



NEAR EAST UNIVERSITY
GRADUATE SCHOOL OF SOCIAL SCIENCES
POLITICAL SCIENCE PROGRAM

**RE-EVALUATING THE INTERNATIONAL COURT OF JUSTICE (ICJ)'S
DECISION-MAKING PROCEDURE IN FRONTIER DISPUTES: CASE
STUDY OF BAKASSI PENINSULA DISPUTE**

AMEER ADEDEJI AKEWUSOLA

MASTER'S THESIS

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2020

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NICOSIA
2020

ACCEPTANCE/APPROVAL

We as the jury members certify the 'Re-evaluating the ICJ Decision-Making Procedure in Frontier Disputes: Bakassi Peninsula Dispute' prepared by the Ameer Adedeji Akewusola defended on 17/01/2020 has been found satisfactory for the award of degree of Masters

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DECLARATION

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ABSTRACT

RE-EVALUATING THE ICJ DECISION-MAKING PROCEDURE IN FRONTIER DISPUTES: CASE STUDY BAKASSI PENIN- SULA DISPUTE

This study evaluates the decision-making process of frontier resolution in post-colonial states by the International Court of Justice (ICJ) to argue that the principle of *uti possidetis*, which calls states to accept their colonial borders, must be changed for countries that experience ethnic and linguistic tensions, because it excludes local communities in disputed areas from the decision-making process, causes human suffering in the form of internal displacement, migration, refugees, assimilation to another culture, discrimination, political exclusion and disenfranchisement after decision is made. This thesis looks at the primary case study of Bakassi Peninsula to illustrate the argument. It also supports the claim by carefully looking into ICJ's frontier resolution disputes between Burkina Faso and Niger and Burkina Faso and Mali, which were successful because of the common linguistic and ethnic similarities, despite preceding inter-state violence.

Keywords (5-8 words): International Court of Justice, Bakassi, Cameroon, Nigeria, displacement, conflict and resolution, *uti possidetis*, decision-making

ÖZ

RE-EVALUATING THE ICJ DECISION-MAKING PROCEDURE IN FRONTIER DISPUTES: CASE STUDY BAKASSI PENIN- SULA DISPUTE

Bu çalışma, sömürge sonrası eyaletlerde sınır karar verme sürecini Uluslararası Adalet Mahkemesi (UAM) tarafından değerlendirmekte ve devletleri sömürge sınırlarını kabul etmeye çağırarak *uti possidetis* ilkesinin değiştirilmesi gerektiğini savunmaktadır. Etnik ve dilsel gerginlikler, tartışmalı alanlardaki yerel toplulukları karar alma sürecinden hariç tuttuğu için, insanların içsel yerinden olma, göç, mülteciler, başka bir kültüre asimilasyon, ayrımcılık, siyasi dışlanma ve karar alındıktan sonra haklarından mahrum olma şeklinde acı çekmesine neden olmaktadır. Bu tez, tartışmayı göstermek için Bakassi Yarımadası'nın birincil vaka çalışmasına bakmaktadır. Ayrıca, UAM'nin devletler arası şiddete rağmen ortak dilsel ve etnik benzerliklerden dolayı başarılı olan Burkina Faso ile Nijer ve Burkina Faso ve Mali arasındaki sınır çözüm anlaşmazlıklarını dikkatle inceleyerek iddiayı destekliyor.

Anahtar Kelimeler: Uluslararası Adalet Mahkemesi, Bakassi, Kamerun, Nijerya, yer değiştirme, çatışma ve çözüm, *uti possidetis*, karar verme.

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ABBREVIATIONS

A.N.A.D: Accord De Non-Agression et d'Assistance en Matière de Défense

AU: African Union

BAMOSD: Bakassi Movement for Self-Determination

BBC: British Broadcasting Company

BFF: Bakassi Freedom Fighters

BMSSP: Bakassi Movement for self-Sovereignty of the Peninsula

ECOWAS: Economic Community of West African States

EU: European Union

FWA: French West Africa

GTA: Green Tree Agreement

ICJ: International Court of Justice

IGN: Institut Géographique National (National Geographic Institute) (France, Paris)

IDP: Internally Displaced People

MEND: Movement for the Emancipation of Niger Delta

NDDSC: Niger Delta Defence and Security Council

NGO: Non-Governmental Organization

OAU: Organization of African Unity

SCAPO: Southern Cameroons under the Aegis of Southern Cameroons Peoples Organisation

SNH: Société National des Hydrocarbures (The National Hydrocarbons Corporation of Cameroon).

SONARA: Société Nationale de Raffinage (National Refining Company Ltd.)

UN: United Nations.

UNHCR: United Nations High Commissioner for Refugees.

INTRODUCTION

The focus of this project is to re-evaluate the ICJ's decision-making procedure in resolution of Bakassi peninsula frontier dispute between Cameroon and Nigeria. The frontier has been ceded to Cameroon in 2002. The thesis argues that the court ruling in the case of the Bakassi headland (peninsula) between Nigeria and Cameroon depend on the old colonial doctrine of *'uti possidetis'* and thus failed to involve the people of Bakassi Peninsula. *'Uti Possidetis'* is a doctrine and ethics in International Law which justifies the established borders of newly independent and post-colonial states.

Although there has been relatively friendly relationship between the Nigerian and Cameroonian border communities¹ ever since the ICJ ruled out the blessed oil region (Bakassi peninsula), to Cameroon in 2002, the inhabitant of Bakassi became displaced, stateless and refugees due to the fact that the ICJ only directed Nigeria to transfer the borderland to Cameroon under the Green Tree Agreement while the peoples and resident of the region were not given any order to revised/change their citizenship or to vacate from the land. The actors involved in the process of border delineation, such as the United Kingdom, Germany, France, ICJ, Nigeria and Cameroon have roles in creating the Bakassi Peninsula dispute, but ICJ's ruling has caused displacement of lives and properties in the frontier.

Nigeria has been involved in the development of Bakassi Peninsula since its independence. Cameroon later got involved in Bakassi Peninsula for the major purpose to gain control of the crude oil in the frontier. The demarcation of the Bakassi Peninsula did not make it permanently delineated part of Nigeria. This was also proven by Cameroon in taking sole hold of Bakassi by releasing a document in corresponding with that of the British and Germans, which states Bakassi peninsula is under Cameroon's territory as an outcome of the colonial period of the Anglo-German agreements. The southern Cameroon officially merged with the Republic of Cameroon in 1961, while the administrative responsibilities of Bakassi region was solely charged by the Nigerian government until October, 10th 2002, ICJ judgement.

¹ The two communities marry each other, some other social activities are done together and also view themselves as families. They have cultural link with one another and speak the same language. The southern Cameroon and south eastern part of Nigeria share a common language (Efik) with cultural and other ethnical ties with each other.

This research deals with the question of 'why ICJ's participation in frontier disputes resolution becomes counter-effective?' Before this research people answered it in the following manner: some paid attention to the ICJ's dispute settlements in other parts of the world, but not much is written on Bakassi Peninsula (Dupont 2014). Some other scholars paid attention to Bakassi Peninsula and especially bilateral arrangement between the two countries, but refuse to pay attention to the ICJ's rulings. However, this research will show that they did not pay attention to the main problem of dispute settlement, i.e. the use of old colonial principle, which does not give voice and recognition to the actual inhabitants of the territory. So the hypothesis of this thesis is if ICJ participates in frontier dispute resolution in Bakassi Peninsula, then their rulings are counter-effective (instead of creating peace, it causes conflict). The thesis will explore this hypothesis at the state level of analysis with participation of two states (Cameroon and Nigeria) and one international institution (ICJ) in Bakassi Peninsula.

1. Statement of the Problem and Purpose/Aim of the Study

The ICJ has made some mistakes in resolving some frontier dispute due to the lack of understanding what the inhabitants wanted or the background of their inhabitations. Miller Steven (2013) expressed it in the following manner

"Precisely, the wellbeing of the people was affected resulting from Territory dispute between the two sovereign states in so many ways such as: individual's overall subjective appraisal of their welfare... but not evenly. The residents were consistently targeted by a territorial intimidation from the fighters were mostly depressed. Furthermore, the intrusive foreign policy of the state leader to capture and carryout the mineral deposit of the region is what triggered this territorial conflict by the its supporter" (Miller, 2013).

As a result, the conventional, legal application of ICJ's ruling must be revised and critically assessed. The theory that must be adopted in such enterprise cannot be legal and rational. Instead, it must focus on the issues of post-colonial era in the frontier dispute of Bakassi Peninsula in African frontier regime. The reason why post-colonial structural theory must be used is because it involves international actors, which consist of the International Court of Justice (ICJ), France, United Kingdom, Cameroon and Nigeria who operated in the environment of national interest and created the roots of the ongoing conflict.

The involvement of France and United Kingdom or the Colonial Sovereign powers in the Bakassi Peninsula stems from the Conference of Berlin, which was prepared by the German Chancellor, Otto von Bismarck from 1884 to 1885. This conference brought up the General Act regulating European colonization and trade in Africa. The availability of the Berlin Conference Treaty enshrined the principle of effective occupation, causing the scramble for the African territories beyond the coastal trading ports. Germany also got involved in this Act as well as most European nations, such as United Kingdom, France, Belgium, and Portugal etc. Germany took the territories of Togoland (Togo) and Cameroon. After Germany lost in World War 1, it was obliged by the Allied nations to give up its colonies to other colonial parties under a signed Treaty of Versailles on June 28, 1919. Germany later assigned its colonies to France and United Kingdom. Togoland (now Togo) and East Cameroon was handed to France while United Kingdom took western Cameroon by administering it together with Nigeria. Since the allocation of German territories lost to France and United Kingdom, East Cameroon has been a part of Nigeria, which also led to the creation of the first political party in Nigeria "National Council of Nigeria and the Cameroon". After Nigeria became a republic in 1963, the southern part of the British colony went to Cameroon while the northern part became part of Nigeria forming two different states Taraba and Adamawa states. During the scramble for Africa, Bakassi Peninsula has always been a part of Nigeria under a signed treaty of Protection between Queen Victoria of United Kingdom and Chiefs of AkwaAkpa or ancient Calabar Kingdom on 10 September 1884. This gave United Kingdom the sole control of Nigeria, including Bakassi Peninsula. This eventually made Bakassi Peninsula a de facto part of Nigeria.

After the independence of Cameroon in 1st January, 1960 from France and 1st October, 1960 for Nigeria. On the 11 and 12 February, the UN organized a plebiscite in the British frontier of the West and North Cameroon as a regulatory measure for the people in the frontier. The people northern Cameroon pronounced to join Nigeria, while those of the western side of the country get tie with Cameroon. This made Cameroon a bilingual country comprising of Anglophone and Francophone population near and along the border between the two countries, which was delimited and left by the colonialist.

Republic of Cameroon had agreed and accept the plebiscite while Nigeria had an issue of accepting the plebiscite. In 1980 the Nigerian authorities decided to question

the border, this was during the military regime of Nigeria, the Nigeria authorities protested which ended up in military conflict. In 1981, the Nigerian police and Cameroonian marines had a conflict in Rio Del Rey (Cameroon's water territory). In 1987 the Nigerian military took over some villages in Lake Chad, Cameroon chasing the residents into exclusion in Cameroon's frontier. The Nigerian military went into the Cameroon passing through Akwayafe River to claim Bakassi Peninsula in December 21, 1993. Cameroon could not bear this harassment from Nigeria. Cameroon later determined to file the frontier conflict case to the International Court of Justice (ICJ) at the Hague by a petition of March 29, 1994, complemented by another petition of June 6, 1994, which extended the court case to the whole border between the two countries due to Nigeria's formal claim over some regions on the land border as well as villages within the Lake Chad region. The case continued for eight years, which ended with the final verdict of the ICJ on October 1, 2002 under the Green Tree Agreement, which eventually ceded Bakassi Peninsula to Cameroon.

The Green Tree Agreement was made to implement the ICJ's rule on the 2002 final adjudication. The Agreement majorly states that Nigerian military troops should be withdrawn from the Peninsula and the frontier should be officially transferred to Cameroon (see Appendix 2). The implementation of the Green Tree Agreement created a negative social outcome to over 100,000 Bakassi people, who were displaced from the land they have been living during the precolonial era. The majority of the Bakassi people classify themselves as Nigerians and this also has created a complex governance challenge and a fundamental human rights problem in Nigeria (Okoi, 2016). The problem of the study is to analyse how the ICJ's Green Tree Agreement has affected the social status of the Bakassi inhabitant with the comparison of other frontiers that the ICJ have worked on in Africa. This purpose of this study is to spell out the possibilities of sustainable peace in Bakassi Peninsula likewise in other frontiers, such as the Burkina Faso-Niger frontier dispute.

2. Research Question

This research deals with the question of 'why ICJ's participation in frontier dispute resolution in Bakassi caused social conflict?' Most importantly, I want to understand what the pitfalls of ICJ's border resolution procedure are, which undermine interethnic stability after the decision has been made. I want to specifically look at Bakassi peninsula as a case study to show in practice the lack of inclusivity of local communities

into decision-making and to outline the main challenges for these communities, which ended up on the other side of the border.

3. The Aim and Objective of the Study

The goal of this thesis is to shed light on a more inclusive procedure of ICJ's decision-making process in cases of frontier resolution to allow participation and recognition of local communities. In order to design this inclusive procedure, this thesis will survey the existing literature and alternative cases, some of which were successful frontier disputed cases e.g. between Niger and Burkina Faso, and between Mali and Burkina Faso will be analysed. Then, it will apply the lessons to my case study. I will evaluate colonial and post-colonial times to argue that ICJ's limited recognition of parties that are involved and the exclusion of local communities in disputed areas from the decision-making process causes human suffering in the form of internal displacement, migration, refugees, assimilation to another culture, discrimination, political exclusion and disenfranchisement after decision is made.

4. Research Method Structure

The research derived the hypothesis after a systematic literature review that took place over a period of one year, from January 2019 to January 2020. The studied literature is carefully examined in accordance with the relevance of the research topic. The reason for this chosen research is to give analysis description, evaluation, generalisation, interpretation, comparison and synthesis of the secondary data as well as understanding the historical roots of border delimitation to review the outcomes of the Bakassi Peninsula dispute between Nigeria and Cameroon, and to understand why and how the border was drawn. The research materials are examined on secondary research with sources from journals, articles, research reports credible electronic materials and books, interviews for the systematic literature review under this study. This helped to outline a set of recommendations that are grounded in the needs of revising the ICJ's decision-making procedure in frontier disputes.

The literature selection was based on specific criteria, such as the ICJ's procedure, colonial and post-colonial history and literature relevant to the alternative hypotheses (please see Appendix 1). The first part of literature includes ICJ's procedure in deci-

sion-making in frontier disputes, criticisms of ICJ in decision-making, ICJ's participation in frontier dispute-resolution cause conflict especially in Bakassi peninsula. It also looked for the human right violations in Bakassi peninsula and possible alternative rulings of ICJ.

The study evaluates colonial and post-colonial times to argue that ICJ's limited recognition of parties that are involved and the exclusion of local communities in disputed areas from the decision-making process causes human suffering in the form of internal displacement, migration, refugees, assimilation to another culture, discrimination, political exclusion and disenfranchisement after decision is made. This will give room to review the involvement of the ICJ and clarify its decision making procedure. It will then pay attention to the outcomes of such un-inclusive legal reading, which resulted in the conflict and stress of what the Bakassi Peninsula community that became an English speaking minority in Cameroon.

CHAPTER 1

LITERATURE REVIEW

1.1 The International Court of Justice

The International Court of Justice is the most noteworthy legal organ of the United Nations. It was the substitution of the Permanent Court of International Justice of 1921. It was dug in by the sanction of the United Nations in June 1945 and later made a move in April 1946. The presence of the ICJ (International Court of Justice) have opened a path for sovereign states to document instances of wilderness debate against other sovereign states.

The ICJ criticism can be examined as follows. The limited and narrow mandate of the ICJ posed many criticisms from legal practitioners, policy makers and scholars; criticised that its responsibility and mandate to solely hear and deliver judgement between states narrow its significance. As a result, ICJ is different from other human rights judicial agencies, many of which have paved ways for private advocates to file complaints (Crook, 2004: 2). This repeatedly narrow the capacity to take notice of cases on international security or human rights. When both conflict countries or Nation doesn't like the ICJ to get involve in an issue relating to a problem they both party to, what they need to do is declare that they will prohibit the ICJ to have jurisdiction (Posner, 2004: 7). Consequently, "states cannot be sued before the ICJ prior to their consent" (Murphy, 2012: 15), despite the fact they are a party to the ICJ. Murphy (2012) also stated,

This condition of further state authorization is the reason most of the U.N. Member States have never showed up before the Court in an antagonistic case and why the Court is considered as significant while not playing a measure role of international conflict resolution (Murphy, 2012: 11-35).

The ICJ rulings, which involved of mandatory jurisdictions and advisory opinions also suffer from biased selection of judge and ad hoc judges that demonstrates its falls of authority. The lack authority by the ICJ is vested in the United Nations' sovereignty principle. The principle states that all countries are the same and that there is no mighty entity that can force states to adhere to international law. The effectiveness and bias of the ICJ is stated as follows:

- a) Limited jurisdiction,
- b) The rulings are politically motivated,
- c) Judicial bias,
- d) The influence of the UN Security Council².

1.2 The International Court Justice and Frontier Cases

The existence of the ICJ (International Court of Justice) has opened a way for sovereign states to file cases of frontier dispute against other sovereign states. Territorial or frontier dispute have been a conflict that have been existing for decades and cannot be easily resolved. Sovereign states that file for the frontier dispute against another sovereign state to the ICJ, cite different claims, such as culture, nationalism, colonialism, geography, treaties, economy, history, religion, language, effective control and etc. Since most disputed territories are the cause of artificial demarcation of boundaries by the colonial sovereign countries, like United Kingdom, France, Germany and etc. Many of these colonies have fought within themselves to attain territories and cases have been filed to the ICJ to resolve this issue.

Africa has been a major study in conflict and resolution. Africa have faced ethnic, political, economic, and social issues since the post-colonial era. Over past decades, post-colonial Africa has been the location to the highest number and the most brutal conflicts in the world. 90 percent of conflicts in world during the 1990s were reported to be from Africa in the sense that nine of the ten bloodiest conflict of the decade were played out in Africa (Olivier; Chusi, 2009: 1) Regardless of the need for conflict resolution, the perception continues that the plight of Africans appears, until lately, not to have included on the priority list of the United Nations (UN) Security Council (Security

² For more information, please see the following authors: Eric & Miguel, 2004; Posner, 2004; Muller & Raic, 1997; Tuyishime, 2017; Ginsburg & McAdams 2004; Posner & Figueiredo, 2005; Samore, 1956; Crook, 2004; Chirelstein, 2001; Sumner, 2004; Zacher, 2001; Simmons, 1999; Singer, 2001.

Council) or its vital members. Some of these cases are solved while some are still pending to be solved. The solved cases either have positive or negative social outcomes in the disputed frontier or territory.

Since frontiers were physical part of the states, frontier conflicts performed nation-building functions and authorised exclusive supporting the stability of their power even though most of the border disputes manifested from the power distress for the artificial frontier demarcation, their perseverance echoed the proposals after so called independence to provide trust demographic and judicial deception inherited from the colonial masters (Khadiagala, 1999).

Political or ethnic frontier in Africa refers to a border between the neighbours of a particular state that share a territory, a region or a narrow zone fronting the two neighbours marked off by it (Fanso, 1986). The demarcated African boundaries were mostly initiated along social and ethnic contract. (Mc Dougal, 2009). This is what the ICJ failed to recognize in its judgement. The traditional African thought that they are only significant to the western world who created them and were not concerned about their survival until they were checked at some certain scenarios. This let them begin to sense the aftermath on their relations with neighbours and began to establish new and secret paths across the frontiers (Fanso, 1986: 72 and Khadiagala, 1999).

ICJ fortified the outskirts system of post-provincial boondocks by utilizing the "*uti possidetis* principle" in its judgment. The lawful morals of *uti possidetis juris* or *uti possidetis* by right is portrayed by Black's Law Dictionary as "The tenet that matured regulatory obstructions will become universal limits when an authoritative subdivision achieve autonomy" (Garner 1999: 1544). The premise after this convention goes back to Roman period and create its name from the Latin expression "*uti possidetis, ita possideatis*," or "as you have, so may you have".

As a result, the basis of *uti possidetis juris* support the real ownership in respect of how it maintained the ownership and it never differentiate between de facto and de jure ownership. These colonial demarcated borders were seldom drawn to comply with the inhabitants of the frontiers and almost always cut through them, causing nations to become stuck within new states. This affects the purpose of *uti possidetis juris* in the name of attaining "stability and finality" caused many claims of frontier conflict

and the right to self-determination. This principle is supported by nations that appeared through the decolonization mechanisms since it persuaded its provincial integrity.

Uti Possidetis became the founding principle of the African frontier regime. European colonial powers drew lines across the African continent in the nineteenth century, both to define their respective possessions and to subdivide their own empires for administrative purposes. It is a commonplace that European expansion in Africa produced territorial divisions that bore little or no relation to the character and distribution of local populations preceding to independence, several African political parties supported the reformation of these artificial frontiers to accord with local actualities. In December 1958, the revisionist movement culminated in the resolution affirmed by the All-African Peoples Conference held in Accra (Lalonde, 2002: 103-137). The principle was further upheld in the history of African boundaries from the Berlin Conference until the adoption of the 1964 boundary resolution. Of particular interest was the evidence of inter-colonial boundary readjustments and the fact of their acceptance at the date of independence. In considering the impact of the OAU (AU) Charter and the Cairo Resolution, it was argued that these pronouncements merely referred to rights and obligations as defined by international law (Lalonde, 2002: 138-171).

In spite of the fact that *uti possidetis* is a fundamental standard, various logicians have fought that *uti possidetis* and related guideline were significant for the ease of commonplace questions in the Americas. Zacher (2001: 229) quarrel that the premise of *uti possidetis* "had some stun in improving most noteworthy request" in Latin America, in spite of the fact that it was not routinely followed and regarded by each state in the locale, and Malanczuk (1997: 162-163) it essential to noticed that greater part of the recently sovereign countries have concurred with this general rule.

"Generally it is given an unending geographic spatial areas, apparently the unconquerable limits, for example, the Andean mountains, the broad thick tropical backwoods that take a lot of Central and South America, Leaders/Nations with reluctant of assets sees it hard and savvy to respect and depend on *uti possidetis* to beat the entirety of the fringe related issues" protested by (Domínguez et al 2003: 21). However, if in Latin America the principle might have worked due to it being an early post-

colonial continent, in Africa this principle created conflict and aggravated inherent instability.

Scholars have written about ICJ's use of "*uti possidetis* without critically assessing the social outcome on local communities in the process. Scholars who questioned the legal principle claim that the "*uti possidetis* principle" emphasizes frontier stability, like river boundaries, due to their intrinsic movable nature, which can put this stability under intense situation" (Spadi, 2005). A large portion of them took a gander at the ICJ's 1986 choice in the Frontier Dispute (Burkina Faso/Republic of Mali) situation when the rule of *uti possidetis* was expressed most straightforwardly. The ICJ had been addressed to settle the point region of a contention area of the fringe among Mali and Burkina Faso, the two nations were under French province before their independence. In its decision over the criticalness of this outskirts struggle case, the ICJ attest the lawful guideline of *uti possidetis juris*: In any case, it is a wide entire rule that sensibly connected with objectives of accomplishing autonomy in many nations where such clash occurred. Thusly, the rule isn't a restrictive regulation exclusively to one structure of global law. Purposely, Its shared objective is to maintain a strategic distance from the freedom and security presence of new States being bargain by common conflicts exasperated by the opposing of outskirts after the exist of the executing authority (World Court, 1986: 20).

The ICJ controlling inside the Mali-Burkina Faso fringe struggle case likewise quarrel that the standard of *uti possidetis* ought to be utilize in any decolonization condition, independent of the lawful or authoritative status of the bodies on both side of the boundary. The decision further to alleged unambiguously that this standard is so wide as to utilize without partiality of geographic area or chronicled time, removing the likelihood that *uti possidetis* would be wise to not utilize in Africa on the grounds that, the locale followed another lawful standards than once followed in different spots or in light of the fact that this selective guideline had not been certify for Africa as of these two nations' freedom in 1960. This judgment suggests that at any rate by the 1980s the legitimacy of provincial fringes was all around acknowledged as legitimate standard guideline.

Accordingly, researchers or scholars proceeded to contend that the ICJ doesn't utilize a specific technique in its dynamic, rather it utilizes a blend of enlistment, finding and,

declaration (Talmon, 2015: 8). The ICJ's utilization of statement as a procedure to control the standards of standard universal law. Regardless of what it says regarding the matter, as a rule the Court has not checked the training and *opinio juris* of states yet, rather, has basically attested the guidelines that it applies. Indeed, even its own individuals have scrutinized this methodological methodology.

Numerous researchers have likewise recognized ICJ's dynamic technique in the outskirts goals as opposing to the "guideline of self-determination", which are defined as:

Self-determination has been used to combine with the rule and regulations of regional decency in order to secure the regional system of the frontier time frame in the decolonisation procedure and to project a standard allowing withdrawal from autonomous states from emerging (see Franck 1990 and 1993; Higgins 1994).

The rule of self-determination expresses that the provincially individuals portrayed common unit with no limitation may strongly guarantee their case their managerial status. Such fortitude may bring about autonomy, joining with a neighbouring nations, free coordinated effort with an autonomous state or some other political status uninhibitedly chose by the individuals' purpose (Western Sahara case, 1975, 12, 33 and 68). Self-determination likewise has a section in the point of view of setting up a statehood, Safeguarding autonomy of states and their power, in giving criteria for the goals of debates, and in the zone of the perpetual sway of states over their characteristic assets. The arrangement of the UN depended on the way of thinking that "the region of a settlement or other non-regulatory region has under the Charter a status discrete and unmistakable from the domain of the state managing it" (UN Resolution, 1970) and that such status was to exist until the individuals of that region had practiced the privilege to self-determination.

The literature review shows that *uti possidetis* has been accepted as the standard legal principle in the frontier dispute resolution of ICJ, since it assumed to have prevented conflict in Latin America. However, in Africa it created even more conflict and instability, undermining self-determination and strengthening colonial legacies. Not many scholars have looked at the conflict in Bakassi as a direct outcome of the ICJ's ruling, which was based on *uti possidetis*.

1.3 History of Bakassi Peninsula Conflict

Scholars who study Bakassi Peninsula have paid attention to the social structure of the society and geographical particularities of this territory. Bakassi Peninsula is a 600 square mile area mangrove forest swap-land located between the Cross River estuary, beside the west of Calabar, Nigeria and the Rio del Rey estuary on the East African Atlantic Gulf of Guinea. The Bakassi Peninsula lies between the latitudes of 4025' and 5010' north and between the longitude of 8030' and 9008' east of the Greenwich Meridian (Effiong-Fuller 2007; Odiong 2008; Baye 2010; Njoku 2012)..It is a region is half submerged Islands extended into the Bight of Bonny or Biafra with an area about 665 km² (Anene, 1970:2). The Peninsula has more than 24 billion barrels of crude oil which is also about 10 percent of the world's oil and gas reserves (Anyu, 2007:42-43). The Bakassi Peninsula is a strategic area for military undertakings for Nigeria and Cameroon. Mbuh (2004) groups the landmass as "a key underbelly of Nigeria". The area goes about to connect to both Nigeria and Cameroon since it harbors two significant seaports in Douala, Cameroon and Calabar, Nigeria (Igwebuikwe, 2008:2).

The population of Bakassi Peninsula who are mostly Efik indigenes of Nigeria are majorly involved in fishing and trading (Anene, 1970:56). The historical origin of Bakassi Peninsula can be traced back to the settlement of mostly the Efik people of Calabar, Nigeria, and later on tribes like Efut, Ibibio, the Bakole, the Barombi, the Balondo and Annang came through around 1450, which was within the political framework of the Old Calabar Kingdom (Christopher & Albert, 2018). Rio del Rey with the incorporation of south-eastern part of Nigeria derived by Kings and Chiefs to bring into ancient kingdom of Calabar under their watch (Anyu, J. 2007:42).

Scholars have also looked at the colonial history of Bakassi conflict arguing that the major cause of the Bakassi Peninsula treaty started from the establishment of the Berlin conference in 1884-1885 (Ushie, 2010). In Appiah and Louis Gate Article (2005: 177), "The Berlin Conference started. As a result, these governments pursued to protect their commercial interests in Africa the peak of the European challenge for African land, a system by and large usually characterized as the "Scramble for Africa". All through the 1870s and mid 1880s European countries, for example, Great Britain, France, and Germany started to search for plenteous favored African assets for the

point upgrading their mechanical parts along line to fill in as their market for their own benefit and started sending emissaries to the landmass to make sure about arrangements from indigenous people groups or their alleged agents. The Economic rivalry between Great Britain and France made Bismarck to call a meeting in late 1884, the meeting was for the European powers, which was done in Berlin, Germany. Great Britain, France, Germany, Portugal, and King Leopold II negotiated their claims to African territory, which were later analyzed and agreed in the meeting.” In the Berlin gathering, the European countries likewise consented to permit free dealings of exchange among the states and made a framework for arranging future European cases in Africa. Neither the Berlin Conference nor for the future arrangements reason gave any state to the Africans over the apportioning of their local grounds. The Berlin Conference didn't begin the European colonization of Africa, yet it sanctioned and formalized the procedure. Furthermore, it built up another enthusiasm for Africa following the end of the Berlin gathering, European states delayed their cases in Africa, asserting 90 percent of African region by 1900.

Colonial masters incorporated with native traditional rulers, document and signed numerous agreement of the territories which were mostly signed agreement just to protect their common goals and as such the valid legal purpose only take it due course when it doesn't violate their reconcile terms and conditions carefully. All the agreements were generally not the same. The British agreed and signed several agreements (treaty), example is the one signed by British Consul Edward Hewett, which was to protect the British colonial interest. This agreement was all signed and between British and traditional rulers in two month which started from July to September, 1884 with the Chiefs and Kings of old Calabar Kingdom (presently Calabar in Nigeria). The September 10, 1884 treaty is a nine-article treaty with special note on Article 1, whereby the Queen of Great Britain and Ireland undertook to extend to the Old Calabar Kings and Chiefs and to the frontier under their authority and jurisdiction. The Efut Declaration came earlier on 8th September. 1884, followed by that of Idomi on 9th September. 1884, while the Tom-Shott Islanders came last on 11th September 1884. It is worthy to note that all the three with one Voice say: "We affirm that Britain and its citizen's (colonial masters) are expose to that authoritative jurisdiction made by traditional rulers of the ancient Calabar". The three documents: the 1884 Anglo-Efik Treaty along with the three Declarations of 1884 and the 1885 Anglo-German Treaty are

important because of the tripartite role they have to play role in the current land control conflict of Bakassi frontier dispute between Nigeria versus Cameroon (Akak, 1999: 7).

Cameroonian traditional rulers and Germany also opened up to several treaties which facilitated and pave way for conditional employment to Cameroonian in 1984 extending their territorial possession to Lake Chad (Akpan 2010: 111). The line of separation between British and German interests placed Bakassi Peninsula within the British sphere of control.

On October 1906, the Anglo- German treaty made a demarcation treaty designing from northern Bakassi, thus locating Bakassi Province under German influence. However, consequently, prior to end the Anglo-German agreements of March 11, 1913, which was the most significant treaty out of the numerous treaties to take sovereignty over the Bakassi Province had established into force were the Exchanges of Notes of 1885 and 1886 and the treaties of 1890 and April 1893, by the aspect of which the boundary between British and German circle of control was set at the Rio del Rey, fixing the Bakassi Peninsula clearly on the British part of the boundary (Ede, 1981: 10). Later, the Anglo-German revised the treaty which was mentioned that Bakassi Peninsula was to be controlled by Germany, normally Bakassi Peninsula as always been with the kingdom of Calabar. Eventually the British complied and cooperated to the agreement, the Germans made in order to avoid Germans to take the whole of Calabar from them. This agreement is called the Oboko agreement without the involvement of the Obong or the Oboko ruler. This agreement led to the land demarcation within the Old Calabar Kingdom. By July 6, 1914 the British and German agreed maps shows that Bakassi Peninsula is located in Cameroon.

Historical scholars suggest that the weight of the indication appears to be intense that German occupation of Bakassi, was having no significant role of German commitment during the era between March 1913 and May 1916 (ICJ Bakassi Case, 1999:9, 177) In Bakassi during that period and later on, the Old Calabar rulers' power and authority of the developing Nigerian local administrative set up of the pre-colonial Nigerian dependency are constant. Political advancement or the political aspect of Bakassi between 1913 and 1960 was still under Nigeria's control at that period.

After the World War I, the League of Nation got involved and later established the agreement of Versailles endorsed on June 28, 1919 in Paris, France, the treaty was

created to share the German Colonies between France and Britain (History, 2009). The British and French had to settle and redefine their boundaries in all the German territories especially in Cameroon under the League of Nations the Permanent Mandates. According to the Anglo-French agreement, the British took control of Southern Cameroon together with Bakassi Peninsula, while the French controlled Northern Cameroon. Bakassi Peninsula was made placed as part of the British Cameroon under the British mandate and was administered together with Nigeria, but Nigeria and Bakassi were unfortunately not merged together as one colony (Anyu, 2007: 43). Omogui (2012) stated that “the Bakassi and the British Cameroons were included in the British Mandate and are part of the Nigeria administration. He later added that even though the territory was under the Nigerian Colony, it actually was not combined with it. And that the old 1913 arrangement was retained, such that in order to codify this further, the British and the French designed another settlement in December 1929 and January 1930”.

After World War II, the French and British Mandates organized by the League of Nations were taken over by the United Nation Trusteeship created in 1946. Bakassi continued to be administered by Britain, but this time was ratified by the United Nations Trusteeship treaty of December 13, 1946. The United Nations re-ratified the Anglo-German and Anglo-French settlements of the borders. The two agreements identifies Bakassi as part of British Cameroon and not part of the Colony of Nigeria. Cameroon argued that after World War I Bakassi was supervised by the England including that the southern piece of Cameroon was likewise set under their supervision while Cameroon came to come to controlled as a major aspect of the Nigerian Protectorate, consequently, the contrast among relegated and protectorate region, while recognized on a basic level, had essentially no significant significance for the individuals of Bakassi and Calabar.

After Cameroon and Nigeria got their independence in 1960s, a plebiscite in the British Cameroon were performed on the February 11 and 12, 1961, was made for the region to merge between Nigeria and Cameroon. The Northern part of the British Cameroon became part of Nigeria and while the Southern region joined Cameroon (Akpan 2010: 267). This series of the Anglo-French arrangement did not alter any of the 1913 Old English/German arrangement didn't influence the waterfront limit line among Nigeria and Cameroon (Ikome 2004: 13). Cameroon and Nigeria became a sovereign nation

and became a member of African Union under the *uti possidetis* clause, which requires members to respect national boundaries defined by the colonial nations. The two nations did not agree to the demarcation of the defined boundaries along with the Bakassi Peninsula between them (Ubong, 2015: 239). Nigeria and Cameroon went into border dispute to claim the boundary over the mapped artificial demarcated Peninsula by the Colonial powers. The major conflict occurred on 16 May 1981, when the Nigerian military watch armed force and the Cameroonian soldiers battled at the Rio Del Rey region of the fringe during their watch. The grievous occasion prompted the demise of certain officers and civilians.

The Bakassi region became a place of armed struggle, harassment and maltreatment leading many injuries and death. The military forces included were the Cameroonian gendarmes, Nigerian military and a few Nigerian activist gatherings, for example, Niger Delta Defense and Security Council (NDDSC), Movement for the Emancipation of Niger Delta (MEND), Bakassi Freedom Fighters (BFF) etc. The Cameroonian government filed the case to the International Court of Justice (ICJ) against Nigeria government. The adjudication of the ICJ started on 29 March 1994 under the case of the Land and Maritime border conflict between Nigeria and Cameroon (Igwebuikwe, 2018: 3)., The ICJ ceded Bakassi Peninsula to Cameroon On October 10, 2002, in Hague using the Anglo-German treaty of 11 March 1913 to justify the case.

The Late Koffi Annan was the United Nations Secretary General invited former President Olusegun Obasanjo of Nigeria and President Biya of Cameroon to sign the Green Tree Agreement on October 10, 2002 to conclude the final rulings of the Bakassi Peninsula. The Green Tree Agreement was made to implement the ICJ's rule on the 2002 final adjudication. The agreement majorly states that Nigerian military troops should be withdrawn from the Peninsula and the frontier should be officially transferred to Cameroon. The implementation of the Green Tree Agreement created a negative social outcome to more than 100,000 – 300,000 Bakassi people, they were displaced from the land they have been living during the precolonial era. The majority of the Bakassi people classify their selves as Nigerians and this also has created a complex governance challenge and a fundamental human rights problem in Nigeria (Okoi, 2016).

The ICJ judgement on respect the transfer of Bakassi Province to Cameroon, became a surprise by Nigerians principle due to the issue at hand. Nigeria's claim over the Bakassi Peninsula is mostly, due to the socio- economic, demographical and as well spatial reasons. They also engaged the following: native dwellers; the land and maritime; the aquatic life; the petroleum and gas reserves; geostrategic impact of the Bakassi Province area for marine transportation and the naval defence of some part of Nigeria (Rudolph & Douglas: 2004).

It is important to recognize that the literature on Bakassi conflict is divided between two disciplines that hardly talk to each other. On the one hand, legal scholars have paid attention to the nature of *uti possidetis* ruling used by the ICJ's as a colonial principle that justified the unfair borders. On the other hand, historical studies have shown the story of border creation and possession in the context of the 'scramble for Africa' paving the way to argue that legal treaties have been convoluted and vague at best.

CHAPTER 2

SECONDARY CASE STUDIES

2.1 Secondary Case Study Where ICJ's Involvement in Frontier Dispute has Created a Lasting Peace and Avoided Negative Social Outcomes

In order to shed light on the alternative procedure, this section will look at the cases when ICJ's ruling created a lasting peace between two states in border resolution. There are close to 100 frontier disputes around the African continent. The rise of nationalism, population and pressures suggest that the situation is likely to get worse. But, it can be solved by the availability of an army of indigenous peace practitioners that work proactively with available pan-African leaders and elites to reduce and resolve tensions. The frontier issue across Africa is what is passed over to African states from colonial powers. The most legal ideology used by International law for frontier dispute is the *Uti Possedetis*. This seeks to halt all territories to a snap shot of the area states were given on the Independence Day. There are 18 contentious cases between African nations filed to the ICJ, 13 of these cases are frontier disputes.

2.1.1 A case of Burkina Faso/Mali Frontier Dispute

The study focuses on Burkina Faso and Mali as a case study and pointing out the result of the ICJ judgement for the two conflict states. Burkina Faso and Mali are sub-Saharan African countries located in the West Africa and both got their independence from France. Burkina Faso formerly called Upper Volta in 1984 got independent in 1960 along with Mali. Burkina Faso is landlocked by Benin, Cote d'Ivoire, Ghana, Mali, Niger, and Togo. Burkina Faso have had episodes of frontier dispute between its neighbouring countries and which have caused economic and security issue for the

country. It has a total area of 274,200 square km and has a border spanning 3,611 km that it shares with Benin, Côte d'Ivoire, Ghana, Mali, Niger, and Togo. Mali is also a landlocked country of a total surface of 1,240,190 square km, surrounded by Algeria 1359 km, Burkina Faso 1325 km, Cote d'Ivoire 599 km, Guinea 1062 km, Mauritania 2236 km, Niger 838 km, Senegal 489 km (Central Intelligence Agency World Fact Book, 2020).

The borders of Burkina Faso and Mali formed part of the French colonies known as French West Africa, particularly the Upper Senegal and Niger colonies. Burkina Faso and Mali frontier dispute is a longstanding frontier dispute which became a two armed interstate conflicts on November 1974 and 1985 (Naldi, 1987: 893).

Agacher (strip) section is a 100 mile portion of land and is the subject behind the conflict emanated between the two countries ie. Burkinafaso and Mali. The Agacher strip is known to be endowed with natural gas and mineral resources such as manganese. It is rich in water and it is the only source of water that is 30 Kilometre linking to Yoro village, Mali. The strip is also 50 Kilometre that intersects between Mali, Burkina Faso and Niger (Zerbo, 1996: 89-110). The two African States began political negotiations with an aim of resolving the issue from the beginning. The negotiation was unsuccessful and armed conflict broke out on 25 November 1974. There were minimal casualties on both sides. The President Seyni Kountche of Niger and the President Gnassingbe Eyadema of Togo tried to settle the dispute and was unsuccessful. Tensions escalated in 1975 which added more problem to the conflict. There were report about the lots of retaliations against Malian citizens in Burkina Faso (Upper Volta). This was when the OAU came in to as a mediator of the two conflicted sovereign states.

The Organization of African Unity (OAU) founded in 1963 and later reformed as African Union (AU) in 2002, created a mediation commission to solve the frontier dispute. A neutral technical commission was established by the mediation commission to demarcate the conflicted frontier. This commission was held at Lomé, Togo on 18 June 1975, the two parties accepted the proposal of the commission. Apparently it did not go as planned. In 1977, a regional group called the West African group under the Accord de non-agression et d'assistance en matiere de defense (A.N.A.D) or Non-Agression and Defence Aid Agreement called the Burkina Faso and Mali's president to sign an agreement in eradicating the conflict. The conflict was a politically solved.

A revolution occurred in Burkina Faso in 1982 created a new military regime to power leaded by Thomas Sankara. The new president of Burkina Faso Thomas Sankara ensure to solve the Agacher territorial dispute with Mali. The relationship between the two countries was already weak because the Burkina Faso government expelled a Malian Diplomat in Burkina Faso, Drissa Keita. President Moussa Traore of Mali and President Thomas Sankara of Burkina Faso also had a bad relationship. The diplomats of both countries attempted to resolve the frontier dispute, but was unresolved leading to radicalism between the two states. In August 1983, the dispute was later reported to the International Court of Justice (ICJ).

The Foreign Affairs Ministry and International Co-operation of the Republic of Mali and the Foreign Affairs Ministry of Burkina Faso (Upper Volta) jointly requested for an exclusive treaty on 16 September 1983 to the chamber of the ICJ to resolve the frontier dispute. On the October, 18 1983, the ICJ has been informed later by the African countries on the issue worsening Mali and Burkina Faso land border conflict, 1986: 554, 556-557). The registry had under the court granted an exclusive treaty to file a case that will address Burkina Faso and Mali land border dispute. On September 16, 1983 exclusive agreement mentioned that:

The Government of the Republic of the Upper Volta (Burkina Faso) and the Government of the Republic of Mali, to have a drastic resolution of the land border conflict between them, had to follow and show respect for the principle of the land border or frontier doctrine inherited from colonization and to impact the genuine delimitation and outline of their normal land this is alluding to the Agreement finished up between the contention nations with the end goal of tending to the land outskirts struggle between them (ICJ, 1986: 554, 557–558).

Burkina Faso's claim was based on the French delimitation of the frontier of the 1947 general order (Salliot 2010). In respective of reports which it considers to be the main genuinely target writings. It was during French pioneer period and the guideline of *uti possidetis* that the territory was contacted and delineated, this demonstrates outskirts gotten from provincial forces can't be changed without the deliberate understanding of the gatherings (Naldi, 1987). To verify its claim it depended on old colonial maps, which it considered to be original. Mali argued that the area was inhabited by two ethnic group: the Touaregs and Bellahs. The historic and geographic area was formed

part of what was French Sudan. This two ethnic group classify themselves as Malians and have been living there as herders. The presence of Malian administrative authorities in the area, was considered by Mali as sufficient grounds for declaring the disputed strip of land to theirs. The historical origin of the population living in the conflicted localities reflecting the *uti possidetis facto* principle.

From a legal perspective, the principle of the inviolability of frontiers and the “*uti possidetis juris*” principle or the “*uti possidetis de facto*” principle was the main point of the discussion. Mali declined Burkina Faso’s argued that the opposing and largely conflicted with existing legal documents. The Court believed Mali’s claim to be ill-founded in law as it challenges the principle of *uti possidetis* what’s more, would along these lines topple the security of the African landmass. The Court was be that as it may, addressed to respond to the accompanying inquiry: What is the halfway point between the two clash states? The contested zone involves a band of an area covering from the division Koro (Mali) Djibo (Upper Volta) up to and including the district of Beli (ICJ, 1986).

The frontier dispute case between Burkina Faso/Mali was the first case of the *uti possidetis juris* principle by the Court. The two nations had a unique understanding portraying to the Chamber in the ICJ on inquiry verging on the boondocks between the two states. Article II of the Special Agreement expressed that, the wilderness question case was to be proclaimed by a Chamber of the Court established by Article 26(2) of the Statue of the International Court of Justice and to the arrangement of the 20 October 1983 Special Agreement. The contention nations sent their solicitation to embrace the accompanying methodology for the pleadings:

- (a) A Memorial archived by each Party shouldn't be over a half year after the gathering by the Court of the Order involving the Chamber;
- (b) A Counter-Memorial recorded by each over a half year after exchange of the Memorials;
- (c) Any other contending which the Chamber may see as imperative. The pleadings submitted to the Registrar won't be transmitted to the following Party until the Registrar got the looking at contending from the other Party.

The Chamber consisted of the Judges Lachs, Ruda and Bedjaoui as well as the ad hoc Judge Francois Luchaire for Burkina Faso and ad hoc Judge Abi Saab for Mali. At the time the court could decide what to do about the frontier dispute, the dispute escalated into war by 25th of December 1985. The eve of the conflict occurred when Burkina Faso carried out a population census which was apparently violating Mali's sovereignty. The conflict started between the census officials and Mali nationals, just because the Burkina Faso officials carried out census in some Fula camps in Mali. This angered the Malian government who saw it as a violating their sovereignty. There was a report that Agacher strips was attacked by Mali, the frontier is known to be controlled by Burkina Faso. President Moussa Traore of Mali rejected this act in public and told the African rulers to pressure President Sankara to leave the frontier. The conflict escalated when the Malian armed forces bombed Burkina Faso's towns of Ouahigouya, Nassoumbo, and Djibo on 25 December 1985. The "war of the commu-niques" or Agacher War (ACIG, 1985) is the cause for this Malian military operation.

Burkina forces retaliated by bombing the Malian town of Sikasso before a ceasefire can be reached. This is known as "the Christmas war". The conflicted ended Between 26 to 29 December 1985, three series of cease fires was declined by the two parties. The Libyan government endeavoured to arrange a truce on 26 December 1985, yet this was ineffective. The war finished in a strike by the Malian aviation based armed forces against a commercial centre in Ouahigouya, in which various regular folks were executed.

Nigeria and Libya made another attempt to resolve the armed conflict on 29 December 1985 under the body of the Organization of African Unity (OAU). The effort of the OAU to create peace failed, this was when the Accord de Non-Agression et D'assistance en Matiere de Defense (A.N.A.D) or Non-Agression and Defence Aid Agreement (ANAD) came in with the initiation of a fourth agreement between the conflicted duo. A cease fire agreement was later signed on 30 December 1985 and officially ended the Christmas war. The five day war ended with the death range of 59-300 people. In the ANAD summit in January 1986 at Yamoussoukro, Cote d'Ivoire, President Moussa of Mali and President Thomas Sankara of Burkina Faso agreed to withdraw their troops. Diplomatic actions were made with the exchange of prisoners of war in February which ended in June. Despite this move by both Countries, the dispute was still unsolved. They later agreed to file the case to the International Court of Justice (ICJ).

The chamber pointed out the measures with an order on 10th of January 1986. The ICJ judgement was delivered on 22nd of December 1986, where it began by determining the source of the rights that was been laid claimed on by both states. ICJ observed that the principles, which ought to have been utilized were the impalpability of the wildernesses acquired during colonization and a guideline of "*uti possidetis juris*" the standard worldwide law that remain to secure limits of provinces approaching as States. The gatherings made cases dependent on settlement law and viable control, such as French legislative as well as administrative documents, maps and "colonial effects".

After considering the numerous aspects of evidence, the ICJ then justified the reason of the land border between Burkina Faso and Mali in the conflict area. In order not to assume the evidences of the case, the Chamber unanimously ordered:

- 1) That the legislatures of Burkina Faso and Mali most guarantee where so ever be handle which may incite or stretch out the contention submitted to the Chamber or bias to the particular privileges of the gatherings to assent with the judgment of the Chamber;
- 2) That the two governments keep on watching the truce established on 31 December 1985;
- 3) withdrawal of military from the two gatherings to such positions, or behind such lines, as might be controlled by an understanding between them, inside 20 days of the Chamber's organization, the details of the troop withdrawal contained in the said understanding, bombing which the Chamber itself would demonstrate them by methods for a request;
- 4) That in respect to the organization of the contention region, the circumstance which demonstrate before the outfitted clash that offered ascend to the solicitations for temporary measures ought not be changed (Guardian 20 Jan 1986, Naldi, 1992).

The court discharged allegations of autonomy and the administrative control exercises as irrelevant (ICJ, 1986: 570). Irrespective of being irrelevant the case located the boundaries at various critical dates under the French colonial law (ICJ, 1986: 570).

Colonial effectivities can "support an existing title" if they can be "compared with the title in question." (ICJ, 1986: 586). Here, no such title existed, so the French colonialist effectiveness couldn't only separate the fringe. Subsequently, the court set the outskirts at Burkina Faso's fringes to the degree that asper as those cut off points were ascertainable from the proof. This fringe was defended dependent on *uti possidetis*, similar to France, in 1947, set the outskirts at its December 1932 breaking points, which incorporated the past province Upper Volta (ICJ, 1986: 583-587). This was what offered unmistakable quality to lawful title rather than powerful belonging as of sway, which is the insurance of state from outer obstruction most particularly inside the frontier.

On 22 December 1986, the Court depended on the principle of *uti possidetis* go on with the demarcation of the border line between Mali and Burkina Faso (ICJ, 1986: 554-565). The request was basically expressed by the conflict countries that the Court to settle their conflict based on the *uti possidetis*, the Court realized that its common goal is to "avoid and protect the sovereign and soundness of the new States being jeopardized by common battles disturbed by the difficult of land fringe following the withdrawal of the managing power" (ICJ, 1986: 554). In this manner, the Court essentially isolated the contested boondocks, in acknowledgment of contentions and holes in the record, the court continued in value, separating the contested wilderness into half (ICJ, 1986: 632). The ICJ stated that, when boundaries were less than delimitations between varying colonies with the entire subject to a similar sovereign, such application principle of "*Uti possidetis juris*".

The principle of *uti possidetis* can stand to purify and reaffirm the colonial boundaries as a process to maintain harmonies relationship with African countries by eradicating the possibility of irredentist claims based on previous colonial administrations (Majinge, 2012: 1-43). The ICJ ruled that the borders should be adjusted, and divided the disputed territory almost equally: while Mali received the so-called "four villages" area, Burkina Faso received the northern area known as the "three rivers area", which is strategically important in the Sahel region for livestock farming and agriculture. Both conflicting parties were considered to be satisfied with the ruling of the court (Salliot, 2010: 22).

The Heads of the administration of Mali and Burkina Faso had concurred "to takeaway back the entirety of their military from either side of the contention territory and to

adjust their arrival to their particular domains". This was archived and gave on 18 January 1986, coming about first meeting of the head of from the part nation title "*Accorde Non-agression et D'assistance en matière de Défense (ANAD)*". The Chamber moreover observes that the Parties, having kept an eye on a Special bargain for the settlement of their discussion by a Chamber of the Court, didn't simply by doing so agree to take with the Court's decisions according to Article 94, segment 1, of the Charter of the United Nations, yet furthermore articulated unequivocally in that Special Agreement that they "recognize the Judgment of the Chamber offered by the Special Agreement as last and authority upon them" (Article. 5, para. 1). After the completion of its task, the Court's chamber is fulfilled to register the two countries' obedience to the overall legitimate methodology and to the peaceful mediation of discussions (ICJ, 1986: 649).

The above-mentioned case allows us to draw similarities between Bakassi case and Burkina-Faso and Mali frontier disputes. Both involved conflicts between states that were rooted in convoluted colonial past and were settled by the ICJ using the principle of *uti possidetis*. However, since both states established a Special Agreement with the promise to comply with the rulings of the ICJ, frontier dispute was resolved in favour of both parties involved and rather than legitimating the colonial borders, it divided the territory equally between states leading to the transfer of people and properties. Part of the reason why Bakassi remains a conflict zone is because Cameroon applied to the ICJ unilaterally without obtaining preliminary agreement with Nigeria.

2.1.2 A case of Burkina Faso/Niger Frontier Dispute

Burkina Faso and Niger's frontier dispute can be tagged with Mali and Burkina Faso dispute. Niger³ got independence along with Burkina Faso in 1960 from France. The Burkina Faso and Niger frontier dispute became intense when they both gained Independence. Apparently, the frontier dispute case is just like that of Burkina Faso and Mali. Burkina Faso and Niger have been two of the many states belonging to French West Africa (FWA).

³ Niger is a West African state which can be traced back at period when they were under the French colonial rule just like Burkina Faso and Mali.

Date back to 1902, Niger and Senegambia protectorate was made after the breaking down of French Sudan around the same time with the distribution of two existing military regions and another situating Niger at the left bank close to Lake Chad (ICJ, 2011:12379, 10). Apparently, French West Africa was the foundation of French expansionism in West Africa in the 19 century. The Government General of FWA (French West Africa) redesigned the state of Senegambia and Niger by altering the name to Upper Senegal and Niger, while the subsequent military was moved to the common organization In 1904 the first and third military protectorate were combined were set to shape the "Military protectorate of Niger", all in the control of Upper Senegal and Niger (Decree, 1904: 11). On 21 June 1909, the Arrêté of the Governor of French West Africa consolidated Dori Cercle of the Military Territory of Niger into the Civil Territory of Upper Senegal and Niger. On 22 June 1910, By Arrêté, the area of Timbuktu and parts of Gao, Tillabery and Djerma Cercles of Upper Senegal and Niger to outline the Cercles of Timbuktu (Sedentary and voyaging peoples), Gourma and state. The Tillabery cantons are arranged on the right bank of the River Niger were composed into Dori Cercle.

On 7 September 1911, the military space of Niger was removed from the territory of Upper Senegal and Niger. This was a Decree given by the President of the French Republic. The Military Territory was developed as another administrative spoke to by a senior authority under the quick control of the Governor General of French West Africa (FWA) (Decree, 1911: 511-512).

Before France came to colonize FWA areas, Mossi, the Gourmantche, and Peuls are three ethnic gathering similarly significant for Burkina Faso and Niger. The Mossi have been built up in the region since the fifteenth century before the French isolated the districts, this was when of the Dagomba's relatives originated from Ghana and set up the Kingdom of Ouagadougou.

The Mossi kingdoms were characterized by great stability, ethnic and linguistic homogeneity among the people living in the reign, and their independence ended only with the arrival of the French and their occupation of the capital, Ouagadougou Delafosse (1912: 122-124.) In the case of Goumantche kingdoms, and the Peul Emirates, they were an established weak region due to series of violent fratricidal struggles and conflicts of succession, this gave France an easy access to control the Voltan territory

(Burkina Faso). The French occupation in both regions of north-western and north-eastern Dahomey (now Benin), was formalized by two conventions concluded with Germany and Great Britain in 1897 and 1898, and after all the alteration on the course of the frontier between the river Niger and Lake Chad.

By a Decree of the President of the French Republic dated 28 December 1926, made the accompanying: The named edges, which are a bit of Upper Volta, will be joined in the Niger Colony with effect from 1 January 1927; to be explicit Say cercle, aside from Gourmantche Botou canton, and The cantons of Dori cercle which were in the past period of the Military Territory of Niger in the Téra and Yatacala areas, and were isolated from it by the Arrêté on 22 June 1910. An Arrêté of the Governor-General in Standing Committee of the Government Council will close the inspiration driving the point of confinement of the two Colonies at this moment" (Decree 1167, 1927: 92).

Upper Volta lost the portion of territory that once reached the river Niger, and this had severe implications for the ethnic groups accustomed to cross that natural frontier in their daily-life activities, hindering their survival (Telegram No. 687, 1927: 37). At that point, the Lieutenant-Governor of Upper Volta kept in touch with the Commanders of those circles doled out to Niger, requesting that they give him precise material to set up a conclusive guide of the new outskirts, which ought to have been controlled by full understanding between the heads of the tangled divisions, but the request has to reach the capital of French West Africa, so as to be considered during the readiness of the Arrêté of 31st August 1927 and its Erratum of fifth October 1927, revising the boondocks between the two provinces (Annex No. 1, 1927: 30).

Upper Volta or Burkina Faso and Niger have tried to reach an agreement over the actual course of their frontier, but no official document from the French government was specific enough to settle the dispute, another proof of the severe disregard of the colonial authority for its colonies. These documents represented the only legal source of determination of the frontier, and were held accountable throughout various stages of the history of FWA even after the colonies gained their independence.

The President of the French Republic order on September 5, 1932, the Colony of Upper Volta was settled and its outskirts was shared among Niger, Cote d'Ivoire (Ivory

Coast), French Sudan and Upper Volta was progressively adjusted in its 1932 wildernesses. In September 1932, Mr. Albert Sarraut, the Minister for the Colonies, chose for the disintegration of Upper Volta, advocating the measure for money related and financial reasons. The Decree expressed that the managerial zones of the settlement ought to have been shared among the neighbouring states of Niger, French Sudan and Ivory Coast (Decree, 1932: 902). The Decree of 5 September 1932 which was cancelled by Law No. 47-1707 of 4 September 1947. In 1958, the Colonies of Upper Volta and Niger transformed into the Republic of Upper Volta and the Republic of Niger, people from the "System" developed by the French Constitution of 1958. On 3 August 1960 Niger became independence while Upper Volta on 5 August 1960. On 4 August 1984, Upper Volta changed to Burkina Faso. The contested zones currently became two autonomous countries and never again be under the influence or rule of a similar provincial force.

On 23 June 1964, the protocol of Agreement was made between Burkina Faso and Niger in attempt to resolve the frontier dispute. The understanding expressed that "the gatherings had decided to take as the essential archives for the assurance of the boondocks (the Arrêté général of 31 August 1927), as explained by its Erratum, and the scale guide of the Paris Institut Géographique National (IGN).

The protocol of Agreement established a Joint Commission, the Joint Commission shall be in charge of demarcation beginning with the disputed sectors" (Protocol of Agreement, [1964] 2011: 30).

However, because of the prohibitive cost of the demarcation process, both states decided to leave the dispute unsolved up until 1987, when the respective Ministers of Foreign Affairs signed a Protocol of Agreement which should have finally delimited the course of the frontier. The document marks the agreement between the two states on the line of the border, and describes the frontiers in two ways: first, it notes the general course of the boundaries, and then specifies that the frontier is the one described in the Arrêté of 1927 and its Erratum. It also established the method the Parties undertook to follow in marking out the frontier, adopting as official sources the only documents available on the matter from colonial times, thus the Arrêté, its Erratum, and the 1960 map by the Institut Geographique National (IGN) (ICJ, 2012:2). Another Joint Technical Commission commenced its work in 1988 with the intention to place a

marker every five kilometres of the frontier; however, the ambition was scaled down because of budgetary constraints.

By a joint letter of the report dated 12 May 2010 and recorded in the Registry of the Court on 20 July 2010, the assignments of Niger and Burkina Faso met in Niamey from 22 to 24 February 2009 to decide the edges challenge. The two social affairs transmitted to the Registrar in a Special Agreement between the two States which was set apart at Niamey on 24 February 2009. With a supposition to arranging and consenting to the Special Arrangement to hold onto the ICJ of the outskirts contest between the two countries. On 20 November 2009, the Agreement went into power. The Agreement was that the two countries consented to submit to the Court the wilderness contest between them over an area of their basic outskirts. The Agreement has ten articles, began by a preface which sees the legitimate instruments administering boundary of the outskirts, and determines the areas of the boondocks on which the gatherings have just concurred. Considering, authorities of the two social occasions guided the joint-critical record co-ordinates of the markers dependent on the edges. The frontier line which the ICJ was required to determine, the authentic one existing before 1960, was merely the administrative frontier dividing two former colonies, at the time indicated as Territoires d'Outremer by French jurisdiction. As such, the wilderness had not to be grouped by global law, however not as indicated by the French enactment relevant to the domains. Therefore, during the legal proceeding and in the drafting of the judgement, the principle of *uti possidetis iuris* has been applied, according to which "newly formed sovereign states should have the same borders that their preceding dependent area before independence" (Special Agreement, 2009:45). This meant that even if colonial law may have not played a role in itself anymore, it was one important factual component among others, an evidence of how the territory was at the time.

They eventually filed a joint case with the ICJ in July 2010, promising to stand by the court's final rule. On April 16th, 2013, the International Court of Justice gave the judgement looking into the issue, in the end deciding the course of the outskirts between the two states. The Court unanimously rejected Burkina Faso's requests of settling the border by means of a straight line connecting the markers, as indicated in its memorial as such the judges refused to settle the dispute relying only on the 1927 Arrêté

and its Erratum, thus the 1960 IGN map was crucial to decide the course of the frontier. On this basis, the Court demarcated the frontier between Burkina Faso and Niger in four sections between the Tong-Tong astronomic marker and the Botou turn in the South. The Court concluded that, having respect to the circumstances of the case, it would propose at a later on, by methods for an Order, the specialists mentioned by the Parties in Article 7, passage 4, of the Special Agreement to help them in the outline of their wilderness in the zone in debate.

The court asked the two nations to prerequisites the requirements of the roaming populace, who dwell in the north of the contested domain, when setting out the outskirts. By an Order of 12 July 2013, the Court designated the said three specialists. The case was accordingly finished and was expelled from the Court's List.

Official media hailed the results claiming that the case is being viewed as an example of how African neighbours can resolve territorial disputes peacefully. On May 2015, Burkina Faso and Niger formally agree to implement the 2013 ruling by the International Court of Justice (ICJ). They but agreed to exchange 18 towns along the 620 miles of their long standing disputed frontier for peace resolution. Burkina Faso is to take 14 towns out of 18 towns while Niger is to receive the rest of the 4 towns. The demarcation of the border was done by the court, it drew an official outskirts dependent on pioneer Arrête of 1927 archive building up the sovereign wilderness between Burkina Faso and Niger has the settlements of France. The two states also agreed to use a 1960 French map as a secondary reference in the border demarcation. The new border demarcated was to end the confusion based on policing and tax collection in the frontier.

The two cases that have been described in the chapter show that ICJ has been interested in the fate of local population by paying special attention not only to the colonial maps and agreements, but also on the current use of territories and local economies. The violent frontier conflicts have been resolved using the *uti possidetis* principle but have been establishing stability among the warring parties. The next section will try to evaluate why the ICJ's ruling on Bakassi Peninsula failed to produce the same stability and border recognition.

CHAPTER 3

PRIMARY CASE STUDY

3.1 A Case Study of Bakassi Peninsula's Frontier Dispute between Nigeria and Cameroon

The Bakassi peninsula resolution is known to be the only frontier dispute resolution in Africa and the longest frontier of 2,300 kilometres resolved by the UN. It took Nigeria and Cameroon eight years to sort out the Bakassi dispute case at the ICJ. Cameroon filed proceedings against Nigeria in 1994, which was to claim sovereignty over the oil rich Bakassi Peninsula, a frontier stretched down from Lake Chad in the desert to Bakassi on the coast. The case title was the land and Maritime Boundary between Cameroon and Nigeria with the intervention of Equatorial Guinea.

The frontier dispute between Nigeria and Cameroon was resolved in three stages. The first stage (1960-1975) was after both countries got independence in 1960 from Britain and France and acknowledged the validity of 1913 Treaty. The situation escalated when General Murtala Mohammed's government questioned borders acquired from the World War I treaties just within his four weeks of government. His government claimed that the Bakassi Peninsula's agreement by General Yakubu Gowon on June 1, 1975 who he took power from is illegal.

The next phase was from 1975 to 2006, this was when the major conflict started with the involvement of the Nigeria military. The conflict escalated when the Nigerian military took over the Lake Chad villages, which caused the inhabitants of Rio Del Rey in 1981 to relocate from the area. The military attacked the Lake Chad region in 1987 and the Nigerian military invasion of the River Akwayafe in 1993. Cameroon tried to

retaliate by using their police and administrators on Bakassi Peninsula, but they were over powered by the Nigerian military in 1994 under Late. General Sani Abacha's government. Cameroon couldn't deal with the encounter and it documented a case in the Registry of the ICJ, this is an Application to start the procedures against Nigeria on March 29, 1994. Cameroon mentioned to decide the sway over the contested oceanic wilderness of the two states (Nigeria and Cameroon) which had recently been built up in 1975 (ICJ, 2002: 303 and 312).

Cameroon alluded to a hostility by Nigeria, whose troops controlled the Bakassi Peninsula and asked the court entomb alia, to pronounce Cameroon's power over the Bakassi Peninsula by ethicalness of global law, and announce the infringement done by Nigeria that it was mishandling the basic rule of regard for boondocks acquired from colonization (*uti possidetis juris*). On 6 June 1994 Cameroon documented in the Registry an Additional Application to broaden the outskirts debate case. The documented case is to draw out the sea limit debate, this was the consideration of Lake Chad to the outskirts contest case. Cameroon later mentioned the court to blend the March application and June application all together case which is to "determine authoritatively" the outskirts between the two States which is from Lake Chad to the ocean (ICJ, 2002: 303 and 312).

Cameroon's claim over the frontier was based on the series of treaties and agreements between Germany and Britain, and that of Nigeria and Cameroon, in order to prove that the claims were definitive and binding over the Cameroon sovereignty of Bakassi Peninsula (Anyu, 2007:48). The important treaty that Cameroon focused on was the Anglo-German treaty of March and April 1913. Before basing the arguments on treaties, history, and effective *possidetis*.

The court settled Nigeria and Cameroon's arrangement through *uti possidetis* principle by focusing on the colonial period. The court concluded that the 1929-1930 Thomson-Marchand Declaration, to which the United Kingdom and France had signed, made a crucial delimitation of Lake Chad area. The court discovered the influence of the United Nations Trusteeships after the World War II over Nigeria and Cameroon. This referred to the Thomson-Marchand Declaration and to the 1931 Henderson-Fleuriau trade of discretionary notes that settled on the declaration of understanding the inter-

national law (Thompson-Marchand Declaration, 1931). The court additionally guaranteed the outskirts question to take viable control through effectivities which are advantageous to and unfit to supplant an ordinary title (ICJ, 2002: 351 [64]). It understood that the wilderness begins from the lake in the Cameroon-Nigeria tripoint with a direction that follows a straight line to the mouth of the River Ebeji as it was in 1931, which prompts a straight line to where the stream is by and by divided into two branches.

Nigeria reasserted its title dependent on the long occupation by Nigeria and by Nigerian nationals establishing a recorded combination of title; powerful organization by Nigeria, going about as sovereign and nonattendance of dissent and indication of sway by Nigeria together with the quiet submission by Cameroon in Nigerian power over Darak and other neighbouring towns in Lake Chad (ICJ, 2002: 349). The court dismissed Nigeria's recorded union of title contention to guarantee the Darak zone and other neighbouring towns. The Court expressed that the recorded union is profoundly dubious and can't supplant the built up methods of obtaining of title under worldwide law, which consider numerous other significant factors of certainty and law (ICJ, 2002: 352) contending that "the verifiable combination is alluded in the association with outer limits of the regional ocean which permits land occupation to beat set up bargain title (ICJ, 2002: 303,352-[65]).

The court eventually ceded the frontier to Cameroon based on the March 11, 1913 Anglo-German treaty. The Court's stated that the Kings and Chiefs of Old Calabar still remained under the Anglo-German agreement of 11 March 1913 (ICJ, 2002: 339). In this statement, the court saw no evidence that Nigeria thought that upon independence it was acquiring Bakassi from the kings and chiefs of Old Calabar cause Nigeria raised no query as to extent of its territory in this region upon attaining independence (ICJ, 2002: 405-406[207]). This reason did not make the Court grant Nigeria the sovereignty over Bakassi Peninsula and that Nigeria's claim of *effectivités* on the frontier did not correspond to the law and that accordingly preference should be given to the holder of the title (ICJ, 1986: 554 [63]). This makes the Court conclude that the boundary between Cameroon and Nigeria in Bakassi is delimited by the Anglo-German Agreement of 1913 and which shows the sovereignty over the Bakassi peninsula falls under Cameroon (ICJ, 2002: 416 [225]).

On 30 June 1999, Nigeria recorded its Counter-Memorial, with the addition of its counterclaims, inside a similar time delayed by the Court. The Court accepted the counterclaims of Nigeria and adjourn the case to April 4 2000. The Court accepted Cameroon's Reply the counterclaims of Nigeria in January 2001. Cameroon told the Court that it wished to reply again to the counterclaims of Nigeria. Nigeria did not go against Cameroon's request and the Court granted Cameroon's plead and filed it together with the first reply within the same date. (ICJ, 2001).

Thus, "the court demands Nigeria quickly and without condition to pull back its government and security officials from the Lake Chad zone falling inside Cameroonian Sovereignty and from the Bakassi Peninsula" (Press-arrival of ICJ, 2002) and mentioned "Cameroon... to pull back any organization or military or police powers which might be available along the land limit from Lake Chad to the Bakassi Peninsula or domains, which, according to the judgment, fall inside the sway of Nigeria" (ICJ, 2002).

Despite the fact that both countries recognized the signed 1913 British German Treaty in the first phase of the conflict, ICJ in its judicial proceedings:

- I. It noted the acceptance by Nigeria that Bakassi peninsula belonged to Cameroon. For this, the Court acknowledged the April 14th, 1971 Younde Declarations in which General Gowon and the then President Ahidjo signed the "Coker-Ngo" Line on British Admiralty Chart No. 3433 as far as 3-nautical-mile limit; and the June 1st 1975 Maroua Declaration for the partial extension of the 1971 maritime boundary.
- II. Rejected Nigeria's claim of title on the basis of historical consolidation and acquiescence.
- III. Held that Cameroon retained sovereignty over the Bakassi peninsula (Jibril, 2004: 649).

The ICJ's President Gilbert Guillaume, a French national did the verdict. The most common perception over the verdict of Bakassi residents was that the destiny of African countries is still controlled by the ex-colonial powers. The ICJ judgement relied on evidence of prescription and acquiescence which include maps, activity on disputed territory showing the exercise of authority, diplomatic and similar exchanges of past leaders (Jibril, 2004).

3.2 Reasons for Social Outcomes of Bakassi Peninsula after the ICJ Decision

The ICJ rulings causes several important issues in the Bakassi Peninsula disputes. Nigeria relied on the ethno-cultural view or historical view, while Cameroon adopted the Western/legal and procedural view. The stance that ICJ depended on the Cameroon's conventional titles came from colonial treaties indicates that the juris gave precedence to contemporary Western constructions of the notions of frontiers and sovereignty at the detriment of the historical consolidation, as if privileging Nigerian indigenes (Sama and Johnson-Ross, 2006).

The ICJ did not destroy Nigeria's political resistance issue. The Nigerian House of Representative didn't acknowledge the surrendering Bakassi landmass to Cameroon and passed a goals mentioning the previous President Olusegun Obasanjo to demand an UN-regulated submission for the Bakassi's occupants whether they acknowledge the ICJ's decision or not had any desire to. It was evaluated when of the ICJ deciding that 90 percent of the 200,000-300,000 individuals living in Bakassi were Nigerian, It isn't astounding then that a great deal of these Nigerians didn't acknowledge the ICJ's decision from the beginning. In respect of the famous difference and political disappointment, President Obasanjo dismissed the goals.

Following four years of Nigerian difference and postponements during the time spent outskirts move, the Nigerian President Olusegun Obasanjo and Cameroonian President Paul Biya, concurred on a lot of constraints to accelerate the use of the ICJ's decision and the serene moving of the wilderness. In the end a composed understanding which was the Green Tree Agreement (GTA) was built up. The GTA is a diplomatic strategy mediated by the UN to peacefully implement the verdict of the ICJ which Nigeria earlier rejected. The Article I of the GTA stated that:

Nigeria obey the Sovereignty of Cameroon over the Bakassi Peninsula according to the judgment of the International Court of Justice of 10 October 2002 in the matter of land and maritime utmost among Cameroon and Nigeria. Cameroon and Nigeria see the land and ocean limit between the two countries as sketched out by the Court and yield to continuing with the method of execution recently began (GTA, Article 1).

The Agreement communicates that Nigeria would pull back its military from the Bakassi, and therefore Cameroon governments would guarantee the fundamental human rights and chances of Nigerians living in the region, opening the way for a tranquil complete trade of influence. In any case, this idea was not embraced by the Nigerian National Assembly. Specifically, Article III of the agreement also states that:

1. Cameroon, after the trading of capacity to it by Nigeria, accreditations to Nigerian nationals living in Bakassi Peninsula the movement of the basic rights and openings loved in worldwide human rights law and in other pertinent courses of action of International law.
2. Importantly, Cameroon shall:
 - a) Not to force the Nigerian nationals in Bakassi Peninsula to leave the zone or to change their nationality;
 - b) To respect their social life;
 - c) To respect their right to continue their agricultural and fishing activities;
 - d) To protect their property and their standard land rights;
 - e) not levy in any discriminatory manner any taxes and other dues on Nigerian nationals living in the zone; and
 - f) Take each significant measure to guarantee Nigerian nationals living in the zone from any bullying or harm. Even though the implementation of ICJ's verdict ended the frontier dispute officially between Nigeria and Cameroon based on political boundaries, there are still pockets of violent conflicts in the Bakassi peninsula because the dynamics of natural boundaries were apparently ignored by the UN, Nigeria, and Cameroon (GTA, Article 3).

The Bakassi people have been subjected to excruciating post-verdict experiences without recourse to the international law that rendered them helpless in the first instance. The present situation of the indigenous people of Bakassi is that they are victims of continuous harassment by the Cameroonian gendarmes (Akpan, 2009). The implication of the ICJ to distinguish between the ownership of Bakassi as a frontier and ownership as a people (Akinterinwa, 2007:30). The ICJ's ruling only stated the

frontier ownership and closed its eyes to the people, while also the GTA guaranteed Nigeria to retain their nationality in Bakassi Peninsula. This was their former home which became a foreign place for them, the ICJ acted otherwise. This led to the social negative outcomes that affected the Bakassi Peninsula such as the continuous harassment of the people by the Cameroonian gendarmes. Nigeria officially handed Bakassi over to Cameroon in 2008.

The rest of the negative social outcomes can be explained as follows:

3.2.1 **Political:**

In a normal situation, since Germany, France and Britain were important parties to the frontier case, they are meant to be excluded from the judicial process in the spirit of fairness and justice, but since the President of ICJ at the time of application was French, the case proves that this situation is the issue of imperialism at the United Nations' activities. Even though Nigeria had refused to submit itself to the compulsory jurisdiction of the ICJ, these world powers would still have ensured the handling of Bakassi Peninsula to Cameroon. This concludes that developing states cannot get justice from the ICJ.

The GTA did not talk about the indigenes or involve them on the frontier resolution which was a crucial thing to resolve the frontier dispute. The focus was only about the land and resources, just like how the frontier was treated like a mere property among the Colonial masters. As a result, people who were English-speaking and lived in the Peninsula for generations had to face a choice over citizenship: either to become a citizen of Cameroon or to move to Nigeria leaving the land and all the properties behind. Moreover, since Cameroon had an official right to own Bakassi, it began a strong policy of assimilation. The Bakassi Peninsula dispute judgement was seen by local people as an extension of colonialism in 21st century. Importantly, it portrays the continuation of imperialism at the global level. In the long run, it reinforces the fact that developing countries within the international system are at the favour of the advanced or developed countries, especially, the UN Security Council permanent members.

3.2.2 **Economic:**

The Bakassi peninsula is rich in fish, oil and gas reserves. The frontier has a vast amount of oil, this oil was a major factor in the ICJ ruling in the frontier dispute. The

frontier was an important establishment of the colonial activities among Germany, Britain and France. The economic aspect of Bakassi Peninsula was the major problem that led to the frontier dispute. The dispute over natural resources, especially the Bakassi dispute was aggravated by the vast amount of oil discovered the frontier's sea. Abegunrin view of Bakassi Peninsula is that "it had always been rich in maritime resources and with the discovery of oil, the territory became a portion of land worth dying for" (Abegunrin, 2003:44).

The Bakassi Peninsula is well known as surpassing every other frontier between two states in value due to its oil bearing nature. Normally the Southern Cameroon which is where the minority lives have always wanted to be an independent state. After the transferring Bakassi Peninsula to Cameroon. The frontier is now situated in the Southern region. The Southern Cameroon considered the ICJ judgement on the frontier as an opportunity to renew their hostility towards the Republic of Cameroon (Sama and Johnson-Ross, 2006). The primary of oil discovered in the frontier could precipitate further crisis of greater dimension which may attract international attention.

At the time the International Court of Justice ceded the disputed, oil-rich peninsula to Cameroon, created a big problem to the Nigerian residents. Okon Etim Effiom is still haunted by his past in Bakassi peninsula, 40 kilometres away from Calabar, the capital of Cross River State, Nigeria. In a place whereby "fishermen were making a lot of money, and buyers came from different towns to buy the fish and shellfish in our market, dry them and shift them to where they would be sold," Effiom recalls (TRT World, 2019). After the ICJ's decision, when we go to fish the Cameroon gendarmes would seize our boats, arrest our brothers, ask us to change our identity, and to pay tax, something we have not done before," the 43-year-old fisherman remembers. So the residents became dependent on the resettlement aid, which barely came. But resettlement measures were painfully slow, forcing him and thousands of returnees to go back to the peninsula in late 2009 to continue fishing. When Cameroon assumed full control of the territory in August 2013, Effiom and his family had to move again. "The Gendarmes said we should leave the territory, and seized a lot of our property and collected plenty tax," he says. "The hardship was too much so we started finding our way back to Nigeria."

In 2015, Bakassi residents were involved into small-scale farming with the training and support from the UNHCR, which assisted an estimate of 172 Bakassi households in Akwa Ikot Eyo Edem 50,000 naira (\$139) each at that period. They also acquired a large strip of land that spans over dozens of hectares. The returnees then pooled resources together to hire tractors to clear the land for farming. They would later start growing watermelon, pineapple, plantain, eggplant, pepper, and pumpkin leaves. "Farming has helped us to feed our families and to meet some of our needs," Etim Okon Ene, leader of the Bakassi people in Akpabuyo, says with a smile (Linus, TRT World, 2019).

However, this changed when the Cross River State governor promised to build 5,000 houses to resettle them. Their farmlands were bulldozed to make way for the project backed by the state and the African Nation Development Program. But two years after the site was cleared, what lies on the large expanse of land is a handful of uncompleted brick houses, and a site already brimming with bushes and plants (Linus, TRT World, 2019).

The failure of that project, it appears, pushed the Cross River State Governor Professor Ben Ayade to build 52 two-bed apartments in nearby Ifiang Ayong village, on the bank of a river along the Nigeria-Cameroon border. The new housing units sit inside the Bakassi local council in Cross River State, near Akpabuyo. It is entirely different from the formerly disputed Bakassi peninsula which lies 30 km away.

3.2.3 Social Discrimination

The Green Tree Agreement guarantees liberty for Nigerians staying in the area to retain their Nigerian identity. The purported sovereignty over Bakassi and the extraction and official transfer of the contentious Peninsula by Nigeria in compliance to the ICJ raises certain contentious issues. The Green Tree Agreement caused the migration of 100,000 Nigerian citizens from Bakassi Peninsula to Nigeria.

The Nigeria citizens feared for their future in the peninsula after the handing over of the frontier to Cameroon. They would be helpless against badgering by Cameroonian specialists. As per the Nigerians in Bakassi Peninsula, quickly the Nigerian military pulled back, Cameroonian specialists started changing the names of areas, beating regular people, upsetting angling exercises and forcing overwhelming charges. On 16

October 2009, Cameroonian gendarmes executed six Nigerian anglers in Bakassi regional waters. The circumstance declined from the minute the Nigerian government chose not to request the ICJ managing inside the 10-year legal time limit. In particular, Cameroonian security specialists assaulted Efut Obot Ikot, a settlement situated in the Bakassi Peninsula and home to a large number of Bakassi dislodged individuals, most of whom were Nigerians. It is evaluated that 20 individuals were murdered, 17 people missing while there was the removal of 1800 because of the assault (Mudiaga 2013). The Bakassi Nigerians contend that Cameroonian specialists are damaging the Green Tree Agreement. The Cameroonian specialists demand that Nigerians have been disregarding angling limits, not making good on assessments and running criminal systems or militancy and consequently started necessary removal on the seventh of March 2013 (Mudiaga, 2013). These occasions obviously shows the results of the 2002 choice by the ICJ to move sway of the Bakassi Peninsula to Cameroon.

3.2.4 Refugees:

After the ICJ's ruling of giving Bakassi Peninsula to Cameroon the Green Tree Agreement guarantees liberty for Nigerians staying in the area to retain their Nigerian identity. Nigeria ended up transferring the frontier to Cameroon alongside the social infrastructure but gave options to Bakassi inhabitants to choose where to nationalize. This condition has created the Bakassi Movement for self-Sovereignty of the Peninsula (BMSSP) supported by the Movement for the Emancipation of the Niger Delta (BBC, 2008).

The Bakassi inhabitant who chose Nigeria resettled and established a place called New Bakassi which was carved out of Akpabuyo Local Government Area of Cross River, Nigeria. In the immediate aftermath of the handover, tens of thousands of Nigerian fishermen and their families, including Effiom, fled Bakassi to nearby towns in Cross River State. Akwa Ibom, for instance, received at least 100,000 displaced Bakassi residents by September 2008. Other states like Bayelsa came in and took their people back. "Our farmland, our gods, our ancestral homes, our culture, our institution, and our dignity were lost after the handover," a former Bakassi chief Etim Okon Ene tells TRT World. "Life has been really difficult for us here." Life is difficult not only for the resettled people, but also for cross-border communities that hosted them. The resettled land was taken from these local people, whose property, such as farmlands,

shrines, pineapple grove where broken down to build the new habitation for the Bakassi Peninsula displaced populace (Jackson, 2009) (Agba, Akpanudoedehe & Ushie, 2010).

At least 7,000 other Bakassians alongside Effiom moved to a primary and secondary school in Akwa Ikot Eyo Edem village, in the Akpabuyo local council of Cross River State. Many more were dispersed in other villages and towns in the state, including in Obutong camp, where the government built at least 300 shelters for more than 5,000 returnees (Linus, TRT World, 2019). They received support from the Cross River State emergency management agency, the National Emergency Management Agency (NEMA), the UN refugee agency, UNHCR, and other local NGOs until Cross River authorities introduced a conditional cash transfer program that temporarily halted much of this support by mid-August 2014. “They came here and took the statistics of our people, and made biometric ID cards for us but none of us received the monthly 5,000 naira (\$14) under the cash transfer program,” recounts 47-year-old Eyo Umo Orok, who has been living in a dilapidated secondary school building in Akwa Ikot Eyo Edem village. Only three out of Orok’s six children, all of whom are of school-going age, attend a nearby public school where student desks are inadequate, and classrooms are overcrowded and riddled with badly damaged floors, full of small holes and dust. “Many of our child are not going to school because parents do not have enough money to pay for the termly fees,” says Effiom, who is now the secretary for the returnees camped in Akpabuyo. In both the primary and secondary school camps in Akwa Ikot Eyo Edem village, where about 3,000 returnees currently stay, there is no water supply, so the displaced Bakassians (Bakassi population) have to trek through a rough, sloppy terrain for about 3km to get water from a stream. And, in the absence of sanitation facilities, the surrounding bush serves as a space for defecation. “Most young people go for menial jobs like farming, harvesting palm fruits and in construction sites to see how they can survive,” says Effiom, adding that “our old mothers and wives go around the community to help families in the host community with household chores, at times they are lucky they get 500 naira (\$1.4).” Fortunately, they are able to receive healthcare services from a health worker sent from the state to administer drugs and treat minor ailments like malaria, coughs and fevers. Efforts to resettle the displaced Bakassi people have floundered, despite the federal government saying it had provided up to 9 billion naira (\$25.3 million) between 2006 and 2015 for their

resettlement (Linus, TRT World, 2019) Occasionally, government agencies such as the Nigerian Ports Authority, and local non-profits, conduct medical outreaches wherein they provide screening and drugs as well as clothing, food and cooking and household items.

At the end of the day, as they reviewed, the 2002 judgment of the ICJ made dislodging in the Bakassi Peninsula: with inhabitants who picked Nigerian nationality are right now inside uprooted, the individuals who chose to remain back in their familial land are currently stateless.

The UNHCR Deputy Representative for Protection, Ms. Brigitte Mukanga-Eno said at a joint assemble talking about the issue of statelessness, this was sifted by UNHCR and ECOWAS in Abuja, Nigeria, which stated that:

The stateless people could become remarked and slanted to being enrolled as prepared contenders as experienced in the Democratic Republic of Congo (DRC). Be that as it may, to close this area. In Nigeria, the 2002 ICJ decision on the Bakassi Peninsula said Bakassi had a spot with Cameroon, anyway what of the people living in Bakassi? Next to no has been done to give nourishment to them, anyway there was a 10-year window for the occupants to either choose Nigeria or Cameroonian nationality. Most of them chose Nigeria since they were as of not long-ago Nigerians in this way they moved from their native land to Nigeria and are by and by inside evacuated. Those that remained in the Peninsula, following 10 years, Cameroon requested that they obtain citizenship or be reported as outsiders. They won't and they are still there, stateless. A great deal despite everything must be done in that district. No youngster ought to be conceived without a nationality (Vanguard news, 2017).

CONCLUSION AND RECOMMENDATIONS

Discussion and Findings

The thesis illustrated that the decision of ICJ based on *uti possidetis* principle in the frontier settlement of disputes applied in linguistically divided causes conflict and displacement of local people. It looked at the case of Bakassi Peninsula.

In order to prove the argument, the author surveyed the literature on ICJ's frontier resolution cases and potential problems. It also looked at the academic literature on Bakassi. From the legal perspective, international law has successfully ended the armed dispute between Nigeria and Cameroon, but this interpretation does not address the structural violence that resulted in violations of human rights of displaced populations. This explains that the ICJ have failed to justify or consider the lives of the indigenous population in a dispute resolution. Most frontier dispute are based on cartographic or political boundaries especially in Africa. This resolution of this disputed

frontiers do not really guarantee peaceful relations among the border population and security agents because matters arising from natural boundaries were not considered (Herbst 2000, 88).

The issue of the Colonial outline in Africa is the states were framed by various sizes with inconsistent characteristic assets and monetary force. Mali and Nigeria developed as assorted nations, contrasting Gambia, Sierra Leone, Togo and Benin. A few, similar to Mali, Burkina Faso and Niger, are landlocked and generally poor and furthermore the monetary and social advancement is moderate and troublesome in these nations. The fake limits have here and there prompted outskirts debates, e.g., among Ghana and Togo, between Sierra Leone and Guinea (the Yenga contest) and among Nigeria and Cameroon (in the Bakassi Peninsula) which have disturbed the relations between the contention nations. It has been seen that European colonialists made this new autonomous state which are comprised of different ethnic gatherings, religions and interests. The pioneer period made this fake limit which have brought diverse gathering of individuals together who might somehow be isolated for instance the Senufo live in Cote d'Ivoire, Burkina Faso and Mali. The Yoruba are in Benin, Nigeria. The Efik are in Nigeria and Cameroon, The Soso live in Sierra Leone and Guinea and Ewe live in Ghana, Togo and Benin. This has been challenging for the African rulers especially West African rulers to unite this people together. Unfortunately, it has not been going well for the leaders, they have not made greater efforts in the unification of the different ethnic communities. Each group members have eventually seen themselves based on their ethnic background instead of their newly found nationality. Occasionally political leaders purposely promote ethnic conflict for the fulfilment of their own interests. Establishing a sustainable nation-state from different localities has been hard for most of the leaders in West African. This makes most of the leaders practice Authoritarian democracy in the nation state.

As the ICJ have observed "the principle of *uti possidetis* has kept its place among the most important legal principle regarding territorial title and boundary delimitation at the moment of decolonization" (ICJ Reports, 2007: 706, 151). The Burkina Faso and Niger frontier dispute were the most recent establishment of *uti possidetis* by the ICJ, which the French colonial Arrete of 1927 was used to solve the problem. This can be stated that ICJ's rulings on newly independent states are based on the colonial agreement in the artificial demarcation of frontiers.

There are cogent criticisms which have been levelled in the International Court of Justice (ICJ). This involves the allegations that Eurocentric international law have compromised the interest of African countries in a way. The structure and function are widely unrepresented of Africa. Most of the legal doctrines that the ICJ use for the resolution of frontier dispute is the *uti possidetis juris*. It is no more than a logical tautology. This in the long run eradicate all frontiers to a snap shot of the area states were given on Independence Day.

The *uti possidetis* principle have played a prominent role, particularly when it comes to the frontier dispute resolution between Sovereign states. The ICJ observed “the principle of *uti possidetis* has kept its position among the most crucial aspect of legal principles concerning the territorial title and frontier demarcation at the instant of decolonization (ICJ, 2007: 706). The International Court of Justice have been successful using this principle to solve all frontier dispute politically, unfortunately the outcome of the demarcation has caused damages in the social life of the people. The international law cannot easily solve the social factors of the newly demarcated frontiers. Millions of people have been affected by this and cannot called birth nation home anymore. There have been high rate of human displacement and deaths in this areas.

The aftermath of frontier dispute resolution makes the indigenous people of the frontier to resettle in a foreign frontier which causes economic dislocation, this affects the people politically, economically, socially and causes hardship, conflict and misery. The findings of this thesis show that in the aftermath of ICJ’s resolution in frontier disputes, the indigenes human rights are not safeguarded.

Recommendations

The International Court of Justice (ICJ) focuses on international laws. The International law are use the *uti possedetis*, to settle frontier disputes in Africa which have been referred to in the European perspective. It’s because the principle states that when one or more States become independent, the ancient administrative divisions constitute a key component for establishing the frontiers of the new State. This results in administrative frontiers being transformed into international frontiers.

Instead, this thesis proposes that the frontier decision-making must have appreciation of local realities and opt for resolution by indigenous means. Various regional organizations have been established to solve disputes. Gbenga Oduntan stated that when a dispute becomes too deep for political reason, the governments should importantly follow these steps:

- The government should declare an open dispute.
- They should involve the right interstate parastatals.
- They should allow a neutral study group to help to discover and delineate the issues.
- They should initiate direct mediations.
- They should make sure the right regional economic commission are involved.
- They should require for the AU's assistance, or allow them to intervene in the dispute.
- They ought to obtain the component of a specially appointed African arbitral.
- They ought to adjust to the legal components for example the African Court of equity or the ICJ.

The regional organizations are:

- I. The African Union (AU) for Africa
- II. The Organisation of American States for North and South America region
- III. The Arab League for Arabian nations
- IV. European Union for European nation

Regional bodies in Africa states deal with frontier disputes. The frontier disputes can be explained through different regional legal bodies. These provincial legitimate bodies are the Councils of Elders, and the guideline body African Union (AU) in managing issues influencing outskirts through a harmony media. Following proposal of Oduntan 2015, who proposed "expanding the contribution of indigenous masters, common society associations just as progressively deliberate utilization of plebiscites in managing boondocks debate" (Gbenga Oduntan 2015).

In addition, to attain sustainable peace in resolving frontier dispute or any dispute, resolution methods should be made to address variables relating to natural boundaries rather the artificial boundaries established by the Colonial empires, including the

nature of interactions among the border population, the degree of the people's relations to their traditional and cultural values, the kind of job the indigenes do in the frontier, e.g. fishing. The lack of putting this into consideration by the ICJ made it difficult for the Bakassi people to easily vacate the ceded area.

For all this regional to be successful in the resolution of frontier disputes. Municipal law has to be used as the legal doctrine in frontier dispute resolution for regional states. The municipality law might be better off than the international law when resolving any dispute in Africa. There are instances when the ICJ uses the municipal laws to resolve legal issues. These issues are taken from the examination of the conformity of legal techniques, such as the interpretation of the "state of the law" at a certain time or the presumption of the will of the colonial authority. The Court might not be a municipal based Court and still it has a control over municipal law that has little in common with the rigid ascertainment of facts in international adjudication. These instances of the Court using municipal law in the World Court is done by the judges' individual opinions⁴.

The best place municipal law can be expressed without any pressure, is the regional organizations e.g. ECOWAS, AU and EU. This principle is closer to the African indigenes. For culture of peace to be attained every region in the world needs to respect their municipal law and implement at the right point in time. For African nations is to solve any frontier dispute in order to prevent any negative outcome, it needs to share a common ethnic border composition to form state union for a greater comprehensive frontier space, as well as manifest a political will to be involve in the effective execution of the four-point African Union border zone agenda (Mark, 2015: 234).

⁴ Judge Bennouna wondered "whether, in so doing, a 'continuum juris, a legal relay' between colonial law and international law is really avoided" in Frontier Dispute (Burkina Faso/Niger), cit., Declaration of Judge Bennouna, p. 94.

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APPENDICES

APPENDIX I:

An Overview of Burkina Faso/Niger Frontier Dispute Resolution

Thus, applying Article 8 of the Agreement of 28 March 1987 referred to above;
Have agreed as follows:

Article 1

Referral to the International Court of Justice

1. The Parties submit the dispute defined in Article 2 below to the International Court of Justice.
2. Each of the Parties will exercise the right conferred upon it by Article 31, paragraph 3, of the Statute of the Court to choose a judge ad hoc.

Article 2

Subject of the Dispute

The Court is requested to:

1. Determine the course of the boundary between the two countries in the sector from the astronomic marker of Tong-Tong (latitude 14° 25'04" N; longitude 00° 12' 47" E) to the beginning of the Botou bend (latitude 12° 36' 18" N; longitude 01° 52' 07" E);
2. Place on record the Parties' agreement ["leur entente"] on the results of the work of the Joint Technical Commission on Demarcation of the Burkina Faso-Niger boundary with regard to the following sectors:
 - (a) The sector from the heights of N'Gouma to the astronomic marker of Tong-Tong;
 - (b) The sector from the beginning of the Botou bend to the River Mekrou.

Article 3

Written Proceedings

1. Without prejudice to any question as to the burden of proof, the Parties request the Court to authorize the following procedure for the written pleadings:
 - (a) A Memorial filed by each Party not later than nine (9) months after the seizing of the Court;
 - (b) A Counter-Memorial filed by each Party not later than nine (9) months after exchange of the Memorials;

(c) Any other written pleading whose filing, at the request of either of the Parties, shall have been authorized or directed by the Court.

2. Pleadings submitted to the Registrar of the Court shall not be transmitted to the other Party until the Registrar has received the corresponding pleading from that Party.

Article 4

Oral Proceedings

The Parties shall agree, with approval from the Court, on the order in which they are to be heard during the oral proceedings; if the Parties fail to agree, the order shall be prescribed by the Court.

Article 5

Language of the Proceedings

The Parties agree that their written pleadings and their oral argument shall be presented in the French language.

Article 6

Applicable Law

The rules and principles of international law applicable to the dispute are those referred to in Article 38, paragraph 1, of the Statute of the International Court of Justice, including : the principle of the intangibility of boundaries inherited from colonization and the Agreement of 28 March 1987.

Article 7

Judgment of the Court

1. The Parties accept the Judgment of the Court given pursuant to this Special Agreement as final and binding upon them.
2. From the day on which the Judgment is rendered, the Parties shall have eighteen (18) months in which to commence the work of demarcating the boundary.
3. In case of difficulty in the implementation of the Judgment, either Party may seize the Court pursuant to Article 60 of its Statute.

4. The Parties request the Court to nominate, in its Judgment, three (3) experts to assist them as necessary in the demarcation.

Article 8

Entry into Force

The present Special Agreement is subject to ratification. It shall enter into force on the date on which the last notice of ratification is received.

The Parties nevertheless agree to apply Article 10 of this Special Agreement as from the date of signing.

Article 9

Registration and Notification

1. The present Special Agreement shall be registered with the Secretariat of the United Nations pursuant to Article 102 of the Charter of the United Nations by the more diligent party.

2. In accordance with Article 40 of the Statute of the Court, this Special Agreement shall be notified to the Registrar of the Court by a joint letter from the Parties.

3. If such notification is not effected in accordance with the preceding paragraph within one month from the entry into force of the present Special Agreement, it shall be notified to the Registrar of the Court by the more diligent Party.

Article 10

Special Undertaking

Pending the Judgment of the Court, the Parties undertake to maintain peace, security and tranquillity among the populations of the two States in the frontier region, refraining from any act of incursion into the disputed areas and organizing regular meetings of administrative officials and the security services.

With regard to the creation of socio-economic infrastructure, the Parties undertake to hold preliminary consultations prior to implementation.

In witness whereof, the present Special Agreement, drawn up in two original copies, has been signed by the plenipotentiaries. This was done at Niger, Niamey, on February 24th 2009."

APPENDIX II

ICJ Frontier Cases in Africa

Table for all the ICJ frontier cases From Africa (Most of the frontier cases are mixed together with Maritime cases) excluding pending cases.

Filed date	Claimants	Filed case	Type of case	Awarded date
1960	Ethiopia and Liberia Versus South Africa	South West Africa	Contentious	1966
1961	Cameroon V. UK	Northern Cameroons	Contentious	1963
1974	Mauritania / Morocco	Western Sahara	Advisory	1975
1983	Burkina Faso and Mali	Frontier dispute	Contentious	1986
1990	Libya and Chad	Territorial Dispute (Aozou Strip)	Contentious	1994
1991	Guinea-Bissau v. Senegal	Maritime Delimitation	Contentious	1995
1996	Botswana and Namibia	Kasikili/ Sedudu Island	Contentious	12/1999
1994	Nigeria and Cameroon with the intervention of Equatorial Guinea	Land and Maritime Boundary between Cameroon and Nigeria	Contentious	10/2002
2002	Benin and Niger	Frontier Dispute	Contentious	07/2005
2010	Burkina Faso/Niger	Frontier Dispute	Contentious	2013

APPENDIX III

(Green Tree Agreement between Nigeria and Cameroon)

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 Green tree, New York, on 12 June 2006.

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;

(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.

BIOGRAPHY

I Am a Nigerian born on March 4, 1996 in Lagos. A second of two children of Mr. Wasiu Adedamola Akewusola. I studied International Relations for undergraduate in Girne American University (G.A.U), Turkish Republic of North Cyprus and Master in Political Science in Near East University (N.E.U), Turkish Republic of North Cyprus. As a humanitarian, my focus of study is conflict and resolution in Africa.

PLAGIARISM REPORT

20178063 Ameer Akewusola, RE-EVALUATING THE INTERNATIONAL COURT OF JUSTICE (ICJ)'S DECISION-MAKING PROCEDURE IN FRONTIER DISPUTES: CASE STUDY OF BAKASSI PENINSULA DISPUTE

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ETHICS REPORT

Date: 30.01.2020

To the Graduate School of Social Sciences

The research project titled “Re-evaluating the ICJ Decision-Making Procedure in Frontier Disputes: Case Study of Bakassi Peninsula Dispute” has been evaluated. Since the researcher(s) will not collect primary data from humans, animals, plants or earth, this project does not need to go through the ethics committee.

Title: Assistant Professor in International Relations Department

Name: Dr. Assel Tutumlu

Role in the Research Project: Supervisor