THE BAKASSI PENINSULA ZONE OF NIGERIA AND CAMEROON: THE POLITICS OF HISTORY IN CONTEMPORARY AFRICAN BORDER DISPUTES.

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Abstract:
Boundaries or border zones in Africa, and the inter-state and inter-community relations generated across them, have been major sites for the inter-play of various social, economic and political dynamics. This paper examines critically the historical, political socio-economic challenges and paradoxes that confronted the two independent states of Nigeria and Cameroon Republic using descriptive qualitative analysis to unravel the legitimacy of the Bakassi Peninsula border zone that divides an area and the people despite its extremely high level of cultural homogeneity. Bakassians considered that the Federal government of Nigeria had not done much to protect their interests since the ICJ ruling on October 10 2002. They also believed that they were not consulted in the determination of their future. Therefore, the group not only carried its complaint to the UN but also opted for self determination. The implication of this is that these "partitioned Africans" of the affected border communities are still crying out for "Salvation" and self Determination amidst the threat to International Peace and Security. This paper takes the position that the mere fact that the people of Bakassi have refused to be transferred to Cameroon, Nigeria, Cameroon and the UN should take advantage of the peaceful negotiating spirit of the Bakassians to look again at their complaints in the interest of National and Global Security.

Introduction
Perceived as lines defined by man, boundaries which mark the geographical limits of a state as well as the extent of its Sovereignty (Imobighe 1987:120) are also a notable strategic feature of nation's survival. This strategic relevance clearly explains why nations jealously protect and defend their political frontiers and boundaries. The implication of this protection in international relations is incessant territorial dispute among nations all over the continents of the world. Territorial or boundary disputes are the most common sources of inter-state crisis in post-colonial Africa since 1961, more than half of the member-states of the continental body, the Organization for African Unity (OAU), have been involved in at least one territorial dispute or the order. On the part of Nigeria, for example, there have been various border disputes with the country's neighbours. In 1976, for instance, the Republic of Benin claimed sovereignty over the villages in the Bakassi Peninsula (Akindele and Akinterinwa 1092:243-44).

The difficulty in the search for peaceful and mutually acceptable solutions to border disputes in post-colonial Africa can be traced to the non-delineation of disputed areas by the colonialists, the existence of rich mineral resources in most disputed areas (ibid.), and probably the lack of clarity of Western international law on territorial jurisdiction.

Comparatively, the boundary crisis in post-colonial Africa has its roots in the hasty and haphazard partitioning of the continent by the imperial powers of Europe toward the end of the 19th century. Whereas the boundaries of the modern states in Europe itself evolved over the centuries as a result of revision after wars, conquests, and some are still being contested till date in some parts of Europe. State boundaries in Africa were, willy-nilly, determined by imperial powers within a space of some two years or so, and subsequently enforced with minor but recklessly executed adjustments in a couple of decades under colonial hegemony. The consequence of this was that, patterns of ethnic, linguistic, religious, cultural and commercial affinities, which for centuries bridged different social, economic and political contexts in Africa were suddenly and rudely terminated in order to accommodate imperial desires and norms. To give legal sanctity to this new boundary regime, new notions of national sovereignty, territorial integrity and exclusive jurisdiction of states were transposed from the post-1648 European international state system
Nigeria's national space and boundaries are inherited from Britain as per the terms of the exchange of notes of October 1, 1960, between the incoming Nigerian independent state and the departing British imperial power. An act which, from the perspective of today's Eurocentric international law, was what gave birth to Nigeria as an independent state. Accordingly, the treaties, protocols and other legal instruments which Britain signed with other colonial European powers (the most crucial ultimately turning out to be France, the erstwhile colonial ruler of all but one Nigeria's neighbours) to define Nigeria's boundaries vis-a-vis these neighbouring countries, became binding on the Nigerian government. This was later reinforced by the Organization for African Unity's (OAU) resolution number 16 of 1964, which was accepted and ratified by Nigeria (Asiwaju 1992:58).

Indeed, boundaries constitute a very sensitive issue in inter-state relations. It not only delimits the territorial jurisdiction of sovereign states, but also constitutes (especially in the very case of Africa) a major source of disputes in international relations (Abimbola 1992:264). Unfortunately, both colonial and OAU resolutions have provided an absolute solution to boundary disputes in Africa. The same thing applies to the Nigeria/Cameroon case, even with the 2002 verdict of the international Court of justice (ICJ) in favour of Cameroon, which remained un-enforced until August of 2006. Yet, in spite of an age-long boundary dispute between Nigeria and Cameroon (Weladji 1978), there is abundant evidence to show that the Bakassi border is shaped as much by the everyday activities of the indigenous people of the affected border communities in ways that sometimes under gird, but at other times may bypass the formal structures of the states. Little wonder why most studies maintain that African boundaries are essentially permeable, constituting no significant barrier to cross-border movement of labour and goods. They even claim that African boundaries stimulate formal and informal cross-border trade, representing zones of opportunity for partitioned Africans (Asiwaju 1984; chiabi 1986; Aderibigbe 1989, Niger-Thomas 2001; Christopher and Johnson-Ross 2007).

**Geography and economy of the Bakassi Peninsula Zone**

Bakassi is a peninsula on the African Atlantic Gulf of Guinea. It lies between the Cross River estuary, near the city of Calabar in the west, and the Rio del Ray estuary on the east. It is governed by Cameroon, following the transfer of sovereignty from neighbouring Nigeria as a result of a judgment by the International Court of Justice (ICJ Reports 2002:303) (Terry D. Gill, Harm Dotinga, 2003p212) Regardless, the territory was transferred to Cameroon on 14 August 2008.

The Peninsula lies between latitudes 4°25’ and 5°10’N and longitudes 8°20’ and 9°08’ E. It consists of a number of low-lying, largely mangrove covered islands covering an area of around 665 km² (257 sq; mile). Bakassi is situated at the extreme eastern end of the Gulf of Guinea, where the warm east-flowing Guinea Current (called Aya Effiat in Efik) meets the cold north-flowing Benguela Current (called Aya Ubenekang in Efik). These two ocean currents interact creating huge foamy breakers which constantly advance towards the shore, and building submarine shoals rich in fish, shrimps, and a wide variety of other marine life forms. This makes the Bakassi area a very fertile fishing ground, comparable only to Newfoundland in North America and Scandinavia in Western Europe. Most of the population makes their living through fishing.

The Peninsula is commonly described as “oil-rich”, though in fact no commercially viable deposits of oil have been discovered. However, the area has aroused considerable interest from oil companies in the light of the discovery of rich reserves of high grade crude oil elsewhere in Nigeria. At least eight multinational oil companies have participated in the exploration of the peninsula and its offshore waters. In October 2012, China Petroleum & Chemical Corporation announced it had discovered new oil and gas resources in the Bakassi region (Addax Petroleum Discovers New Oil in Cameroon 2012).

**History**

During the European scramble for Africa, Queen Victoria signed a Treaty of Protection with the King and Chiefs of Akwa Akpa, known to Europeans as Old Calabar on 10 September 1884. This enabled the United Kingdom to exercise control over the entire territory around Calabar, including Bakassi. The territory subsequently became *de facto* part of Nigeria, although the border was never permanently
delineated. However, documents released by the Cameroonians, in parity with that of the British and Germans, clearly places Bakassi under Cameroonian Territory as a consequence of colonial era Anglo-German agreements. After Southern Cameroons voted in 1961 to leave Nigeria and became a part of Cameroon, Bakassi remained under Calabar administration in Nigeria until ICJ judgment of 2002 (Nowa Omoigie 2010).

Population
Bakassi inhabitants are mainly the Calabar people, the people of Cross River State and Akwa Ibom State of Nigeria, including the Efut, Efik, Ibibio, Annang, Abane, Ine, Eko, Ine Edem Ntong, Ine Odiong, Anam Owong, Obuta, Okobo, Okobidi, Ibekwe, Afaha, Usaha, Ine Edet, Ine Akwa, Ine Attayo, Ine Inua Abasi, Ine Ikang. The population of Bakassi is the subject of some dispute, but is generally put at between 150,000 and 300,000 people (Alkali 1992)

Territorial dispute
Nigeria and Cameroon have disputed the possession of Bakassi for some years, leading to considerable tension between the two countries. In 1981 the two countries went to the brink of war over Bakassi and another area around Lake Chad, at the other end of the two countries' common border. More armed clashes broke out in the early 1990s. In response, Cameroon took the matter to the International Court of Justice (ICJ) on 29 March 1994 (Bola Akinterinwa 2002).

The case was extremely complex, requiring the court to review diplomatic exchanges dating back over 100 years. Nigeria relied largely on Anglo-German correspondence dating from 1885 as well as treaties between the colonial powers and the indigenous rulers in the area, particularly the 1884 Treaty of Protection. Cameroon pointed to the Anglo-German treaty of 1913, which defined sphere of control in the region, as well as two agreements signed in the 1970s between Cameroon and Nigeria. These were the Yaoundé II Declaration of 4 April 1971 and the Maroua Declaration of 1 June 1975, which were devised to outline maritime boundaries between the two countries following their independence. The line was drawn through the Cross River estuary to the west of the peninsula, thereby implying Cameroonian ownership over Bakassi. However, Nigeria never ratified the agreement, while Cameroon regarded it as being in force.

ICJ verdict
The ICJ delivered its judgment on 10 October 2002, finding (based principally on the Anglo-German agreements) that sovereignty over Bakassi did indeed rest with Cameroon. It instructed Nigeria to transfer possession of the peninsula, but did not require the inhabitants to move or to change their nationality. Cameroon was thus given a substantial Nigerian population and was required to protect their rights, infrastructure and welfare (Mike Chinedu Anekwe 2002).

The verdict caused consternation in Nigeria. It aroused vitriolic comments from Nigerian officials and the Nigerian media alike. Chief Richard Akinjide, a former Nigerian Attorney-General and Minister of Justice who had been a leading member of Nigeria's legal team, described the decision as "50% international law and 50% international politics", "blatantly biased and unfair", "a total disaster", and a "complete fraud". A Nigerian newspaper, The Guardian went further, declaring that the judgment was "a rape and an unforeseen potential international conspiracy against Nigerian territorial integrity and sovereignty" and "part of a Western ploy to foment and perpetuate trouble in Africa". The outcome of the controversy was a de facto Nigerian refusal to withdraw its troops from Bakassi and transfer sovereignty. The Nigerian government did not, openly reject the judgment but instead called for an agreement that would provide "peace with honour, with the interest and welfare of our people."(ThisDay Online.com 2002).

The ICJ judgment was backed up by the United Nations, whose charter potentially allowed sanctions or even the use of force to enforce the court's ruling. Secretary-General Kofi Annan stepped in as a mediator and chaired a tripartite summit with the two countries' presidents on 15 November 2002, which established a commission to facilitate the peaceful implementation of the ICJ's judgement. A further summit was held on 31st January 2004. This has made significant progress, but the process has been complicated by the opposition of Bakassi inhabitants to being transferred to Cameroon.

Bakassian leaders threatened to seek independence if Nigeria renounced sovereignty. This secession was announced on 9th July 2006, as the "Democratic Republic of Bakassi". The decision was reportedly made
at a meeting held on 2nd July 2006 and The Vanguard newspaper of Nigeria reported the decision of the Bakassi people to secede from Nigeria. The decision was reportedly made by groups of militants including Southern Cameroon under the aegis of Southern Cameroons Peoples Organization (SCAFO), Bakassi Movement for Self-Determination (BAMOSD), and the Movement for the Emancipation of the Niger Delta (MEND).

Resolution
On 13th June 2006, President Olusegun Obasanjo of Nigeria and President Paul Biya of Cameroon resolved the dispute in talks led by UN Secretary General Kofi Annan in New York City. Obasanjo agreed to withdraw Nigerian troops within 60 days and to leave the territory completely in Cameroonian control within the next two years. Annan said, "With today's agreement on the Bakassi peninsula, a comprehensive resolution of the dispute is within our grasp. The momentum achieved must be sustained." (Allafrica.com 2006).

Withdrawal
Nigeria began to withdraw its forces, comprising some 3,000 troops, beginning 1st August 2006, and a ceremony on 14th August marked the formal handover of the northern part of the peninsula. The remainder stayed under Nigerian civil authority for two more years (BBC News 2006). On 22nd November 2007, the Nigerian Senate passed a resolution declaring that the withdrawal from the Bakassi Peninsula was illegal. The government took no action, and handed the final parts of Bakassi over to Cameroon on 14th August 2008 as planned, but a Federal High Court had stated this should be delayed until all accommodations for resettled Bakassians had been settled; the government did not seem to plan to heed this court order (BBC News 2008) and set the necessary mechanisms into motion to override it. Fishermen displaced from Bakassi had been settled in a landlocked area called New Bakassi, which they claimed is already inhabited and not suitable for fishermen like them but only for farmers (Peoples Daily Online 2008).

Since independence, Nigeria's relationship with Cameroon, as well as its other contiguous neighbours, has been marked essentially by mutual suspicions, distrust and outright alienation. Put differently, Nigeria's relationship with Cameroon has historically been conflictual since both of them attained independent statehood. The reason for this experience of age-long hostility is that in pre-colonial times, and even in the colonial era, a very high percentage of the people and territories that presently constitute Cameroon were part and parcel of administrative state units within the territory of present-day Nigeria. Indeed, as we shall point out later, many ethnic groups and peoples in Cameroon are ethno-culturally connected to populations in Nigeria. Additionally, as it is the case with most African border areas, the Bakassi Peninsula is an area notorious (that is, in the eyes of the state) for those illegal trade activities that go by the names, 'smuggling' and black marketeering today, as available evidence show, various clandestine trade operations thrive despite the institutions of state control put in place to check smuggling activity; in fact, smuggling and black marketeering seem to have become normalized in this area. However, this additional source of worry and conflict for Nigeria and Cameroon is also a source of considerable wealth to local people of the Bakassi zone who have no other means of acquiring it (Njoku:2000).

The Bakassi zone: Historical and Ethno-cultural Features that Bind
One of the natural features which stubbornly frustrated attempts by Nigeria and Cameroon to physically demarcate their borders was the permanent presence of a population with common historical experiences, and of the same ethno-cultural stock on both sides of the international divide. The people of these ethnic groups continually insist on their right of interaction for historical and cultural reasons, and for socio-economic and commercial purposes, against artificial and unfair imposition by the (colonial and) post-colonial state.

The point to stress here is that, ethnic groups and sub-groups of Nigeria origin cut across the Nigerian international boundaries with Cameroon. They are located, at least, in the part within the Bakassi border region defined as "sub-national areas whose economic and social lives are directly and significantly affected by proximity to international boundaries" (Hansen 1981)

Historically, these ethnic groups separated by artificial boundaries possess community characteristics and common experiences which make them inherently disrespectful of the concept of borders as 'barriers'. As a result, their socio-cultural (and also, socio-economic) perception of borders is wider than the statutory of
administrative dimension. Most of these ethnic groupings share deities and totems, ancestral shrines, major rites having to do with birth, manhood, maidenhood, womanhood, marriage, childbearing, and death. Some of them, as oral evidence confirms, still share annual festivals and rituals, which all members of the ethnic groups across boundaries have traditional obligation to participate in. The cross river-Cameroon zone is an area where there exists no clear tribal division and claims. The complexity of linguistic pattern and the diversity of the historical origin are perhaps without parallel in any African territory. In a situation such as this area presents, any question of ethnic demarcation is both difficult and meaningless. Indeed, this has been the major source of the Bakassi crisis. In fact, the tribal and cultural affinity between Nigeria and Cameroon is so great that one could virtually believe one is in Nigeria in some parts of Cameroon. There are groups that spread into each other, particularly the Eko, Efik, and Mandara.

In southern Cameroon (in the areas around the Bakassi and Eniong Peninsula situated on both west and east of the mouth of Rio del Rey and calabar channel) are Nigerian fishermen of Efik origin who settled in the areas that are being contested between Nigeria and Cameroon. Prominent among such villages being contested are Abane, Ine, Eko, Ene Edem Ntong, Ine Odiong, Anam Owong, Obuta, Okobo, Okobidi, Ibekwe, Afa, Usaha, Ine Edet, Ine Akwa, Ine Attayo, Ine Inua Abasi, Ine Ikang (Alkali 1992). This is why it is difficult for the locals along the border area to understand border demarcations and delimitations as they see their Kith and kin as part and parcel of their everyday life. In Cross river and Akwa Ibom States, there are Efik/Ibibio groups that spread from Calabar area into the neighbouring littoral areas, just like the Fulani and Shuwa Arabs of Cameroon are on both sides of Adamawa and Bornu states of Nigeria.

On the whole, the long Nigerian-Cameroon border inherited from the British and the Germans, and subsequently, the British and the French (when France came into the picture in colonial Cameroon), was not clearly and completely demarcated most especially from Cross river rapids southward to the Coastline area. The discovery of oil in the creeks around the Bakassi Peninsula has intensified the ensuing conflict. Today, the "Un-acceptable boundary", even with the ruling of the international Court of justice (ICJ) in 2002 (that the Bakassi peninsula belongs to Cameroon, and not to Nigeria), remains a source of border dispute, with the problems centring on human, economic, political and strategic interest to Nigeria and Cameroon.

Issues Involved before the Final Transfer
A group of Bakasians considered that the Government of Nigerian did not do much to protect its interest since the ICJ ruling on October 10, 2002. The group also contended that the people of Bakasi were not consulted in the determination of their future. Consequently, in an attempt to avoid being permanently disintegrated from their kith and kin in Akwa Ibom and Cross River states, the group did not only carried its complaints to the United Nations but also opted for self-determination. A second group of Bakasians readily acquiesced to resettlement in Nigeria and looked forward to the government on more concrete modalities for the resettlement. The problem of this group, however, was that there was no "terra nullius" (no free land). This second group posited that the land for resettlement to which it had been taken was already occupied by some people who were not prepared to accommodate them.

While Nigeria, as a law-abiding country, and consistent with her foreign policy objectives of respecting international law and all treaty obligations, to comply with the Green Tree Agreement (GTA) Nigeria was also pretty bound to ensure the well being of the people of Bakassi. Many challenges were before the government. There were various arguments pointing to conflicts between the ICJ Ruling and the Nigeria 1999 constitution on the basis of which there could be exceptions to the non-appeal rule of the ICJ Rulings. (NIIA 13TH Brainstorming Session 2012) Since Nigeria had to comply with the rule of sanctity of Agreements, on one hand and the non-preparedness of most people of Bakassi not to accept their transfer to Cameroon authority, the Nigeria Institute of International Affairs (NIIA) provided a platform for all the stakeholders to exchange ideas on the possible ways forward.

One most critical issues was how to prevent the transfer of Bakassi Peninsula from becoming a source of threats to regional peace and security in both the West and Central African regions Professor Bolaji Akinyemi, who titled his address, “Lead Us Not Into Temptation” noted that “the brewing crisis over the Bakassi Penninu had all the potentials of becoming Nigeria-Cameroon Kashmir’, if care was not taken”
He recalled the general complaint against the government in the past: there was no good basis for government to have accepted to go to court in the first instance. One reason for this was that when the issue of Maroua Declaration was raised in 1975, Dr. Taslim Elias, who was a professor of law at the University of Lagos and Attorney- General and commissioner of justice of the Federation by then and who later became the President of the ICJ, had said that Bakassi did not belong to Nigeria. Additionally, Hon. Justice Daddy Onyeama, another Nigerian, who was an Ad Hoc Judge of the ICJ, similarly said the Bakassi Peninsula did not belong to Nigeria. In the eyes of Professor Akinwumi therefore, “it was a matter of regret and should be considered a failure of state policy that Nigeria entered appearance in court in response to the suit filed by Cameroon. It should have been regarded as a hostile act on the part of the Cameroon to have taken Nigeria to the world court “Perhaps, more importantly in terms of the way forward, Professor Akinwumi submitted that going back to the world court had no chance of success and was going to be a waste of resources but if nothing, at least, Nigeria should demonstrate a show of solidarity with the Bakassi nationals.

In the remarks of Senator Liyel Imoke, Governor of Cross River state, at this forum, read by the secretary to the state Government, Mr. Mike Aniah, the Governor noted that “for the first time, an organ of the United Nations set up the foundation for people to be uprooted from their ancestral lands and to become refugees in their country of birth forever. The Green Tree Agreement recognized that the people of Bakassi were indigenous to the Peninsula and are Nigerian citizens” It was in recognition of these hard facts that the ICJ judgment through the Green Tree Agreement, gave three options of implementing the ICJ ruling. The first option was for the people of Bakassi to “remain Cameroon citizens. This had the effect of forcing the people to change their citizenship from their country of birth.” A second option was for them to "retain their Nigerian citizenship, but live like immigrants" In the eyes of Governor Imoke, “this had the effect of turning the people into strangers in their land of birth and subject to deportation.” The third option was for the people of Bakassi to retain their citizenship and relocate to Nigeria” Again, in the eyes of Governor Imoke, “this had the effect of transforming the people into eternal refugees in Nigeria.” In the strong belief that “the complete violation of the Bakassi society cannot have been the intended consequence of the Green Tree Agreement ,but that is the reality", he offered a number of ways forward, all of which centred on the need to go beyond the ICJ legal framework "By engaging all parties through stipulated processes, or wait and allow the situation to play out with unintended consequences " In other words, " an uncontrolled explosion of the Bakassi situation may lead to violent disagreement or indeed bring the two countries into violent disagreement.

If the Green Tree Agreement had not produced the intended outcome, then both countries and UN should be open to the review of the judgment and the documents as a commitment to the spirit of peaceful co-existence. Thus, there is the need for a mutual agreement over the Bakassi people that can give effect of the wishes of the Bakassi people and that can also supersede the ICJ judgment.

From the perspective of the Honourable Attorney -General of the Federation at the NIIA forum, Mr. Mohamed Bello Adoke, Senior Advocate of Nigeria (SAN) said that despite reservations expressed about the judgment, particularly in the light of several contentious legal points, Nigeria was committed to working out a pragmatic and politically sensible resolution of the dispute within the framework of the judgment. This approach was consistency with Nigeria's obligation as a highly responsible international citizen and her sterling contribution to peace-keeping, international relief assistance and humanitarian operations. In reaction to the calls for possible review of the ICJ Ruling, Mr. Adoke said "Article 61 of the statute of the ICJ does indeed permit such a review where the application is based on the discovery of a fact which is decisive and unknown to the court and the party claiming the revision when the judgment was given. Consequently, in terms of way forward, he re-affirms Nigeria's respect for the decisions of international tribunals and commitment to regional peace and security as well as the determination of President Jonathan not to shy away from appropriately defending the dignity and sovereignty of Nigeria. Many other possible options were proffered in the various papers presented during the general discussions and in several papers circulated on the margins of the brainstorming session over this Bakassi saga. For instance, the brainstorming session agreed that Nigeria should seek to refer the case to the United Nations, as well as opening up channels of communication with Bakassi self Determination Front. Others suggested the need for joint cooperation and development of the Peninsula by Nigeria and Cameroon and even consideration of dual citizenship. Professor A.A. Asiwaju suggested joint development at the level of the border communities within the framework of what he called “borders that unit”. The options of
condominium, plebiscite or self-determination have also been offered by others. In fact, in an interview with Channels Television on Friday August 24th, 2012 (sunrise Programme) Professor Akin Oyebode suggested the option of buying back the Bakassi Peninsula.

As good as these various optional approaches were, some questions remained unanswered: why should the Bakassi ever belong to Cameroon on the basis of colonial agreement of protection that was fraudulently interpreted to mean a treaty of cession of land? If, ab initio, there was a fundamental error, why must it be sustained eternally? If GTA acknowledges that the people of Bakassi are indigenous to the Peninsula and are Nigerian citizen, why was their consent not sought by the ICJ, especially within the principles of effective occupation of the Peninsula and the historical consolidation? Already, Cameroon had reported Nigeria to the UN allegedly for not faithfully keeping to the spirit of the Green Tree Agreement. The Bakassi people had also lodged their protest against the Agreement to the UN. This clearly suggested that the solution was either the use of force or dialogue. The Government of Nigeria decided to go the way of Peace.

**Loss of Bakassi and New Treaty Procedure Act**

The Bakassi Peninsula is now presumed to be permanently ceded to the Cameroon with effect from Wednesday, October 10, 2012. Appealing against ICJ ruling and its implementation treaty the Green Tree Agreement, now also belongs to the dustbin of history. However, the loss of the Bakassi Peninsula cannot but have the great potential of impacting in no small measure on political governance, particularly in Nigeria many observers have considered that nothing would happen in terms of violence generation, because of the nature of Cameroon as a police State. It is considered that Cameroon would ruthlessly deal with Bakassians if they create a situation of violence. To a great extent, this possibility may not be ruled out. But with same stretch of imagination, Cameroon, as a Police state, has been seriously challenged by political insurrection on the part of Anglophone Cameroonian, besides criminals in Cameroon, with galloping corruption, are still major threats to political governance.

Consequently, the position of this paper is that if and when the Cameroonian gendarmes descend on the Bakassians, a basis for the application of the international Responsibility to Protect (IR2P) will be raised. Cameroonian authorities will be accused of abuse of fundamental human rights of the people. Perpetrators of the crimes will qualify for a trial by the International Criminal court (ICC). In this regard too, a critical misunderstanding between Nigeria and Cameroon will also emerge because the Bakassi insurgents will not only threaten Cameroon’s security but will also run to Nigeria for safety. Nigeria’s own security by so doing be threatened. If this happens, Cameroon is likely to embark on the rule of “hot pursuit,” especially if it becomes obvious that Nigeria cannot checkmate Bakassians, especially in the light of possible aiding and abetting by the people of Nigeria that are opposed to the cession of the Bakassi.

Besides, even though France has drastically reduced her military bases in Africa and has also opted for strengthening the capacity-building and training of the military in Africa rather than in France, France is not likely to oppose American or NATO request to make use of Bakassi Peninsula. Until now, Nigeria has not favourably been disposed to AFRICOM on her territory. Now that Bakassi has the potential of becoming a military base and it does not belong to Nigeria anymore, Nigeria will simply be removed out of the political and strategic calculations. In this regard, the establishment of a military base in the Bakassi will attract hostility, particularly with the eventual acknowledgment of impossibility for Nigerians warships to pass through Bakassi waters without prior permission by Cameroon.

In fact, it should be said that it is the regional security interests of the witnesses that it is the regional security interests of the witnesses to the Green Tree Agreement (GTA) that will, first of all, be on the frontline of threats. The truth is that global leaders pretend not to know that the increasing threats to global peace and security are basically induced by increasing rejection of international injustice, characterized by double standard in the dispensation of justice. At the level of Nigeria, government will similarly be faced with critical challenges, especially in the light of contradictions in Nigeria's 1999 Constitutions.

**The Challenge of National and Global Security**

As has been noted in this paper the Peninsula was the bona fide property of and ancestral land of the various houses under Obong of Calabar and there were documents to back this fact as exemplified in 1884 Treaty entered between the kings and chiefs of Old Calabar and Britain. In recent times, the kingdom and
its peace-loving people have watched with consternation as their property has been partitioned, fought over, its boundaries adjusted and subjected to a court of judgment without consultation let alone consent. It advised the Federal Government of Nigeria to without further delay vigorously explore every legal avenue and opportunity to seek a review of the ICJ judgment before October 10 2012 deadline but all these to no avail.

The approach adopted by the people of Bakassi to the issue of sovereignty over the Peninsula, and particularly on the question of nationality of the people was quite commendable. It clearly shows the peace-loving character and generality of the people of Nigeria. Rather than begin with violence or going along the path of war, the Obong of Calabar knew his onion well and did what was expected of him as a good leader. International practice has it that crisis and conflicts should be resolved through peaceful means such as reconciliation, mediation, adjudication, negotiation or dialogue, etc. But it has not always been so. The Bakassi people have followed a peaceful path in spite of the Government's position that it did not intend to renege on the agreement it had reached with the government of Cameroon on the transfer of sovereignty over the Peninsula to Cameroon. The position of Nigerian Government itself could, to a limited extent, be commended, especially in terms of its consistency with the foreign policy objectives as provided for in the 1999 Constitution.

The Constitution provides that Nigeria shall respect international law and the obligations arising from the ICJ ruling and its implementation protocol. The Green Tree Agreement, the factor of ratio personae appears to have been consciously set aside. This is precisely the point being made in the complaint by the Obong of Calabar non-consultation with them and neglects their right to self-determination as a people. Consequently, this paper takes the position that Nigeria, Cameroon and the UN should take advantage of the peaceful negotiating spirit of the Bakassians to look again at their complaints in the interest of National and Global Security.

Summary, Conclusion and Recommendation
This paper has shown that the Bakassi Peninsula saga is comprised of many complex issues. First, the dispute over Bakassi Peninsula is colonially induced, that is, it is a colonial hangover. It should not have been a matter to be adjudicated by those people who caused the initial problem. If African leaders are truly committed to African Unity, if really they want to give meaning to regional and continental integration in Africa, everyone should be talking about borders that unite, not borders that separate. Nigeria and Cameroon should have known their onion beyond seeking adjudication of their misunderstanding in the court, not to talk of use of forceful means.

Secondly, the government of Nigeria has consented to the ruling of the International Court of Justice which says that the sovereignty over Bakassi Peninsula belongs to Cameroon. There are two implications of expression of Nigeria’s consent. It is quite arguable that, before the ICJ ruling, the Bakassi people, more than 90 per cent of whom are Nigerians by blood descent were living illegally in the Peninsula. It can also be submitted that, in the light of this possible situation of illegality, the ICJ has removed this character of injustice by now transferring sovereignty over to the Peninsula from the illegal Nigerian occupation of land to the rightful owner of the Peninsula, that is, Cameroon.

In this regard, the transfer of authority over to the Peninsula from Nigeria to Cameroon is not problematic per se, but the mere fact that the people of Bakassi have refused to be transferred, arguing that they are not Cameroonian and are not prepared to accept the citizenship of Cameroon. On the one hand, the Green Tree Agreement has transferred the Bakassi Peninsula and the Government of Nigeria has accepted. This simply means that the Bakassians are currently stateless, at least, from the perspective of international law. As stateless people, they have asked the UN to revisit both the ruling of ICJ and the Green Tree Agreement and have gone to greater extent of reaffirming their right to self-determination by declaring their own independence.

This means that if the Cameroonian and the Nigerian Governments are to compel the people to accept the Green Tree Agreement, a measure of hard force will be inevitable and the violent reaction of the same people may not be ruled out. This is precisely the aspect that Nigeria and Cameroon, as well as the international community are currently underestimating, if not totally neglecting. The people of Cameroon
are likely to support their government in the event of military struggle but the same cannot be said of the people of Nigeria for now.

Finally, the Bakassi saga raises the nuisance value of the three foundation pillars of Africa’s limited right of intervention in the domestic affairs of other countries. These pillars are the principle subsidiary, principle of indifference and principle of responsibility to protect. The principle of subsidiary requires that each of the five regions of Africa is allowed to take the initiative to deal with regional questions before extra-regional interventions are accepted. The consideration is that if regional organisations fail in their efforts to resolve problems at their levels, extra-regional help can be accepted. At present in Africa, the principle is more reckoned with the in context of disregard.

The principle of indifference is simply about not standing aloof when there are critical threats to political stability and nationhood. The principle dates back to the formulation of two exceptions non-interference in Nigeria’s foreign policy in 1963. By then, Dr. Jaja Wachukwu Nigeria’s Minister of External affairs, told the world that the Government of Nigeria did not accept the principle of the specific cases of Togo and South Africa. He considered that Togo was a good ally to Nigeria. Therefore, the assassination of President Sylvanus Olympio of Togo was not acceptable to Nigeria, and therefore, Nigeria should “interfere” in the country to ensure that his killers were promptly prosecuted.

The explanation for the case of South Africa cannot be far-fetched, no compromise with Apartheid. Nigeria considered that Apartheid must be fought tooth and nail in every sphere of life and with all means possible. Consequently, there is nothing like non-interference in matters that normally fall within the domestic competence of South Africa.

The explanation for the responsibility to protect is a little bit different: while the principle of non-indifference has an individual state and regional Character that of the responsibility to protect is necessarily international. It is largely defined by inability of the incumbent government to prevent genocide and humanitarian crimes. The international community withholds the right of intervention, but again, who will bear the brunt of intervention? At what point is a government considered to have failed in its duty to protect? In fact, because the modalities of the principle of international responsibility are, at best, ill-defined, the principle is also a source of threats to global peace and security.

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