

Politics Of Resettlement And Nationality Crisis Of Inhabitants Of Bakassi Peninsula.

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Abstract

This study examined the Nigeria-Cameroon Boundary dispute over Bakassi Peninsula and apart from analyzing the basis upon which the verdict on Nigeria – Cameroon boundary dispute was decided, the major focus of the study is to ascertain whether the politicization of the international judicial principles in the Nigeria-Cameroon boarder dispute led to denial of human rights of Bakassi people and Whether the issue of nationality question of Nigerians living in Bakassi was considered in the Green Tree Agreement. Security dilemma theory by Kanji (2003) was adopted, ex-post factor research design, documentary method of data collection and content analysis of secondary legal documents was used. it concluded that the judgment of International Court of justice was politicized and the Green Tree Agreement undermines nationality question of the Inhabitants of Bakassi Peninsula and as such they have remained unsettled. Therefore this study, recommends a plebiscite.

Keywords: Plebiscite, Politicization, Principle, Nationality.

Introduction

Scholars of African History show that before that advent of colonialism, African had no political demarcations which are today referred to as boundaries. Therefore, there was free movement of human goods and services from one part of the continent to the other. This free movement of humans, goods and services of course enhanced economic, social and political co-operation among the people of Africa. However, the situation changed after sometimes so that people started talking about frontiers. The forces which gave rise to the issue of boundary demarcation in Africa came up during the scramble for and portioning of Africa at the Berlin conference between December 1884 and February 1885. At that conference, Africa was carried out as a continent without any regards to their cultural background. This action resulted to fusion of several ethic groups and also a particular ethic group was spitted into two or more with different colonial masters ruling them – this occasioned insecurity in many parts of the continent after most of these groups might have gotten their independence.

Solution to border problems have been tried through various means among which are threat to the use of force, negotiation, arbitrations and even full-scale war. According to Dakas (2003) Somalia and Ethiopia were at war in 1956, 1964 and 1977 over land; in 1963 Morocco and Algeria were at war over land, between 1960 and 1963 Kenya and Somalia fought over boundary. Apart from these, there were the Mali/Burkina Faso boundary conflict.

Following from the background thus presented, one can deduce that the boundary dispute between Nigeria and Cameroon over Bakassi Peninsula is not an exception. It is one of the problems that have arisen due to the colonial artificial demarcations in Africa. One should not therefore be surprised that Nigeria and her next-door neighbor, Cameroon, are at loggerhead over an area that they know too well, who between them owns the area. Nigeria – Cameroon boundary dispute came to a climax over the issue of ownership of Bakassi Peninsula and on March 29,

1994, Cameroon filed an application at the International Court of Justice and on October 10, 2002 the court in its judgment awarded the Bakassi Peninsula to Cameroon.

By the verdict of the court (ICJ) which ceded Bakassi Peninsula to Cameroon, Nigerian citizens who lived and earned their livelihood in the place automatically lost their source of income and ancestral lands. It was a traumatic reality.

Statement of the Problem

Before and after the colonization of Africa, boundary disputes are dicey. Hence individual disputes; families, villages, towns and states are known to have fought themselves over territorial boundaries. This could be attributed to the fact that land is among the elements whose ownership is shared among the dead, the living and those yet unborn.

The story is the same in the international scene. For instance, there is Ethiopia – Somali border conflict, there is also the Israeli – Palestine border conflict which appears to have defiled all international mediations. There is of course the Nigeria – Cameroon border conflict over Bakassi Peninsula.

Nigeria and Cameroon have made some diplomatic efforts to live harmoniously. For instance, they entered into a series of bilateral co – operation agreements between 1950s and 1975 and employed international conflict resolution strategies. On June 12, 2006, the presidents of both countries signed an agreement resolving the border dispute over the Bakassi Peninsula. This agreement signing ceremony took place at the Green Tree Estate; Manhasset, United States. The agreement provided for two – year traditional arrangements during which everything about the demarcation of boundaries and movement of people should have been completed. But to date, not much have been done by governments of Nigeria and Cameroon to alleviate the displaced inhabitants of Bakassi Peninsula. Consequent upon the above stated problem, the researcher proposes the following research questions:-

1. Does the politicization of the International Judicial principles in the Nigerian – Cameroon border dispute account for denial of human rights to the Bakassi people?
2. Does the Green Tree Agreement undermine the nationality question of Nigerians living in Bakassi Peninsula.

Aims of the Study

The broad objectives of this study is to evaluate the Nigerian – Cameroon boundary dispute over Bakassi and it's specific objectives

1. To investigate whether the politicization of the international judicial principles in Nigeria – Cameroon border dispute account for the denial of human rights to the Bakassi people.
2. To ascertain the nationality question of Nigerians in Bakassi Peninsula in the Green Tree Agreement.

Significance of the Study

Specifically, this research work would help Nigerians to appreciate the need for the Nigerian government to be pro – active towards the plights of her citizens at the border towns and villages so that they are not placed in a precarious situation by her neighbours.

It will enlighten the Nigerian public on the implication of the conflict on the Bakassi Peninsula. As a matter of policy, the study will contribute greatly in revealing to the Nigerian government the need to re –address her lack of commitment to the plight of Nigerians in Bakassi after the Green Tree Agreement in 2008.

Hypotheses

1. politicization of the judicial principles in Nigeria – Cameroon border has led to the denial of human rights to the Bakassi people.
2. The Green Tree Agreement undermines the nationality question of Nigerians living in the Bakassi Peninsula.

Literature Review

Geography of Bakassi Peninsula

Bakassi is a Peninsula on the African Atlantic Gulf of Guinea. It lies between the Cross River estuary, near the city of Calabar in the west and the Rio del Ray estuary on the east. It is governed by Cameroon, following the transfer of sovereignty from neighbouring Nigeria as a result of a judgment by ICJ (Wikipedia, 2002).

Agreements on Bakassi

It is necessary to do a historical excursion into the agreement on Bakassi dispute. When the Obong of Calabar signed a “Treaty of Protection” with Britain on September 10, 1884, Britain agreed to extend its protection to the

Obong and his Chiefs. The Obong agreed and promised to refrain from entering into any agreements or treaties with foreign nations or powers without the prior approval of the British government. That is, he signed away his kingdom as a British protectorate. On November 15, 1893, Britain and Germany defined their boundaries in Africa, supplemented by another agreement on March 19, 1906. These covered British and German Territories from Yola to Lake Chad. In 1900, 1903 and 1906, key declarations made – militarily enforced – which created the colonies of “Northern Nigeria” and “Southern Nigeria” (inclusive of the colony of Lagos). The Obong of Calabar was neither consulted nor did he resist.

The first of these agreements was signed in London on March 11, 1913 and the second was signed at Obokum on April 12, 1913 by Hans Detzner, representing Germany and W.V Nugent representing Britain.

For Bakassi Peninsula in particular, the Germans were interested in shrimps and an undertaking that Britain would not seek to expand eastwards. The British were interested in uninterrupted and secure sea lane access to Calabar, a key trading post. Since the Germans already had the option of using Douala environs as a port, they conceded the “navigable portion” of the offshore border to Britain. In exchange, Britain conceded the Bakassi Peninsula proper to Germany. In other words, to get Germany’s co –operation not to threaten access to Calabar, Bakassi Peninsula was conceded to Britain.

The government did not seem to plan to heed this court order (BBC News, 1st August 2008) and set the necessary mechanism into motion to override it. Fishermen displaced from Bakassi were first settled in a Landlock area called New Bakassi, which they claimed was already inhabited and not suitable for fishermen like them but only for farmers.

Ukhuegbe (2002) in analyzing the Bakassi conflict noted that the award of Bakassi to Cameroon was not of recent European “conspiracy” but one of late of 19th century. He debunked the official statement that Cameroon got the assurances of their patrons in Paris that they would see to it that their “boy” at the International Court manipulated the law in favour of Cameroon. There was also an allegation, according to him, that the judgment was a result of conspiracy among the French president of the court, German and British judges of the court. He argued that the treaty of 1884 between Britain and Kings and Chiefs of Old Calabar was treaty of protection and did not give Britain power to transfer Bakassi to German and this, according to him, made the Anglo – German treaty unlawful and void.

Akinteriwa (2002) did a critical analysis of the International Court of Justice ruling and observed that the court ruling that Bakassi Peninsula belongs to Cameroon was very political. He wondered if the court’s request that both parties should withdraw expeditiously without condition, administrative or military. He also highlighted the nature and composition of membership of the International Court of Justice as a principal judicial organ of the United Nations. He observed that the politics of the court should be understood at the level of membership of International Court of Justice; where they come from and the ideological views when they hold on to the matter. He observed that the confidence and correct prediction of the direction of the court’s ruling by the Cameroonian public officials shows that there is politicization of justice.

Uzoma (2011) views ICJ judgment as cruel and the position of the then Nigerian Head of State, General Olusegun Obasanjo as rascality of power with a stroke of pen. According to him; constitutionality, the National Assembly was supposed to ratify the Green Tree Treaty in which Obasanjo agreed to hand the Bakassi Peninsula to Cameroon before the executions of the provisions of the treaty but Obasanjo without regards to the constitution, without regard to the feelings and the future of the Bakassi people ceded Bakassi to Cameroon in a suspicious manner. Uzoma further observed that as soon as Obasanjo handed power to Late Umaru Musa Yar’adua on 29th May 2007, the Nigerian Senate passed a resolution declaring that the withdrawal of Nigeria from the Bakassi Peninsula was illegal, citing the GreenTree Agreement that ceded Bakassi to Cameroon as against Section 12(1) of the 1999 constitution of the Federal Republic of Nigeria.

Okenwa (2015) queried thus: How, when and were Nigerians consulted before that place was ceded out to Cameroon. Nigerian leaders must learn to consult her people before making critical decision like the ceding of Bakassi to Cameroon. He further asked whether Bakassi people will be relocated along with the bones of their ancestors to Otta, Obasanjo’s village.

Bayo (2010) explained that Cameroon guaranteed in respect of Nigerian nationals living in the area, the exercise of the fundamental rights and freedom enshrined in international human rights law.

Bassey Inyang (2017) explained that years after their land was ceded out to Cameroun, the Bakassi people across are still asking for a place they can call their home.

From the literature reviewed, it has been discovered that none of the scholars has fully addressed the political judicial principles, denial of human rights to the Bakassi people and the challenges of resettlement of Nigerians in Bakassi arising from the Green Tree Agreement.

Approach/Experimental Strategy

This study is anchored on the security dilemma theory propounded by Kanji in 2003. According to assumption of this theory, a security dilemma refers to a situation where two or more states are drawn into conflict possibly even war over security concern, even though none of the states actually desire conflict. In other words a security dilemma occurs when two or more states feel secure in relation to other states. None of the states involved wants the relations to deteriorate, let alone for war to be declared but as each state acts militarily or diplomatically to make itself more secure, the other states interpret its action as threatening.

In relation to this study, when the ICJ, ruling on 10th October 2002 ceded Bakassi Peninsula to Cameroun, Nigeria's rejection of the court's judgment raised tension in the area and thus created the possibility of a military conflict. Both Nigeria and Cameroun stationed troops on the island and this placed the inhabitants of Bakassi Peninsula in security dilemma because the internal primary dimension of the principle of self-determination was violated.

Socially, Nigerians who have lived in Bakassi all their lives, will have to face the sad reality of having to evaluate a region that is part and parcel of them. Most people living in that area have their businesses located there and so leaving the area will mean detaching them from their source of income.

Research Design

Ex-post facto research design was adopted. Ex-post facto or after-the -fact research design is based on the examination of the independent and dependent variables after the events have taken place and data already in existence. Asika (1990), the analytical routines involved in testing structural causality on ex-post- facto analysis of the independent variable (X) and the dependent variable(Y).

In testing the hypothesis which states that "The politicization of the application of conventional international political principles in Nigeria – Cameroun border dispute had led to the denial of human rights to the Bakassi people", X will be seen as the politicization of the application of conventional political parties in Nigeria – Cameroun border dispute and Y as what led to the denial of human rights to the Bakassi people. The empirical referents of X is the bias judgment over Nigeria- Cameroun border dispute by the ICJ. The empirical referent of Y is the forceful displacement of the Nigerians living in Bakassi.

Method

Documentary method was used to generate data for this research work and it is most useful, when used to illuminate and extract valued information so as to draw inference from the available evidence to reach conclusion.

Content analysis of secondary legal documents on the Bakassi-Cameroun and ICJ judgment was used. This approach enabled the researcher to carry out a systematic analysis of these documents in order to situate patterns of events in their historical context and establish their subsequent development in preceding year.

Hypothesis Testing

Politicization of International Judicial Principles in the Nigeria-Cameroun Conflict over Bakassi.

In the conflict between Nigeria and Cameroun over Bakassi two set of principles are in focus. The first is International Legal principle – which pertains to the reason of state, matters of territorial integrity and the mode of interaction between sovereign entities. The other set consists of human rights principles which pertain to the dignity and worth of the human person.

The International Legal Principles

The two sets of principles are linked by the doctrine of self-determination the legal principle as well as human rights. These principles which promote the reason of state were subscribed to be, not only by Nigeria and Cameroun,

but also by most members of the African Union (AU). But as the case of conflict over Bakassi shows, they are kept more in the breach than in observance.

The Human Rights Principles

The human rights principles highlighted by the Bakassi case study, are those embodied in article 3,5,9,12 and 17 of the Universal Declaration of Human Rights. However as applied in the conflict between Nigeria and Cameroun over Bakassi, these conventional principles were used to deny the “Bakassi human family” their internationally recognized legal rights. In view of this, the ICJ erred against humanity for not taking into account the submission of Nigeria based on historical consolidation, which the court now refers to as mere theory. The court rather relies on the agreement between Britain and Germany dated March 11, 1913 and April 12, 1913 respectively, the 1946 order council; the Yaounde Declaration of 14th August, 1970, the Kano Agreement of September 1974, The Marona Declaration of June, 1975; the Yaounde II declaration of April, 1987; the league of Nations mandate Agreement and the United Nationals Trusteeship Agreements.

The verdict was divorced from the legal principle of historical consolidation and affectivities. Consequently in validating the hypothesis of politics of international legal principles, I wish to uphold judge Koroma’s position on the judgment:

By failing to uphold the validity of the 1884 Treaty between the kings and chiefs of old Calabar and Great Britain, which expressly provided for the “gracious protection” of the people of old Calabar by Great Britain, but instead upholding the validity of the Anglo – German Agreement of 1913 which ceded the territory of the people of Old Calabar to Germany without their consent, the court chose to consecrate political reality over legal validity.

Hypothesis 2: The Green Tree Agreement and Nationality questions

Green Tree Agreement

The Plan to implement the ICJ ruling over Bakassi led to the conveyance of a meeting between presidents Obasanjo and Biya and the then Secretary-General of the UN, Annan. Germany, France, United Kingdom and the United States were in attendance as observers. This meeting resulted in the signing of an agreement at Green Tree, New York (Moshood et al 2008)

Accordingly, the Green Tree, Agreement provided a timetable for the handover of the Bakassi Peninsula to Cameroun by June 2008, as well as a code of conduct for the treatment of local populations, (Moshood et al 2008).

The Nationality Question of Nigerians in Bakassi Peninsula

It was observed that after the judgment of ICJ and the various agreements entered into between the two countries, Cameroun breached her pledge to continue to protect Nigerians living in the Bakassi Peninsula (Juliana 2012).

This development arising from Cameroun’s noncompliance to the various agreements entered into, particularly the Green Tree Agreement is an indication that the nationality of Nigerians living in the Bakassi Peninsula would not be guaranteed. The positions of Cameroun today show that the agreements were mere formalities as for as Cameroun is concerned-after all. Nigeria has finally handed-over and the nationality question has remained a challenge till date, since the people and not the court have the right to decide their nationality. Since the peace of Westphalia that set national boundaries for most European countries in 1648, there is a consensus among the European and through them to other peoples and races all over the world that national boundaries are not enough to determine nationality of people, but the freely expressed wish of the people.

The Green Tree Agreement actually undermines the citizenship of inhabitants of Bakassi Peninsula as shown from various negative reactions from the people. The statement of SAVIOUR NYONG, member representing Bakassi area in the Cross-Rivers State House of Assembly in the Daily Trust of 10 October, 2012 validates the nationality question of Nigerians living in the Bakassi Peninsula – “Describing himself as one of the displaced persons he said, the Federal Government did not seek their Bakassians consent before ceding the land to Cameroun. According of

Nyong,” Nyong further observed that the Green Tree Agreement which ceded the Peninsula out in 2004, was not ratified by the national Assembly in accordance with the constitutions section 12(1) of the 1999 constitution.

Conclusion

In this paper, we have had an insight into the background and genesis of the conflict and the way it was managed. The question to be answered is; what is the situation today and what can be done to make the solution which was reached a sustainable one, guaranteeing long-lasting peace. Since the Federal Government statement on the closure of the case on Bakassi sparked off criticisms and protests from Nigerians with the members of the Cross River State House of Assembly demonstrating on the streets of Calabar chanting slogans.

“Bakassi is our birth right; we will never let it go”. With this insinuations, it is clear that the issue is far from being resolved despite the Government of Nigeria’s position as seeing the case closed.

Recommendations

To assure a long-lasting peace, a referendum should be conducted to clear the Bakassi people of their identity crisis concerning their nationality and both countries should see to the resettlement of people after the referendum.

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