

Bakassi Peninsula Debacle: A Critical Analysis Of The ICJ Verdict On The Issue, And Why Nigeria Lost Bakassi Peninsula To Cameroon.

Akoye Enyioma Joseph, PhD

Lecturer; Dept. of political science, Alex Ekwueme Federal University, Ndufu-Alike, Ebonyi State.
Phone no: +234-8033855419

Nwapi, Raymond Ogedi

Lecturer; Dept. of Political Science, Abia State University Uturu., Phone no: +234-8038762464

Abstract

In recent time international boundaries have been an issue of controversy among states. The boundary dispute between Cameroon and Nigeria over the Bakassi Peninsula is not out of place. The dispute was so serious that it led to a serious controversy in the region. This could be as a result of natural endowment therein; hence, both Countries strived to retain ownership. In effect, the struggle towards achieving the desired goal by the two countries called for the intervention of the international court of justice (ICJ) for peaceful resolution. Meanwhile, the paper examined Nigeria-Cameroon boundary dispute over the Bakassi Peninsula in order to establish an understanding of the role of the International Court of Justice in resolving the issue. The paper evaluated arbitrary boundary demarcations/treaties on Bakassi Peninsula between the two countries, as it swayed the International Court of Justice verdict in favor of Cameroon. The paper equally examined the Green Tree Agreement reached by the two countries at Green Tree in New York, USA in 2006. To analyze the issues raised, the study was anchored on Game Theory as its framework of analysis. Documentary method of data collection was adopted which anchored on Secondary sources of data like text books, journals articles, official government documents on Bakassi issue, seminar/conference papers and internet materials etc. Accordingly, various treaties and agreements reached by the two countries on the Peninsula issue were in favour of Cameroon, as a result the Peninsula was ceded to Cameroon by the ICJ verdict of October 10, 2002. Based on our findings, the paper suggests that Nigeria leadership should take a matter of national interest very serious and it should not be something to be tackled in a hurry. Again an issue of this nature should not be followed through a legal means rather political means or approach should always be the best approach so as to avoid been humiliated and disgraced by the unexpected outcome like that of the Bakassi issue. In effect, Nigeria Government should re-examine her existing international boundary dispute with her neighboring countries to avoid re-occurrence of the Peninsula debacle. Again, Nigeria Government should henceforth begin to consider matters of national interest as priority in her foreign policy posture to avoid being humiliated by super powers when it comes to international politics contestations.

Keywords: International Court of Justice, international boundary, Bakassi Peninsula, Green Tree, Green Tree Agreement,

Introduction

The disagreement over the international boundary dispute has been in existence for ages. Just like the boundary dispute between Cameroon and Nigeria over the Bakassi Peninsula. The dispute was so serious to the extent that it generated serious controversy in the region. And this could be as a result of the natural resources therein hence; both Countries strived to retain ownership. In this regard, Osakwe (1988) and Akonye, (2018) observed that the boundary dispute between Cameroon and Nigeria was a Colonial legacy and consequently review the nature of the boundary as defined by various agreements and treaties which most at time was discomfited with scandalous loopholes. Akonye (2018) in agreement with Osakwe (1988) stated that the constant border conflicts between Cameroon and Nigeria is blamed on the recklessly and poorly defined borders bequeathed by the Colonialist. In a related observation, ICJ report (2002) opined that Bakassi is the Peninsula extension of the African territory of Calabar but is currently control and rule by Cameroon following the transfer of Sovereignty from Nigeria going by the International Court of Justice verdict of October 10, 2002. BBC News Report of June 21, 2005 put the population of Bakassi inhabitant between 150,000 and 300,000. In effect, Omeje (2004:8) revealed that the Bakassi people are mainly, the people of Cross Rivers State, the Akwa Ibom State, the Efut, the Efik, the Ibibio and, the Anang, among others. Similarly, the Guardian Newspaper of 23rd August 2002, reports that the kingdom of Bakassi was founded around 1450 by the Efik nationality and was incorporated into the political frame work of the kingdom of old Calabar. The above assertion was in line with the view of Isaac (2014), who noted that the Bakassi People (Efik nationality) are the Afaha people from Usak Edet in Cameroon who left their place around 8000 BC to a place in Arochukwu called Ibom, in the present day Abia state, there they established the long juju shrine in Arochukwu called ibinuikpabia. According to Arochukwu people, these people were living and interacting with them and they use to call them ibibu people. Around 1850 they migrated through land and sea to a place they are residing today in Cross Rivers state and Akwa-Ibom state. BBC news report of June 2005, noted that Bakassi Peninsula is richly blessed with mineral resources including crude oil.

Going by history, Bakassi Peninsula and its inhabitants came under the British control following a protection treaty of 10th September, 1884 between Queen Victoria of England and king Eyo Honesty of old Calabar kingdom and his Chiefs on behalf of the Efik Nationality. This treaty enabled the United Kingdom to exercise control over the entire territory of old Calabar including Bakassi Peninsula. The territory subsequently became de-facto part of the Republic of Nigeria. As observed, the border was never permanently delineated prior to the ICJ verdict of 10th October 2002 which ceded the Peninsula to Cameroon. Meanwhile, the Peninsula was Part of Bakassi Local Government Area of Cross River State. Though, the Geneva Convention of 1958 fixed the Nigeria–Cameroon boundary at Rio-Del Rey

River and not at Akpa Yafe River as case may be. However, this paper seeks to examine the Nigeria-Cameroon boundary dispute over the Bakassi Peninsula, the role played by the International Court of Justice in resolving the issue, and the reasons why the ICJ verdict ceded the Peninsula to Cameroon, as well as the role of the Green Tree Agreement in resolving the boundary dispute between Nigeria and Cameroon over the contested region.

Conceptual clarification

International Court of Justice, (ICJ)

International Court of Justice is one of the arms of United Nations Organization. According to Akonye (2019), it is a body instituted by the United Nations for peace making, peace building, and conflict management, conflict resolution and for the settlement of disputes between and among sovereign nations and states. ICJ acts as a mediator for peace and conflict resolution between nation states. It has both a consultative and advisory function.

Bakassi Peninsula

Bakassi Peninsula as the name goes is said to be an ethnic nationality of old Calabar kingdom with a population between 150000 and 300000 thousand people in 2015. The peninsula came under the British control following a protectionist treaty of 1884 between Queen Victoria of England and king Eyo Honesty of old Calabar kingdom and his chiefs. When Cameroon gained her independence from Britain, she laid a claim over the peninsula and this gave rise to series of clashes between Nigeria and Cameroon over the peninsula.

Green Tree

Green Tree is the name of one of the cities in New York, in USA. It was in this city call Green Tree that the then President of Nigeria, Olusegun Obasanjo, and the President of Cameroon, Paul Biya meet in 2006 and signed the agreement called the Green Tree Agreement on the ownership of the Bakassi Peninsula. The said agreement was signed in the presence of the then Secretary General of UNs, late Kofi Anan.

Green Tree Agreement

According to Akonye, (2019), Green Tree Agreement is the agreement between Nigeria and Cameroon over the ownership of Bakassi Peninsula at the Green Tree New York in USA in June 12, 2006 in the presence of then and late Secretary General of UNs, Mr Kofi Anan. The aim of this agreement was to give a backup to ICJ verdict of 2002. Though the agreement only addresses the issue of citizenship rights of the Bakassi inhabitants who remain within the Bakassi region, but did not address the rights of those persons who may be on the Nigeria side of the border.

International Boundary

International boundary is said to be a particular point that demarcates two countries, showing areas that belong to each one. So any one crossing to the other area or country need to presenting a permit which may be international pass port or traveling permit or any approved permit as case may be to show that he or she should be allow to pass, as this will be in line with the agreement reached between the government of the two countries concerned. In international boundary, there is always a sign to indicate that a particular country end at a particular point while the other one starts from somewhere. (Akonye, 2019)

Theoretical perspective

This paper is anchored on Game theory as its framework of analysis since the work is on boundary dispute resolution between Nigeria and Cameroon over the Bakassi Peninsula. The purpose of a theory is to explain, analyze, and predict possibly future trend of events and outcomes. The leading proponents of Game Theory are Morton A. Kaplan, Thomas C. Schelling and William H. Riker. In Game Theory we have Zero-Sum and Non Zero-Sum. In Zero-Sum a Winner takes all while in Non-zero sums the loser loses all. Game Theory is use to analyze and to explains the efforts of Cameroon and Nigeria to resolve their differences over the ownership of Bakassi Peninsula through the ICJ intervention in October 10, 2002 and Green Tree Agreement of 2006. Though, Nigeria at the end lost the Peninsula, her citizens, security, prestige, respect and authority therein. While Cameroon on the other hand gained virtually everything including Bakassi Peninsula, Bakassi inhabitants, security, respect and prestige as it concerns the peninsula. This is a pure zero sum, (Akonye, 2019). According to Varma (1975:340) Game Theory is a body of thought that deals with rational decision making in a situation of conflict and competition. In the light of the above, Game Theory was employed to help in analyzing the behaviour of Nigeria and Cameroon on the Bakassi Peninsula dispute by signing an agreement which led to the withdrawal of Nigerian troops from the Peninsula.

Relating the theory to this work, we appreciated the drama experienced and witnessed in the conflict of boundary dispute between Nigeria and Cameroon over Bakassi Peninsula, which is very common with Game Theory. This is owing to the fact that both Countries are involved in a serious game of conflict and co-operation witnessed in the various agreements reached before, within and after the ICJ verdict. Moreover, the verdict itself is a clear example of a zero-sum game because what Nigeria lost was exactly what was gained by Cameroon. At the end, Nigeria lost virtually everything including part of her land, some of her citizens and her security to Cameroon. In effect, since Cameroon did not compromise anything to Nigeria, it is a zero-sum game. As Cameroon gain Bakassi Peninsula and the inhabitants, so Nigeria lost Bakassi Peninsula and some of her citizen including her security,

respect and authority therein owing to her irrational behavior. However, Game Theory explains the action of Cameroon and Nigeria in their efforts to resolve their differences over Bakassi Peninsula through the ICJ verdict of 2002 and the Green Tree Agreement of 2006. In the varied interest, Cameroon had advantage of judgment over Nigeria and such Played a winning strategy. At a point the two will seem to trust each other owing to the agreements reached in the past but were not kept which invariably led to conflict. This very distrust necessitated the final withdrawal of Nigeria troops from the Bakassi region in obedience to the ICJ verdict of 2002 which was in favour of Cameroon. Since Nigeria on the other hand lost virtually everything to Cameroon. This is a pure zero sum game, which is in favour of Cameroon

Nigeria-Cameroon Boundary Debacle over Bakassi Peninsula

The history about Nigeria and Cameroon relationship began around 19th Century during the abolition of the African slave trade and its replacement with legitimate trade. It was at this period that parts of Nigeria and Cameroon began to be illegally occupied and controlled by European powers. By the second half of the Century, the British, French and Germany were already deeply involved in intensive trade with the various coastal chiefdoms and were looking for African allies in their efforts to establish commercial spheres of influence. Meanwhile, it could interest us to know that the Geneva Treaty and Convention of 1958 fixed the Nigeria–Cameroon boundary at Rio-Del Rey River and not at Akpa Yafe River as case may be. It is pertinent to note that in 1965, there were border clashes between Nigeria and Cameroon villages of Boudan and Danare. This led to the creation of Joint Nigeria–Cameroon Border Commission (JNCBC) to footstall future disputes. It could also interest us to know that in 1971, the two Countries (Nigeria and Cameroon) represented by Ngoh and Coker respectively reached an agreement which was said to be in favour of Cameroon. On the 4th of April 1971, the two Heads of State, Nigeria and Cameroon respectively came up with the Yaoundé 11 Declaration. Based on the outcome of this agreement, Cameroon stood up to built oil rigs in the Peninsula and even went ahead to change the names of the villages in the Bakassi through enactment of enabling laws,

Here are the names as can be seen in the table above.

TABLE HERE

(Ngoh 1987, Cameroon, 1884-1985: A hundred years of history).

Remarkably, Ngoh (1987:115) revealed that:

In 1972 Nigeria rejected the Ngoh/Coker declaration line, describing it as a document of infamy and as a suicidal arrangement for Nigeria. It was at this point that Nigeria realized her flaws in the Ngoh/Coker line and subsequently seeks for re-adjustment.

According to Ngoh, in 1974, Ahildjo and Gowon met at Kano in Nigeria to discuss the welfare of the two countries as it concerns their boundary, but failed to reach a consensus agreement as regards to their boundary line. At this point, they decided to invite UNs to interpret the 1913 Anglo-German treaty and the 1958 Geneva contiguous maritime zone of Nigeria and Cameroon. On May 30 and June 1st 1975, Gowon and Ahildjo met at Maroua in Cameroon and bilaterally reached another agreement which is today call Maroua Accord. In fact, developments in 1971 and 1975 in the boundary issue between the two countries, killed Nigeria's historical claim to the Bakassi Peninsula in addition to damaging its other vital interests in the area. Consequently, the Maroua Accord was promptly rejected in mid-1975 by the then Nigeria Military Head of State, Gen. Multala Mohammed and the Supreme Military Council (Nigeria's Legislative body) who refused to ratify the accord or treaty. Thus, the treaty was declared null and void due to the fact that it was not ratified before Gowon and his government was over thrown, (News Watch Supra, March 2003, pg 56).

In line with the forgoing, Umar and Briggs (2005:181) assert that:

On October 1st 1979, then Nigeria Military Head of State, General Olusegun Obasanjo, handed over power to civilian elected government of Shehu Shagari. The government generally adopted diplomatic approach in the settlement of the Bakassi dispute, even when the lives of fellow Nigerians were at stake and endangered.

However, the regime rejected the Ngoh/Coker demarcation line. By extension, Umar and Briggs (2005:181) revealed that:

In May 1981, the Cameroonian gendarmes attacked and killed Nigerian soldiers at Akpa Yafe River. In response, the Nigeria students attacked and destroyed Cameroon embassy in Nigeria. Going by this act, President Shehu Shagari called for the intervention of the OAU, now AU, the Organization positively responded and Cameroon was forced to pay reparation for the soldiers who were killed by the gendarmes.

It is pertinent to note that there was serious contention between Nigeria and Cameroon over the particular spot the incident or the attack took place. Abinitio, while Cameroon insisted that the attack took place at Rio- Del- Rey River, Nigeria stated that it was at Akpa Yafe River. By this singular action of President Shehu Shagari, Nigeria had confirmed indirectly that Bakassi belongs to Cameroon by acknowledging the provision of the 1913 Treaty or Agreement between Britain and German which drew the border line from Rio- Del Rey River. (Umar and Briggs, 2005).

Umar and Briggs (2005:181) further assert that, the government of General Mohammadu Buhari that took over power from President Shehu Shagari maintained the position of previous regimes on Bakassi Peninsula issue by accepting that Bakassi Peninsula belongs to Cameroon. The Supreme Military Council confirmed this in a message to the then Governor of Cross River State, Cornel Dan Archibong, which states as follow-;

‘The boundary between Nigeria and Cameroon is predicated on the Anglo-German Treaty of 1913. I should emphasize, the Bakassi Peninsula and Rio- Del Rey estuary are definitely in Cameroon territory’

Contrarily, it was only General Sani Abacha’s Government that really pursues the recovering of Bakassi Peninsula, by using available machinery within his reach. Other regimes in the past only threatened Cameroon, especially when the lives of fellow Nigerians were at stake or endangered, but could not pursue it vigorously as Sani Abacha did. Above all, Abacha took the bull by the horn, by ensuring that the Country’s interest in the Peninsula was not taken for granted, despite all odds. For instance, in February 3rd 1994, the Cameroonian Gendarmes who were at Archibong East attacked Nigerians at Archibong West, inflicting serious injuries on the fellow Nigerians. As observed, the casualty level was very high as usual. Consequently upon this, Abacha reacted by deploying over 1000 soldiers to defend fellow Nigerians in the oil rich Bakassi Region. At this point, President Gnassingbe Eyadema of Togo intervened and both Countries then signed a cease fire agreement at Kora in Togo. (Africa Continental, Nigeria/Cameroon: Blundering into Battle. vol.35, no 8, p6, April 16 1994)

International court of justice (ICJ) intervention over the Cameroon and Nigeria boundary dispute

Reports from Umar and Briggs (2005:181) revealed that, in March 1994, Cameroon having being tired of series of fruitless agreements reached in the past and going by lack of trust on Nigeria, as well as the inability of Cameroon to face Nigeria, decided to take the matter to ICJ for a decisive judgment on the boundary dispute. On October 10 2002, the World Court at Hague Netherland delivered a comprehensive judgment, that sovereignty over Bakassi Peninsula lies with Cameroon and as such, Nigeria should cease further claim of the Peninsula. The court also ordered that Nigeria should withdraw from the Peninsula. The judgment as observed was based mainly on the 1913 Anglo-German Treaty. Accordingly, after series of negotiations as initiated by the former Secretary General of the United Nations, Kofi- Annan, (now late), modalities of withdrawal and transfer of authority were drawn. Among these include -;

- the Tripartite Summit of 31 January 2004, Geneva Joint Commission,
- the Tripartite Summit of 11 May 2005, Geneva Joint Communiqué and finally,

- The Green Tree Agreement of June 12, 2006 at Green Tree New York City, USA.

It was at the Green Tree in USA that the mode of withdrawal of 3000 Nigerian troops was specified.

International Court of Justice (ICJ) verdict of 2002 on the Bakassi Peninsula and reasons why Nigeria lost Bakassi Peninsula to Cameroon

As earlier stated, in March 1994, Cameroon having being tired of series of fruitless agreements reached in the past and going by lack of trust on Nigeria, decided to take the matter to ICJ for a decisive judgment over the boundary dispute between the two countries. On October 10 2002, the World Court at Hague Netherland delivered a comprehensive judgment, that sovereignty over Bakassi Peninsula lies with Cameroon and as such, Nigeria should cease further claim of the Peninsula. The court also ordered that Nigeria Government should withdraw her 3000 troops from the Peninsula. The ICJ decision on ceding the Peninsula to Cameroon was based on the following documented facts and figures-;

- The 1884 protection treaty between Queen Victoria of England and King Eyo Honesty of Old Calabar kingdom
- The 1913 Anglo-German Agreement between Germany and Britain over the Bakassi Peninsula.
- Thompson March Declaration of 1929 and 1930 over the Peninsula.
- The 1958 Geneva Convention on the boundary line between Nigeria and Cameroon.
- The 1971 Yaoundé' 11 Declaration and Ngoh/Coker Accord
- The 1975 Maroua Accord, between the Nigeria Military Head of State, General Yakubu Gowon and the Cameroon President Paul Biya among others.

Analytically;

1. The area called Bakassi Peninsula came under British Protectorate on September 10 1884, following the Berlin Conference of 1885, at this period, Nigeria was not born.
2. Again, when Britain and Germany defined their territorial spheres of influence in Africa in November 15 1893 over the Bakassi Peninsula and other regions, Nigeria was not yet born.
3. When the two installment of amalgamation were proclaimed in Nigeria in 1906 and 1914, the Bakassi Peninsula subsumed under the Frontiers of Southern Cameroon, and then the London Treaty of March 11, 1913 established clear-cut regulations on navigation on the Cross River, As observed, at the time of this transaction Nigeria was not involved .
4. The end of World War 1 brought Bakassi Peninsula under British Cameroon. During the inter-war years, the French-British Declaration of July 10th 1919, Bakassi and what became known as British Cameroon were placed under British mandate and were administered conterminously with Niger, in this transaction Nigeria was not involved

5. In 1946, following the end of world war 11, Britain divided Cameroon into Northern Cameroon and Southern Cameroon. Although, Southern Cameroon was district from the Eastern Region of Nigeria and the Calabar province, here, the United Nations requested the Trusteeship Council to clarify the geography of Cameroon. At the time of this exercise Nigeria was not involved
6. Again, at the time Nigeria attained her independence on October 1, 1960, it was also observed that Bakassi Peninsula was clearly under Cameroon control. And it was not in dispute for any reason.
7. On February 11 and 12 1961, a plebiscite was held to clarify the wishes of the people of Cameroon. As observed, the results of the plebiscite indicated that a preponderating of the Cameroonians voted to join Northern Cameroon. At the time of this exercise the issue of Bakassi Peninsula did not come out nor discussed by any body
8. From the Tafawa Balewa administration to General Aguiyi Ironsi administration down to the end of the Nigeria - Civil War, Bakassi Peninsula was administered as part of Cameroon. Thus, it wasn't in dispute
9. Though, the Colonial masters did not clarify the Maritime boundaries and the navigable portion of the Calabar estuary. The then Attorney General, Taslin Elias who later became President of the World Court, advised Gowon administration based on the Post-Colonial Agreements. In that regard, Nigeria had no legal basis for contesting the Bakassi Peninsula.
10. Accordingly, the technicality as per the Anglo-German Treaty of 1913 did not even define the Navigable portion of the waters. As observed, the status of Bakassi at this time never came up as an issue.
11. Similarly, there was a popular version which states that, when the Nigeria – Biafra civil war intensified, the Federal Government of Gowon reached an agreement with President Ahmed Ahidjo of Cameroon requesting the later to close the Maritime borders where the Biafra Soldiers obtained their supplies. That was the economic blockade that ended the war. As a result of this transaction, Bakassi Peninsula was said to have been given to Cameroonian Government for assisting General Gowon to achieve his war mission over Biafra and for the work well done.
12. In June 1st 1975, Gowon and Ahidjo signed the Maroua Declaration Accord for the extension of the 1971 Maritime boundary, this agreement at the end was in favor of Cameroon.
13. When General Murtala Mohammed overthrew the Government of General Gowon on July 29 1975, General Murtala tried to smear Gowon's reputation and discredited his foreign policy by accusing Gowon of giving out Bakassi Peninsula cheaply to Cameroon, thereby discrediting Gowon's foreign policy in the African continent, even though Nigeria official Maps from the period showed Bakassi in Cameroon's territorial. In effect, it was on the bases of the above analytical factors that the

International Court of Justice, on October 10, 2002 decided to cede Bakassi Peninsula to Cameroon as the rightful owner of the Peninsula, (Akonye, 2019).

Be that as it may, the verdict over the Bakassi Peninsula accordingly was based mainly on the 1913 Anglo-German Treaty. So, after series of negotiations as initiated by the former Secretary General of the United Nations, late Kofi- Annan, modalities of withdrawal and transfer of authority were drawn. Among these were;

- The Tripartite Summit of 31 January 2004,
- Geneva Joint Commission, Tripartite Summit of 11 May 2005, and
- Geneva Joint Communiqué and
- Finally, the Green Tree Agreement of June 12 2006 at Green Tree New York City USA.

In effect, it was at the Green Tree in New York, USA that the mode of Nigeria withdrawal from the peninsula was specified.

The Green Tree Agreement of 2006

As earlier on stated, President Olusegun Obasanjo of Nigeria and President Paul Biya of Cameroon on June 12 2006 entered into an agreement at Green Tree New York, USA as a solution to end the age long boundary dispute between the two countries over the ownership of Bakassi Peninsula. In conformity of the said agreement between the two Head of states, the following transactions were observed;

The implementation of Green Tree Agreement of June 12, 2006 by the two Heads of states (Nigeria and Cameroon)

The Republic of Cameroon and the Federal Republic of Nigeria, haven determined to encourage the consolidation of confidence and peace for the well- being of their people and for stability in the sub- regions, decided to conclude the present agreement:-

- Nigeria agreed to recognize the sovereignty of Cameroon over the Bakassi Peninsula in accordance with the judgment of the ICJ of 10 October 2002.
- Nigeria agreed to withdraw her armed forces from the Bakassi Peninsula within the sixty days, from the day the said agreement was signed. The withdrawal shall be conducted in accordance with the modalities envisaged in annex 1 to this agreement.
- Cameroon, after the transfer of authority to her by Nigeria government, guarantees to Nigeria nationals living in the Bakassi Peninsula the exercise of the fundamentals human rights and

freedoms as enshrined in International Right Law of the people and in other relevant provisions of international law

- No part of this agreement shall be interpreted as a renunciation by Cameroon of its sovereignty over any part of its territory.
- This agreement shall be implemented in good faith by the parties with the good offices of the Secretary-General of the United Nations and was witnessed by;-;
- the United Nation,
- the Federal Republic of Germany,
- the French Republic,
- the United Kingdom of Great Britain,
- the Northern Ireland and
- The United States of America, among others.

In this regard, a follow up committee to monitor the implementation of this agreement was established and it comprises representatives from Cameroon, Nigeria, the United Nations and the witness States. The committees monitored the implementation of the said agreement with the assistance of the United Nations' observers of the Mixed Commission. The agreement as observed shall in no way be construed as an interpretation or modification of the judgment of the International Court of Justice (ICJ) of 10 October 2002. Thus, the agreement was concluded in English and French, at Green Tree New York USA, on 12 June 2006:-

- For the Republic of Cameroon, President Paul Biya = President.
- For the Federal Republic of Nigeria, President Olusegun Obasanjo =President.

Witness states:

- For the United Nations = Late Kofi Ata Annan.
- For the Federal Republic of Germany = His Excellency, Gurter Pleuger.
- For the United States of America = His Excellency, Fakie Sanders.
- For the French Republic = His Excellency, Michael Duclos.
- For the United Kingdom of Great Britain and Northern Ireland = His Excellency, Koren Pierce, (Akonye, 2019)

Green Tree Agreement, a back up to the ICJ verdict of 2002 on the Bakassi Peninsula

The primary goal of the ICJ verdict of 2002 over the disputed Bakassi Peninsula and Green Tree Agreement signed by the President of Nigeria and the President of Cameroon on June 12, 2006 was the

lasting solution to the age long boundary dispute between the two countries, and to promote peaceful co-existence between them. Accordingly, the ICJ verdict on the disputed Peninsula ceded the region to Cameroon; this was followed by the transfer of sovereignty from Nigeria to Cameroon. By interpretation, ICJ verdict on Bakassi Peninsula was all about-;

- Peaceful settlement of the boundary dispute between Nigeria and Cameroon
- Delivering and pronouncement of judgment on the ownership of Bakassi Peninsula.
- Ceding of the oil and natural gas rich land to Cameroon by the ICJ verdict.
- Defining in International Law the correct legal status of Bakassi Peninsula. As well as the
- Decision of the Court on the ownership of Bakassi Peninsula by instructing Nigeria to transfer possession of the Peninsula to Cameroon (Bassey and Oshita 2014). And (Akonye, 2019)

On the other hand, the Green Tree Agreement was all about-:

- A formal treaty which resolved the Cameroon-Nigeria border dispute over the oil and natural gas rich region.
- Transfer of authority and sovereignty on Bakassi Peninsula to Cameroon.
- An umbrella under which Nigeria ceded the disputed area to Cameroon following ICJ ruling in favor of Cameroon.
- A comprehensive and final resolution of the boundary dispute over the Peninsula between Cameroon and Nigeria.

To the understanding of the United Nations, Green Tree Agreement is the embodiment of an innovative approach to conflict resolution, beginning with the withdrawal of Nigeria troops from the Bakassi Peninsula. At this juncture, Richard Akinjide, then Attorney General of the Federation and a former Minister of Justice who was also a leading member of Nigeria's legal team, in his report in the Guardian Newspaper (2008:8) describes the decision of the ICJ as 50% International Law and 50% International Politics, blatantly biased and unfair, a total disaster and a complete fraud on the Nigeria. Akinjide also state that, the judgment was a rape and unforeseen potential international conspiracy against Nigeria territorial integrity and sovereignty. By extension, the verdict was equally part of a western ploy to foment and perpetrate trouble in Africa.

Despite all urge, the Nigerian flag was lowered and Cameroon Pennants hoisted as a sign of handover of the peninsula territory to Cameroon. It could be noted that the handover of the territory and withdrawal of Nigeria troops does not seems to end the matter. The handover was indeed peaceful but the aftermath of it may not have been as peaceful as the handover because the inhabitants have been

dislodged owing to concessions made by the Federal Government. Despite the whole odds observed in the process of resolving the boundary disputes between the two countries, the signing of the agreement and its implementation, shows that the Federal Republic of Nigeria has hands off from the Peninsula while the Federal Republic of Cameroon has taken over the Peninsula as the rightful owner. Hence, the resolution of the boundary dispute between the two countries.

The outcome of the implementation of the Green Tree agreement

In the words of Rosenne (2007:6) Bakassi Peninsula is currently under the control of Cameroon following the ICJ verdict of October 10, 2002 and the Green Tree Agreement of June 12, 2006 which ceded the Peninsula to Cameroon, thereby rendering the Bakassi inhabitants homeless and stateless without putting into consideration the issue of citizenship. Here, Cameroon was given a substantial Nigeria population and was required to protect their rights, infrastructure and welfare. Meanwhile, Odinkalu (2012:12) observed that, there are still several dangerous gaps and problems in the agreement which made its implementation to be unable to resolve the Bakassi issue within the period under study. Among these problems include:

- The agreement in line with the ICJ verdict did not create room to address the citizenship question.
- The signing and implementation of the Green Tree Agreement and the ICJ verdict did not subject the people of Bakassi to referendum/plebiscite to enable them choose where to belong either to Cameroon or to Nigeria.
- There is no obligation on either Cameroon or Nigeria to ensure adequate access to the contents of the Green Tree Agreement for all persons among the affected populations either in English, French or the local languages.
- There was no provision for independent monitoring of the obligations assumed by the parties. And by extension, the United Nation, whose personnel are supposed to undertake monitoring is located at Yaoundé a full day's road journey, (about 12 hours) away and can only visit the location sparingly.
- No effort was made to ensure or build partnerships with civil society groups in educating the populations, designing transitional protection mechanisms or ensuring effective monitoring of the implementation of the agreement,
- The parties in the agreement either before and after signing it, did not in any way consulted the inhabitants of Bakassi Peninsula in particular and Nigeria people in general. Again, The Green Tree Agreement was not ratified by the National Assembly in line with the provision of section 12 (1) of the 1999 constitution.

By extension, the Senate of the Federal Republic of Nigeria declared the unilateral ceding of Peninsula to Cameroon by President Olusegun Obasanjo unconstitutional and null and void.

As observed -;

- The people of Bakassi ordinarily are not ready to answer Cameroonians.
- Moreover, there was lack of adequate and proper relocation or rehabilitation of the dislodged and displaced Bakassi inhabitants.
- More annoying was the inability of Cameroonians authorities to keep to the provision of the Green Tree Agreement.
- There was equally a disregard of the International Right Law of the people on the Bakassi people.
- Couple with the non-recognition of the citizenship identity/nationality in the voting registrar.
- There was non-recognition of plebiscite/referendum in the ICJ verdict and Green Tree Agreement that would have given the Bakassi inhabitants the right to choose where to belong, either to Nigeria or Cameroon, among others.

These factors contributed immensely in keeping the Bakassi issue alive and unresolved within the period under study. However, the paper then submits that, the signed agreement and its implementation could not resolve the Bakassi issue as it concerns the inhabitants' situation therein. This is due to the failure of the ICJ verdict and the Green Tree Agreement to-;

- Address the issue of citizenship question,
- The failure of the Cameroonians authorities to keep to the provision of the Green Tree Agreement of June 12, 2006,
- coupled with the non-implementation of the International Right Law of the people on the Bakassi inhabitants, and
- Lack of proper and adequate relocation/rehabilitation of the dislodged Bakassi inhabitants, and
- The inability of the ICJ verdict and the agreement to make provision for the citizenship identity/nationality in the voting registrar.
- Moreover, the agreement only addressed the citizenship rights of the Bakassi inhabitants who remain within the Bakassi region but failed to address the right of those who may be on the Nigeria side of the border, (Akonye, 2019).

Conclusion/Recommendation

Looking at the lesson learnt by Nigeria citizens and her leaders from the ICJ verdict over the disputed Peninsula, the loss of oil rich region to Cameroon was said to be a heavy price she paid due to her

insensitivity to matters of national interest. Again, the security effect of the withdrawal of troops, occasioned by the verdict, if not well managed may remain unending. All that we need do as the conflict does not seem to end is to seek political solution with Cameroon. It could be recalled that Nigeria is not the first Country that has had ICJ ruling against her and as such, the inhabitants ordinarily are not ready to answer Cameroonians. In effect, the Nigeria government should certainly find a way out of this mess through the best brains in policy choice of the Country. We should adopt strategies aimed at not compromising our national security. Human lives are involved. It is unrealizable to regain Bakassi Peninsula. Even though it is a well known fact, that the ICJ passed a legal judgment, Nigeria government and its inhabitants should learn from the loop hole of the past to forestall future occurrence. In addition, Nigeria government should be concern with effective rehabilitation of the relocated inhabitants and plead with Cameroon government to obey the provision of Green Tree Agreement and respect the right of Nigerians in Bakassi region and allow them to continue their agricultural and fishing activities. The Cameroonian government should equally try to be protecting them from harassment or harm of any kind. Finally, Nigeria and Cameroon should realize that the very step towards a lasting solution to the Bakassi issue between them lies in a recognition of the fact that they have no choice than to co-exist as brothers

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