

Nigeria and Cameroon: Diplomacy in the Delta

Richard Cornwell*

On 14 August this year, Nigerian troops in the disputed territory of Bakassi formally handed control of the area to representatives of the government of Cameroon. The Nigerians are due to complete the withdrawal of their 3,000-strong garrison by the middle of November 2006, though the islands of Atabong and Akwabana in the west of Bakassi will remain under Nigerian administration for two more years.

This development marks a victory for African diplomacy and was hailed as such by UN Secretary-General Kofi Annan and by various countries. It came about as the result of an agreement signed on 12 June 2006 by Presidents Olusegun Obasanjo (Nigeria) and Paul Biya (Cameroon) on the Greentree Estate, Manhasset, New York. This also constituted a significant step towards the resolution of a border dispute that has simmered between the

* Richard Cornwell is a senior research fellow with the African Security Analysis Programme at the Institute for Security Studies.

two countries for decades, bringing them close to war in 1981 and marked by sporadic clashes throughout much of the 1990s. Nigerian citizens living in Bakassi will have two years to decide whether to accept Cameroonian nationality, remain as Nigerians, or relocate to Nigeria.

Prologue to a conflict

The Bakassi peninsula is an area of some 1,000 km² of mangrove swamp and half-submerged islands protruding into the Bight of Bonny (previously known as the Bight of Biafra). Since the 18th century the peninsula has been occupied by fishing settlements, most of whose inhabitants are Efik-speaking. Today those communities, dotted around the peninsula in corrugated iron huts and shacks, have grown to number between 250,000 and 300,000 people. They have no electricity, no potable water (this has to be fetched from the mainland), no roads, and only such educational and health facilities as they can provide themselves. At first sight, it seems surprising that so neglected and unpromising an area should have excited such attention from the governments of Nigeria and Cameroon over the past thirty years or so, to the point when full-scale war has occasionally seemed imminent.

In June 1884 the German government proclaimed a protectorate over the Cameroon region and that October notified the other European powers and the USA, in general terms, of the extent of this territory. On 23 July and 10 September 1884 the kings and chiefs of Old Calabar signed a treaty placing their territories under the protection of Great Britain. That same September other kings and chiefs of the region, including those of Bakassi, signed treaties acknowledging that their territories were subject to the authority of Old Calabar and were therefore also under British protection. The Berlin Conference of 1884/85 recognised the validity of the British claim to this area as the Oil Rivers Protectorate, which became part of the Niger Coast Protectorate in 1893, and the Protectorate of Southern Nigeria in 1900. In 1906 Southern Nigeria, still including the Bakassi peninsula, came under the administration of the Colony of Lagos, but in November 1913 the Protectorates of Northern and Southern Nigeria were amalgamated into a single Nigerian Protectorate, though Lagos remained a separate colony.

By then, however, the status of Bakassi was already in question. Since 1884, it had been accepted that the boundary between British and German spheres of influence ran along the west bank of the Rio del Rey. Agreements signed on 11 March and 12 April 1913 redefined the maritime boundary as the Akpayafe River, placing the Rio del Rey and the entire Bakassi peninsula under German authority. When the kings and chiefs of Old Calabar protested to the British parliament that it had no right to sign away their territories, they received the assurance that there was no intention of doing so.

Nevertheless, it appears that the demarcation of the new boundary went ahead, and it was interrupted only by the outbreak of war between Britain and Germany in August 1914.

Circumstances now apparently made the 1913 agreement all but irrelevant, not only because of the scale of the carnage in Europe, but because in 1916 British and French colonial forces eventually conquered the German colony of Cameroon, which was divided between them in 1919 under mandates of the League of Nations. The Bakassi peninsula formed part of the British mandate, along with a broad strip of territory along the Cameroon-Nigeria border. For now, British Cameroons was administered from Lagos, virtually as an integral part of Nigeria. For the next forty years the old boundary between Nigeria and Cameroon thus ceased to be a matter of any importance.

The modern Cameroonian claim legally rests largely upon the status of the 1913 agreement. The Nigerian position was that the agreement was never ratified by the British parliament, and therefore was not a treaty in force. Other, neutral, authorities have pointed out that the agreement was not an international treaty in form, and that it was made in circumstances in which the two governments were bound to accept the delimitation of the commissioners, provided the latter acted within the scope of their authority. On this view, ratification may neither be here nor there, though the commissioners' work was certainly left incomplete.

In February 1961 the 1913 agreement again came to the fore when the UN conducted a plebiscite in the British Trust Territory of Southern Cameroon to allow the local population to decide whether they wanted to form part of independent Nigeria, or become part of Francophone Cameroon. The plebiscite included the people of the Bakassi peninsula, which Nigeria, rejecting the 1913 delimitation, claimed to have been an irregular procedure. Nonetheless, the majority of people in Southern Cameroon's Trust Territory decided to throw in their lot with independent French Cameroons, in a federation which appeared to give them a guarantee of autonomy. There was significant opposition in parts of Southern Cameroon to incorporation, however, notably in the Bakassi peninsula, some 90 per cent of whose population was of Nigerian origin.

To complicate matters further, the people of the old Southern Cameroons Trust Territory subsequently launched their own political campaign for autonomy or even independence, claiming that the late President Ahmadou Ahidjo's abrogation of the federal constitution and promulgation of the United Republic of Cameroon in 1972 constituted a violation of their federal rights guaranteed by the UN. Indeed, there is an extreme view which argues that the Bakassi peninsula should never have been a point at issue between Nigeria and Cameroon at all, because the territory forms part of Southern Cameroons, which claimed that the UN had no legal right to hold a plebiscite in 1961 and demanded recognition of its independent sovereignty as the state of Ambazonia. Some local elements disgruntled with the latest developments, and

angry at what they interpret a Nigeria's abandonment, have threatened to resuscitate these independence claims.

In 1965 the Nigerian government initiated a joint commission with Cameroon to settle their ill-defined border, which was giving great freedom of action to smugglers. The process of marking the border was interrupted by the crisis of 1966 and the ensuing Nigerian civil war. Cameroon took some advantage of the chaotic situation in Biafra to assert its authority in the disputed coastal region, and the Nigerian federal government was only too grateful that Cameroon prevented the flow of war material to the secessionists.

In 1970 the Nigerian and Cameroonian government reconstituted the joint commission, which accepted the Anglo-German Agreement of 1913 as its point of reference. Disagreement between the parties centred upon the definition of the course of the Akwayafe River. In the midst of this series of deliberations, in April 1971 General Yakubu Gowon visited Yaoundé and signed charts defining the new maritime boundary. Subsequently the commission redefined the maritime boundary as the Ngoh-Coker line. This remarkable finding transferred the control of the Calabar channel to Cameroon and was shortly retracted by the Nigerian government.

Gowon again went to meet President Ahidjo in Garoua in August 1972. Another meeting in Kano in 1974 moved matters further along, though the Nigerians succeeded only in having the boundary shifted slightly to the east of the Ngoh-Coker line and had to concede the presence of Cameroonian oil rigs in the Calabar channel. From 30 May to 1 June 1975 Gowon and Ahidjo met at Maroua, by which time the Cameroon authorities had already passed decrees renaming the settlements on Bakassi. The Maroua Accord certainly conceded Cameroonian sovereignty over Bakassi, and a lot more besides, but two months later Gowon had been ousted by General Murtala Mohammed, whose Supreme Military Council simply refused to ratify. Murtala Mohammed subsequently repudiated the Maroua Accord, saying he would sooner go to war. His successor, General Olusegun Obasanjo, then in his first presidency, repeated the repudiation in August 1977.

Nevertheless, the Maroua Accord, with the 1913 Agreement, remained central to the Cameroon government's case.

Towards the brink of war

Until 1981, there appears to have been little trouble on the peninsula. The first serious skirmish between Nigerian and Cameroonian forces occurred on 16 May that year, when Nigerian patrol boats came under fire on the Akwayafe River. Five Nigerians were killed and three seriously wounded. Nigeria's demand for an apology and compensation

were initially refused, and relations between the two countries took an ominous turn. In July 1981, however, Cameroon undertook to pay compensation, and the crisis eased, with plaudits to Nigeria's President Alhaji Shehu Shagari for his restraint and for containing his hawkish military. The incident led to the resuscitation of the joint commission and the border dispute was officially reopened.

These discussions had little real effect, however, and the inhabitants of Bakassi continued to protest to the Nigerian authorities in Cross River state of the exactions of Cameroonian gendarmes, who demanded payment for fishing licenses. Later raids by the gendarmerie were evidently more violent, involving looting, rape and the destruction of fishing equipment. Throughout the 1980s relative quiet in Bakassi was punctuated by the sudden descent of Cameroonian gendarmes; then, in May and June 1991, the Cameroonians entered nine fishing villages, hoisted their national flag, and announced that they were renaming the settlements. They also promised that health and education facilities would be provided, though they demanded the payment of taxes.

By this time the governments of Nigeria's President Ibrahim Babangida and Cameroon's President Paul Biya were far too occupied with their shared experiences of the difficulties of 'democratisation' to allow the possession of a few fishing villages to stand in the way of good neighbourliness. The joint commission was reconvened for August 1993 and talked of the need for a final and definitive settlement, in a communiqué which was full of harmony and promises of joint ventures. By now, of course, Babangida was approaching the end of his rule, and he stepped down on 26 August in favour of an interim administration under the nominal leadership of Ernest Shonekan. A period of grave domestic instability followed, culminating on 17 November with the announcement that Shonekan had been replaced by his deputy, General Sani Abacha, a man much less inclined to compromise.

One can only speculate whether it was this change in the leadership and the firm re-entrenchment of the soldiers at the head of affairs that triggered the next moves on Bakassi. In any event, on 21 December 1993, a battalion of Nigerian troops occupied Diamant and Jabane, two islands on the peninsula. By 13 January 1994, the joint commission was again in session, but by the end of the month the fishing communities were bombarding Calabar and Abuja with requests for assistance against the Cameroonians, and early in February some 18,000 fled into Cross River state.

A number of official visits were exchanged between the two countries in January and February 1994, but Nigeria was evidently also reinforcing its presence in the area, and on 18 February the Cameroonians claimed to have come under concerted attack as Nigerian forces attempted to cut off Bakassi from the mainland. Biya immediately announced that he was appealing to the UN Security Council, the International Court of Justice (ICJ) and the Organisation of African Unity (OAU) to confirm Cameroon's

ownership of Bakassi as reflected in the Anglo-German Agreement of 1913, the 1961 referendum, and the Maroua Declaration of 1975.

Nigeria's government expressed surprise that Cameroon should seek to internationalise the conflict, a theme which has been repeated until today. Nigeria, perhaps conscious that its legal title to the disputed territory was far weaker than a claim based on the Nigerian provenance of most of Bakassi's population, sought to settle the matter bilaterally, where Nigeria's overwhelming military and economic clout could also be expected to influence matters.

Diplomatic exchanges continued through March 1994, raising hopes in Nigeria that a summit could be arranged between the two presidents. By mid-June 1994 Togolese mediation appeared to be bearing fruit, and a rare moment of reconciliation between Biya and Abacha was engineered at the Tunis summit of the OAU. Yet while Nigeria studied the Togolese proposals for a settlement, there was still no sign of the promised summit.

Attention now shifted to the preparation of cases for presentation in The Hague, and on 16 March 1995 Cameroon presented a dossier of 617 pages and archival documents to the court. Nigeria now had nine months in which to prepare its response. On 13 December 1995 Nigeria's submission arrived at The Hague, questioning the competence of the court to decide a border issue at dispute between two members of the Lake Chad Commission. Before the court could make a ruling, it was again approached by Cameroon, protesting against a renewed Nigerian offensive in Bakassi on 3/4 February 1996. Cameroon asked the court to rule on Nigeria's aggression and to demand the withdrawal of forces to positions held before the fighting of 3 February. It also demanded the cessation of all military activity to allow the court to gather evidence *in situ*.

Serious fighting resumed within weeks, however, resulting in the customary pleas for restraint from the OAU, the Security Council and the ICJ. A UN mission was despatched to the region on the ICJ's recommendation, and on 15 March 1996 the court made an interim ruling. This found that the evidence in support of Cameroon's allegations of Nigerian aggression was contradictory and insufficient for a categorical ruling to be made. Nigeria promptly hailed this as a victory. The other parts of the ruling, that both sides withdraw from positions occupied since 3 February and that the ceasefire be observed, were simply noted.

Barely a month later, between 21 and 24 April, the fighting began and only the arrival of the UN mission in mid-May seems to have persuaded both combatants to greater discretion.

By the end of September 1996, matters still seemed no nearer a solution. The ICJ had announced no new findings, and a UN mission to the region proved to have a goodwill rather than fact-finding brief.

Judgment of the Court

Matters dragged on indecisively until 10 October 2002, when the ICJ finally decided in favour of the Cameroonian claim. This created a political uproar in Nigeria, where some media went as far as to identify a Western conspiracy against the country. In effect the Nigerian government refused to withdraw from Bakassi or cede sovereignty as demanded in the Court's ruling.

The UN now stepped in to persuade the Nigerians to accept the ruling. Kofi Annan chaired a summit in November 2002, at which Presidents Obasanjo and Biya agreed to the establishment of a commission to facilitate the peaceful implementation of the ICJ decision. Another summit in January 2004 made further progress, but it was only on 13 June 2006 that the final breakthrough was made.

One can only speculate whether President Obasanjo's administration would have been quite so accommodating were he to be preparing for a third term in office, as many of his supporters wished. Certainly the concessions he has made have not been popular domestically, and are seen as an affront to the nation's considerable pride. Nevertheless, the settlement of the dispute places does a great deal to reinforce his reputation as a statesman, whose skills would seem to be in growing demand in this troubled continent. A post-presidential career on the international stage would appear to beckon.

Interestingly, the Cameroonian response to the Nigerian withdrawal has been kept quite low-key, possibly out of a reluctance to inflame those among the local population who valued their Nigerian citizenship. The volatility of Delta communities has been a dangerous feature of the politics of Nigeria's south-eastern oil-producing states for some years, and may be expected to make itself felt increasingly as that country moves towards elections. Cameroon shares the interest of those Nigerians banking on a smooth transfer of power from President Obasanjo to his successor, and has no intention of embarrassing its giant neighbour unnecessarily. For this reason, too, the local activities of Cameroonian gendarmerie are likely to be monitored fairly closely by the authorities in Yaoundé. There may also be a fear that if Cameroon takes too bold a stance, matters could still unravel, even at this late stage, especially if Obasanjo's successor finds it expedient to beat the nationalist drum.

The Cameroonian government, whose revenue stream is under growing pressure from the declining production of the country's existing oilfields, will also seek a mutually beneficial outcome from the forthcoming negotiations with Nigeria over the precise demarcation of their maritime borders, which would facilitate the extension of exploration into the Gulf of Guinea. Likewise, there will have to be an understanding reached with the government of Equatorial Guinea. Should the expectations of significant oil and gas resources be proven correct, this would have a massive impact on the fortunes of Cameroon, in particular.

International debt relief has so far failed to convert into any real benefits for the ordinary Cameroonian, and this has created a crisis of expectations. The implementation of the Bakassi judgment may pave the way for some relief on this front, if the rumoured oil bonanza is realised. Whether this will prove an altogether unmixed blessing for the people of Bakassi itself remains to be seen.