source of livelihood (fishing) for a number of Bakassi people. Furthermore, Nigeria lost entrance to the Calabar port. The entrance to the Calabar port lies in the Calabar channel which now belongs to Cameroon. The effect of this is the danger placed on the multibillion-dollar Export Processing Zone (EPZ) because, the Calabar EPZ depends largely



on the import-export activities of companies operating in the zone and Nigeria will have to pay charges (Etekpe, 2013).

Last but not least is the security implication for the Nigerian State. The Bakassi Peninsula, aside from its economic potentials, is important for maritime security purposes. Occasioned by the ICJ judgment in 2002, Nigeria would have to seek the consent of Cameroon for the passage of its naval ships by the peninsula (Oyebode, 2014).

Regaining Bakassi Peninsula from Cameroon: The Options available to Nigeria

Following the ceding of the Bakassi Peninsula to Cameroon by President Olusegun Obasanjo, the legal body, Nigerian Bar Association (NBA) called on the federal government to utilise the last adjudication window opened to the country i.e. to submit an application to the Court for the review of the 2002 judgment. Nigeria was to apply for the revision within six months after discovering new fact. It had up till the 10th of October, 2012, to do this but, the Jonathan administration failed to seize this opportunity, claiming that there was no new fact to file for an appeal within the 10 years grace stated in Article 61(5) of the ICJ Statute. Hence, the ICJ judgment on October 10, 2002, in favour of Cameroon, became *res judicata* (Latin: meaning 'final judgment' which the parties to the case can no longer make an appeal).

On July 29, 2015, President Mohammadu Buhari was in Cameroon for a two-day working and friendly visit to discuss with his counterpart President Paul Biya the trans-border terror unleashed on their people by the Islamic terrorist group, Boko Haram. Speaking at an interactive session with Nigerians living in Cameroon, he said "[s]ince Nigeria allowed the case to go to court (ICJ), and we lost, we have to abide by it," (Channels Television, 2015).

Though the adjudication door for the pacific settlement of the Bakassi Peninsula dispute has permanently been shut on Nigeria, the federal government of Nigeria can courageously explore other options still opened to it to regain the oil-rich Bakassi Peninsula. The first option, which is unreasonable in this present dispensation, is for Nigeria to go to war with Cameroon and damn the consequences (Oyebode, 2014). Should Nigeria opt for this, she must be ready to battle it out with France, Cameroon's former colonial master which would come to its aid. Such military assistance would unsurprisingly not come for Nigeria from Britain or most if not all the traditional/emerging powers in the international community because, the acquisition of a territory by *Conquest* in modern international law is prohibited under Article 2(4) of the U.N Charter (see Ogunnoiki, 2018b:174).

The second option available to Nigeria is *Cession*. Going by this option, Nigeria can by treaty purchase with her petrol-dollars the Bakassi Peninsula from Cameroon (Oyebode, 2014). That is if the Cameroonian government is willing to sell it. Historically, there are countries that have done this successfully. The U.S. purchased Louisiana from France in 1803, Florida from Spain in 1819 and, Alaska from the Russian Empire on March 30, 1867, for \$7.2 million. In recent past, Japan bought three uninhabited islands in the disputed East China Sea from the private owners in September 2012 for a whopping sum of \$26 million which irked China, a fellow claimant State of the islands in the East China Sea which the Chinese call 'Diaoyu Islands' and the Japanese, 'Senkaku islands'.



CONCLUSION

The ceding of Bakassi Peninsula to Cameroon was a colossal loss for the Nigerian State. Nevertheless, the territorial loss need not be a *fait accompli* for the polity. In the light of the findings in this paper, there are only two options still available to the federal government of Nigeria should it desire to repossess the resource-endowed peninsula. War being the first, is not an option Nigeria as a democracy should pick and choose, considering its present standing as a respected sub-regional and indeed regional power in the international community of civilised States. This leaves Nigeria with the last possible option, 'cession' by treaty, which if it makes a monetary offer to Cameroon, it is not in any way flouting international law.

REFERENCES

- Adeola, G. L. & Ogunnoiki, A. O. (2015). The Pursuance of Nigeria's Domestic and Foreign Policy in the Fourth Republic: Complementarity or Contradiction. *Journal of Social Sciences and Humanities*, 1(4), 434-444.
- Akinboye, S. O. (2013). Beautiful Abroad but Ugly at Home: Issues and Contradictions in Nigeria's Foreign Policy. A paper delivered at the 9th Inaugural Lecture 2012/2013 Session, University of Lagos, July 17.
- Akpan, A. (2017). Bakassi People as Pawns in Governments' Hands. Retrieved August 09, 2018, from <https://m.guardian.ng/.../bakassi-people-a...>
- Babatola, J. E. T. (2012). Nigeria-Cameroon Boundary Dispute: The Quest for the Bakassi Peninsular. *International Affairs and Global Strategy*, 4, 81-95.
- Baye, F. M. (2010). The Implications of the Bakassi Conflict Resolution for Cameroon. *African Journal on Conflict Resolution* 10(1), 9-34.
- Channels Television (2015). Buhari makes Statement of Bakassi Peninsula. Retrieved March 17, 2019, from <https://www.channelstv.com/2015/07/29/buhari-makes-statement-on-bakasi-peninsula/>
- Charter of the United Nations (1945).
- Daily Trust (2012). FG Ignored our Advice on Bakassi – Prof. Asiwaju. Retrieved August 09, 2018 from <https://www.dailytrust.com.ng/fg-ignored-our-advice-on-bakassi-prof-asiwaju.html>
- Etekpe, A. (2013). ICJ Judgment on Bakassi Peninsula and Lake Chad: Litmus Test for Peace and Integration in Africa. *African Journal for Political Science and International Relations*, 7(6), 286-294.
- Gbemre, Z. (2016). The Need for UN to Review the Bakassi Peninsular Land Dispute and the Need for the Conduct of a Referendum to Decide the Fate of Nigerians in Bakassi. Retrieved August 09, 2018, from <http://reformeronline.com/the-need-for-un-to-review-the-bakassi-peninsular-land-dispute-and-the-need-for-the-conduct-of-a-referendum-to-decide-the-fate-of-nigerians-in-bakassi/>
- Lukong, H. V. (2011). *The Nigerian-Cameroon Border Dispute: Management and Resolution, 1981-2011*. Bamenda: Langaa Research and Publishing CIG.
- Ogunnoiki, A. O. (2018a). United States and Nigeria's Foreign Policy under George W. Bush Jr. and Olusegun Obasanjo: A Comparison. *International Journal of Advanced Academic Research (IJAAR)*, 4(10), 43-74.



-
- Ogunnoiki, A. O. (2018b). China as a Rising Power and Her Growing Assertiveness in the South China Sea. *International Journal of Advanced Academic Research (IJAAR)*, 4(2), 156-184.
- Oyebode, A. (2014). "The Bakassi Debacle: A Postscript". Being a paper delivered in the 2nd Year Anniversary Lecture of CrossRiverWatch, Transcorp Hotel, Calabar, August 27th.
- Statute of the International Court of Justice (1946).
- Unachukwu, J. A. (2012). ICJ Judgment on Bakassi: The 'fresh facts' – the Nation Nigeria. Retrieved August 09, 2018, from thenationonlineng.net/icj-judgment-on-bakassi-the-fresh-facts/