

THE CONUNDRUM OF IRREDENTISM IN AFRICA

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Abstract

The importance of territory in international law explains the fact that it represents one of the main reasons for inter-ethnic, as well as inter-state conflicts, in which all sides claim their own rights to the territory. Because of this, geographical claims, in the nature of Irredentism, have been raised throughout history. In Africa, there have been series of such claims, including those of Cameroon and Nigeria over Bakassi, Eritrea and Ethiopia over Badme, Morocco against Mauritania and the Sahahawi People's Democratic Republic, Somali claim over Somaliland (Djibouti), and many more claims. The reasons for these claims have been attributed to a number of factor ranging from economic disparity of boarder States, historical nexus and demographic overlap. This situation has given rise to loss of lives and unfriendly diplomatic relationship. This paper therefore analyzed the irredentist claim *vis-à-vis* the international principles of territorial integrity and inviolability of States, as well and the principle of self-determination. Using the doctrinal method of research approach, the paper analyzed provisions of some international legal instruments and domestic laws of some States. Findings revealed that the inviolability of territorial integrity of States cannot be compromised under the guise of agitation for self-determination. At best a referendum maybe conducted with the full consent of the States. It is only through this way that a successful irredentist claim can be recognized.

Keywords: *Irredentism, Territory, Sovereignty, Self-determination, Utipossidetis, Frontier*

1.1 Introduction

Geographical claims have been raised throughout history. According to G. Kim, one of the fundamental issues in the ethno-genesis is a common territory with the specific geographical and climatic conditions which defines economic and cultural types of a civilization, reflected in its mentality, customs, traditions, etc.²The importance of territory explains the fact that it represents one of the main reasons for inter-ethnic or inter-state conflicts in which all sides claim their own rights to this territory. Territorial disputes and conflicts remain one of the most acute and complicated problems in the contemporary international relations. These claims are popularly referred to as Irredentism.

Irredentism is not a particularly uncommon phenomenon. While it might provoke memories of old times, irredentist assertions were at the root of many territorial disputes during the twentieth century. Since the Second World War, irredentist claims have been expounded in almost every continent.³ These have included the aspirations for Irish as well as German reunification, calls for the reclaiming of lost German territories in Pomerania and East Prussia and of Greek territory in modern day Turkey, calls for *enosis* (union) between Cyprus and Greece, attempts by Bolivia to secure the return of the Atacama, historical claims asserted by Guatemala over Belize, the Malvinas/Falklands dispute between Argentina and the United Kingdom, calls for the reintegration of Gibraltar into Spain and the Spanish African territories into Morocco, attempts by ethnic Serb Kosovars to join Serbia, the concept of a "greater Albania," the ongoing dispute over the Crimea and in other territories in Eastern Europe, the dispute over Nagorno-Karabakh, conflicting claims in the lingering dispute over the Western Sahara, and the dispute between the Sudan and South Sudan over the Abyei area, and that between Ethiopia and Somalia over the Ogaden. All of these have involved elements of irredentism, in one form or another. After the disintegration of the Soviet Union and the end of the socialist block, territorial conflicts became large scale in the vast areas of international politics.

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² G. Kim, (2016), "Irredentism in Disputed Territories and its Influence on the Border Conflicts and Wars", *Journal of Territorial and Maritime Studies*, Vol. 3, No. 1, p. 87

³ A N Pronto, 'Irredentist Secession in International Law', *The Fletcher Forum of World Affairs*, [2016], 40(2), 106.

In Africa, one of the current problems of the continent is agitation for the right of the minorities. This has generated series of conflict in almost all the quarters of Africa. Ethnic cleansing, armed clashes, civil and interstate wars have now led to the explosion of studies on separatism for practical and academic purposes. Irredentism is a concept which most African states are familiar with. Irredentism is also a concept whose practicality is easily noticeable in Africa. As a matter of fact, it has come to define African politics and relations. Unlike conflict, it is however largely unknown and ignored. The aim of this paper is to discuss the concept in relation to the international law principle of sovereignty, right to self-determination and territorial integrity of States. Attempt will also be made to bring to the fore how it characterizes and defines conflicts and hostilities among African countries.

1.2 Conceptual Analysis

Irredentism refers to a State's policies aimed at annexing adjacent territory and ethnic kins living in neighboring countries. As a political dynamic, it lies at the intersection of domestic and interstate politics, capturing the blurring of the boundaries between the two countries in the contemporary world. The word was derived from Italian *Irredento* which stands for 'unredeemed', in this case, 'unredeemed territory.' It is any political or popular movement intended to reclaim and reoccupy a lost homeland. As such, what irredentism tries to justify is territorial claims on the basis of actual or imagined historic or ethnic affiliations. It is often advocated by nationalist and pan-nationalist movements and has been a feature of identity politics, cultural, and political geography. There is irredentist secession, wherein the attempt is not to create a new State, but to merge the seceding territory with a neighboring State. This typically occurs when the majority in the seceding areas is of the same ethno-nation as that which is predominant in the neighboring State. An area that may be subject to a potential claim is sometimes called an *Irredenta*⁴ conflict by definition could be taken to be a situation whereby there exist an irreconcilable difference between two or three or more groups.

Undoubtedly, statehood is not the only possible outcome of secession, secession can also occur when a people leave one State and join another. Distinct from mere migration from one state to another, secession in support of irredentist claims involves the land moving with the people to another state.⁵ According to Leah Brilmayer, Irredentism refers to attempts by existing States to annex adjacent lands and the people who inhabit them in the name of historical, cultural, religious, linguistic or geographic affinity.⁶ He continued that from a legal perspective, this implies, *inter alia*, the cession of territory, the modification of international boundaries, and a transfer of sovereignty. No new State emerges; instead, irredentist secession modifies the extent of the territorial sovereignty of two or more States.

Walter S. Jones averred that occurrence of Irredentism can be located in the demarcation of boundaries which ignored natural lines of division between different peoples. He concludes that political lines often are not congruent with ethno-geographic regions.⁷ Irredentism then is the struggle of such people for reunification, and *Irredenta* is a territory where a portion of the nation resides that is regarded as lost or stolen. In trying to show its relevance as a major contributor or catalysts to inter-states conflicts in Africa, one can then simply take irredentism to be a situation whereby a sovereign State 'A' tries to extend its territorial reach into the territory of another sovereign State "B". Irredentism could be said to have occurred between the two when State 'A' tries to forcefully incorporate some part of all of State 'B' into State A. Hence, there is irredentist secession, wherein the attempt is not to create a new State, but to merge the seceding territory with a neighboring State. This typically occurs when the majority in the seceding area is of the same ethno-national as that which is predominant in the neighboring State.

1.3 Spread of Irredentism in Africa

Although, Africa has had series of mild border clashes in the past, which were traditionally resolved, a little historical inquest into the root cause of the current boundary claims bedeviling Africa continent is traceable to colonization and partitioning of the Continent. At the levels of European diplomacy from the Berlin Conference, the need for peaceful engagement and relationship over conquest occupation and control of African territories went beyond the Treaties signed with African Rulers with the European colonizers. The colonizers shared Africa into specific areas based on possible treaties and presence earlier established by them. The need to negotiate peace and sphere of interest resulted

⁴ https://en.wikipedia.org/wiki/irredentism.cite_note

⁵ Naomi Chazan (ed.), *Irredentism and International Politics*, (Boulder: Lynne Rienner, 1991), 139.

⁶ Leah Brilmayer, 'Secession and Self-Determination: A Territorial Interpretation', *Yale Journal of International Law*, [1991], (16), 177.

⁷ S J Walter, *The Logic of International Relations*, (8 edn., London: Pearson Longman, 1997).

in further exchanges and concessions among European powers without recourse to original owners of the territories shared. This point can be seen in the division of Yoruba territories between the British Nigeria and the French Dahomey (Benin) and Togo without recourse to their traditional political system. This pushed Benin Republic to cross over to Nigeria and mounted her flag in some parts of Kwara State few years ago, claiming that by historical origin, those parts belong to them. The incident nearly broke out war between the two countries.

It has been argued that irredentism is more likely when the kin group is near economic parity with other groups in its own State, which results in status inconsistency and engenders grievances. It is also more likely in more ethnically homogeneous countries with winner takes it all majoritarian systems where the kin group does not need to moderate its policy to win elections by attracting other groups.⁸ The claims of Nigeria and Cameroon over Bakassi Peninsula are captured squarely in argument.

The Eritrean and Ethiopian conflict over Badme has been particularly virulent. A number of wars have been fought between them leading to the destruction of countless lives and property. A brief history the Ethiopia and Eritrea case shows that the Tigrayans who are the inhabitants of the Ethiopia and Eritrea borders were the same ethnic groups. Many of the Tigrayans of Eritrean origin settled in border towns on the Ethiopian side for decades in search for farmland or alluvial gold and had dominated the area, though they were politically and judicially administered by Ethiopian authorities and paid taxes to Ethiopia before the cross border crisis. The border between Ethiopia and Eritrea after the May 1991 Independence of Ethiopia was based on Italy colony of Eritrea established through Treaties of 1897 (after the Battle of Adowa) and treaties of 1900 and 1902 between Italy and Ethiopian Emperor Menelik II. (This boundary also only refuted by Italy along with the agreed maps and demarcations when Italy had a full scale invasion of Ethiopia in 1935)

When Eritrea became independent from Ethiopia in 1991, its borders were restricted to the areas existing as colonial boundaries by 1890 treaties. However, the Eritrean population, her quest for land and political presence at the border areas was linked to the smothering political differences between the Ethiopian and Eritrean Leaders during and after their revolutionary struggles to oust Ethiopian Government and the grant of independence to the Eritrean nation in 1991. Hence, Eritreans began to lay historical claims to the affected territories in pre-1869 era when Italians incursion led to the submerging or annexation of their separate territory and nation known as Bahr Negash area as part of Ethiopian highland polity. These claims have continued to linger even till the present day.

Togo has been claimed by Ghana on ground of Ewe reunification. Morocco still regards Mauritania and the Sarahawi People's Democratic Republic (SADR) as being integral parts of it. Somalia claims Somaliland (Djibouti) as being part of greater Somalia; and Senegal regards Gambia as being a separatist part of it. The point is that irredentism has been a regular feature of international affairs Africa included, since the dawn of the 20th century, Even though, it is not a uniquely African phenomenon, Africa arguably is the only continent that seems not to have evolved a proactive solution to this. Other State outside the African continents have evolved mechanisms through which irredentism could be identified and checked before it become a veritable cause for conflict.

1.4 Legal Issue about Irredentism, Territorial Integrity of State and Self-Determination

To think about secession in International Law is to do so in multiple dimensions, both in terms of the law regulating secession, which, in contemporary times, is typically intertwined with the concept of self-determination of people, both in the political and legal sense, as well as the rules on the creation and recognition of states, and to some extent, the internal law of States.⁹

⁸D S Siroky and C W Hale, 'Inside Irredentism: A Global Empirical Analysis', *American Journal of Political Science*, [2017], 61(1), 117.

⁹ Virtually all African countries have a Constitution that emphasizes sovereignty and inviolability of the territorial integrity of State. For example, s. 2 of the Constitution of the Federal Republic of Nigeria 1999 (as amended), provides that 'Nigeria is one indivisible sovereign state to be known as Federal Republic of Nigeria.'

Butterworth refers to border or boundary dispute as territorial claims over demarcation of a territorial boundary between two bordering states or a land area between their borders of questionable ownership,¹⁰ while some writers agreed that Border disputes may be territorial or boundary claim existing between a State and the neighbour based on the challenge of territorial allocation requiring adjustment and arising from historical, geographical, ethnic or cultural, economic, military or strategic reasons. For example, Ambrosio posited that irredentism is frequently complex and generally can only be explained by examining the particular circumstances and relationships between groups politically, geographically, and historically.¹¹

Emphasizing the danger of such claims, Gregory and other posit that, although, sometimes a minority group may live in relative harmony with people on both sides of a political national border, in other contexts irredentist movements may attempt to “reunite” divided populations. This can lead to border disputes, violent conflict, or even war.¹²

Boundary politics are the inherent issues in boundary dispute and territorial claims which affects the assertion of territorial integrity or sovereignty of any nation and the approaches to settlement of such crises. This can be linked to Robert Mandel observation that interstate disputes may occur with or without reference to border disputes and that border disputes may occur as a result of border clashes without contention over border demarcations or as a result of conflicts over jurisdictions and control of off-shore islands which are not land boundaries.¹³

It is trite to note that the State as a player in International Law is built upon the foundation of sovereignty. In the literal understanding of the word sovereignty, it is the absolute supremacy of governmental institutions and supreme status of the State as a legal person. Its core components in this regard are territorial integrity. According to Jennings and Watts, without territory, a legal person cannot be a state.¹⁴

Since such fundamental legal concept as sovereignty can only be understood in relation to territory, it follows that the legal nature of territory becomes a vital part in any study of boundary claim, self-determination, secession and irredentism. According to O’Connell, the development of international law is upon the basis of the exclusive authority of the State within an accepted territorial framework and it means that territory is “perhaps the fundamental concept of international law.¹⁵ Brierly defined territorial sovereignty to mean the existence of rights of a State over its territory rather than the independence of the State itself or the relation of persons to persons. It was a way of contrasting the fullest rights over territory known to law with certain minor territorial rights such as irredentism and self-determination.¹⁶

According Justice Huber, territorial sovereignty has positive and negative aspects. The former relates to the exclusivity of the competence of the State regarding its own territory while the latter refers to the obligation to protect the rights of other states.¹⁷ One interesting characteristic that should be noted, and which points to the difference between the treatment of territory under international law and municipal law, is that, title to territory in international law is more often than not, relative than absolute. In other words, a court, in deciding to which of contending States a parcel of land legally belongs, will consider all relevant arguments and will award the land to the State which, relatively speaking, puts forward the better (or best) legal case.¹⁸

¹⁰ Butterworth, (1976), in J E T Babatola, ‘Nigerian-Cameroon Boundary Dispute: the Quest for Bakassi Peninsular’, 2, https://www.researchgate.net/publication/313668248_nigerian_cameroon_boundary_dispute_the_quest_for_bakassi_peninsular, accessed on 27th March, 2025.

¹¹T Ambrosio, *Irredentism: Ethnic Conflict and International Politics*, (Westport, CT: Praeger, 2001).

¹²D Gregory, J Ron, P Geraldine, J M Watts, and SWhatmore, eds., *The Dictionary of Human Geography*, (5thedn., Oxford: Wiley Blackwell, 2009).

¹³J E T Babatola, *Op. Cit.* 2.

¹⁴ R Y Yennings and A D Watts, *Oppenheim’ Interactive law*, (9thedn., London: Oxford University Press, 1992), 563.

¹⁵ D P O’ Connell, *Internatrive Law*, (2ndedn., Vol. I, London: Stevens & Co., 1970), 403.

¹⁶Brierly, *The Law of Nations*, (6thedn., Oxford: Clarendon Press, 1963), 162.

¹⁷ Judge Huber in the *Island of Palma’s Case*, 2 RIAA, (1928), p. 829-839.

¹⁸*Minquiers and Ecrehos Case*, ICJ Reports, (1953), pp. 47, 52, 2 ILR. P. 94.

In this regard, K. H. Kaikobad has posited that one of the core principles of international system is the need for finality and stability in boundary questions and many flows from this.¹⁹ Reflective of this principle is the principle of inviolability of territorial integrity of States. The principle of territorial integrity of States is well established and is protected by a series of consequential rules prohibiting interference within the domestic jurisdiction of State²⁰ and forbidding the threat or use of force against the territorial integrity and political independence of States.²¹ However, it does not apply where the territorial disputes centres upon uncertain frontier demarcations. In addition, the principle verily to conflict on the face of it with the principle of self-determination of people,²² and this brings us to the main issue which is juxtaposing the quest for right for self-determination and the long age generally accepted principle of territorial integrity and inviolability of State.

According to Khazar Shirmammadov, self-determination of people and territorial integrity of States is a controversial international issue when they are implemented in practice. Tracing down the history of the two principles, he posited that although, nations and States have been acquainted with these complicated norms for decades, as a principle of international law, territorial integrity was included with the Westphalian Treaty (1648), while the principle of the self-determination enshrined in the Charter of United Nation in 1945. Until 1945, territorial integrity was an uncomplicated norm of international law. Since the principle of self-determination gained juristic status, it triggered the legal inconsistency with the principle of territorial integrity in international law.²³

In the present day, self-determination has been incorporated in the United Nation's Charter, particularly in Articles 1 (2), 55 & 56. Article 1 (2) clearly provides that one of the purposes of the United Nations is to develop friendly relations among nations based on respect for the principle of equal right and self-determination of people and to take other appropriate measure to strengthen universal peace. Article 55 provides thus; with a view to the creation of conditions of stability and well-being which are necessary for the peaceful and friendly relations among nations based on respect for the principle of equal right and self-determination of peoples, the United Nations shall promote: (c) Universal respect for, and observation of human rights and fundamental freedoms for all without distinction as to race, sex language or religion. Article 56 provides that all members pledge themselves to take joint and separate action in co-operation with the organization for the achievement of the purposes set forth in Article 55.

The African Charter on Human and People's Rights is also very explicit on self-determination. Thus; Article 20 clearly provides that:

1. All peoples shall have the right to existence. They shall have the unquestionable and inalienable right to self- determination. They shall freely determine their political status and shall pursue their economic and social development according to the policy they have freely chosen.
2. Colonized or oppressed peoples shall have the right to free themselves from the bonds of domination by resorting to any means recognized by the international community.
3. All peoples shall have the right to the assistance of the States parties to the present Charter in their liberation struggle against foreign domination, be it political, economic or cultural.

Hence, by these provisions, expectations are now high in the respect for the right to self –determination of any lost territory of any country. The Greater country agitating for irredentism is under obligation by this principle of international law to observe claim for political self-determination of any smaller group.

Notwithstanding these provisions, the fear for the violation of the territorial integrity of State has always been at the centre of any attempt to enforce boundary claims. The paramount question is whether the claim for self-determination and irredentism is a justification for a derogation to the evergreen principle of inviolability of the territorial integrity of State?

There is however a great controversy as to whether the principle has become a binding principle of international law. In this connection, several opinions have been forwarded. Firstly, it has been pointed out that the principle has been a

¹⁹ K H Kaikobad, 'Some Observations on the Doctrine of the Continuity and Finality of Boundaries', in M N Shaw *International Law*, (6thedn., New York: Cambridge University, 2008), 522.

²⁰ See Art. 2 (7) of UN Charter.

²¹ Art. 2(4) of the UN Charter.

²²*Burkina Faso v Mali*, ICJ Reports 1986, 554, 5565; 80 ILR, p. 469.

²³KhazarShirmammadov, 'How does the International Community Reconcile the Principles of Territorial Integrity and Self-Determination? The Case of Crimea', *Russian Law Journal*,[2016], 4(1), 62-63.

principle of International Law even before the adoption of the UN Charter.²⁴ It is contended that it was incorporated in the charter to legalize it and not necessarily that it became a new international law concept upon incorporation.²⁵ However, even with the introduction of the principle in the Charter, the UN has not made it an absolute rule of International Law. It is simply a political principle for building a community of States.²⁶ Although, provision of the Charter, to the extent of enforceability of the contents of the Charter, binding on the State parties, the legal value of self-determination under the charter, is considerably diminished by three major limitations which are; (i) there is lack of adequate measure of the definition of the term under the Charter; (ii) the principle under Art. 1(2), is only subservient to certain purpose of the UN such as maintenance of international peace and security; thus, it does not matter that right of self-determination is violated. Once such violation does not breach international peace and security, the NU may give little or no attention to such violation (iii) Art. 2(7) of the Charter which prevents intervention in the matter essentially within the domestic affairs of a State, is also a great limitation for the issue of self-determination. This is more so where the greater country claims that her population extends to the territory in contention. Thus, the principle of self-determination does not stand out as a solid principle binding on the States which are parties to it.

To further emphasize the principle of self-determination as a right of people and its application for the purpose of bringing irredentism claim, the principle was enunciated in the Declaration on the Granting of Independence to Colonial Countries and People.²⁷ In this Resolution, the General Assembly proclaimed that “all people have the right to self-determination, by virtue of that right, they freely determine their status and freely pursue their economic, social and cultural development...” The above, no doubt, emphasizes the fact that application of the right of self-determination requires a free and genuine expression of the will of the people concerned.²⁸ The principal normative formulation have been the principle of “equal rights and self-determination of people,” contained in the UN Charter and elaborated in various subsequent non-treaty instruments, and the right of all people to self-determination, which is expressed in Article 1 of the 1966 Covenants thus: “All people have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”²⁹ Heraclides has said that self-determination and its socio-political analogue, nationalism, are often associated, particularly in United States thinking, with liberalism. This tradition links self-determination with democratic choice, and especially with “free elections.”³⁰ Historically, however, nationalism has been variously associated with liberty and with the suppression of freedom, with democratization and with inequality and minority group of the nation. Self-determination is not simply an end result or a legal process of choice. The rhetoric of self-determination is universal, and the range of possible claimants supported by the rhetoric is very wide. Irredentist claims on the basis of nationality, such as that espoused by Somalia before the civil war which began in 1991, have also received very little support. The general argument against accepting these claims has been that of territorial integrity and stability of frontiers. Where transitions have occurred as in the case of decolonization, these principles are reinforced by the doctrine of *uti possidetis juris*. Colonial administrators and new African governments tried to adhere closely to the boundaries they had inherited to uphold this principle of *uti possidetis*, which provides that States emerging from decolonization shall presumptively inherit the colonial administrative borders they held at independence.³¹ This doctrine states that parties should retain possession of that which they have acquired. The doctrine of *uti possidetis*³² is the doctrine that sovereignty over territory is based on previously recognized borders and in particular that the territorial boundaries of newly-independent State remain the same as their administrative borders prior to independence. In *Burkina Faso v Republic of Mali*,³³ this doctrine was described in the following terms;

²⁴ S K Kapoor, *International Law and Human Rights*, (18th Edn., India: Allahabad Central Law Agency, 2011), 491.

²⁵ I VSperanskaya, ‘The Principle of Self-Determination in International Law’, in S K Kapoor, *Ibid.* 497.

²⁶ R YZennings, *The Acquisition of Territory in International Law*, (New York: Manchester University Press, 1963).

²⁷ General Assembly Resolution 1514 (XV) Of 14th Dec. 1960.

²⁸ Advisory opinion of the International Court of Justice in the *Western Sahara Case*, I.C.J Rep. (1975) para. 55.

²⁹ International Covenant on Economic, Social and Cultural Rights, 993 U.N.T.S 3, Art 1(1) (1966).

³⁰ Alexis Heraclides, ‘Secession, Self-Determination and Non- Intervention in Quest of a Normative Symbiosis’, *Journal of International Affairs*, [1992], 45, 399-420.

³¹ S R Ratner, ‘Drawing a Better Line: UtiPossidetis and the Border of New States’, *The American Journal of International Law*, [1996], 90(4), 617.

³² J Crawford, ‘The Creation in International Law 84-102’, www.google.com, on 17 March, 2015.

³³ ICJ Reports, 1986, 554; 80 ILR, 2; *Micaragua v Hondura* ICJ Reports 2007.

The essence of the principle lies in its primary aim of securing respect for the territorial boundaries at the moment when independence is achieved. Such territorial boundaries might be no more than delimitations between different administrative divisions or colonies all subject to the same sovereign. In that case, the application of the principle of *Uti possidetis* (sic) resulted in administrative boundaries being transformed into international frontiers in the full sense of the term.³⁴

Although, the principle self-determination has been noted in the UN Charter and emphasized in other international legal instruments, it has been interpreted as referring to only the inhabitants of non-independent territories.³⁵ Practice is rare supporting its application as a principle conferring the right to secede upon identifiable groups within an already existing independent State, since to do this will amount to varying the territorial integrity of that State.

In 1998, the Canadian Supreme Court held in *Reference Re Secession of Quebec*³⁶ case that;

International Law expects that the right to self-determination will be exercised by peoples within the framework of existing States and consistently with the maintenance of the territorial integrity of those States and that the right to unilateral secession arises only in the most extreme of cases and even, then, under carefully defined circumstances”.

Hence, self-determination cannot be used to further enlarge territorial claim in defiance of internationally accepted boundaries of sovereign States but may be of some use in resolving cases of disputed frontier lines on the basis of the wishes of the inhabitants. Probably, the most exponent of the relevance of self-determination to post-independence situations has been Somalia with its claims to these parts of Ethiopia and Kenya populated by Somalia tribes, but the country received very little support for its demand.

1.5 Factors Instigating Irredentism in Africa

There are lots of factor, both immediate and remote, which cause persistent incident of irredentism in Africa.³⁷ These include:

1. **Economic Considerations:** Certainly, this factor will always be a reoccurring variable when considering secession. A region or a group considering self-determination will assess all economic factors and whether it would get greater economic benefits by breaking away than staying back, and this will always weigh heavily on the decision the region or group makes. In most African nations, the manner in which government allots money to regions may not be defined by the locus of production or need but by politics. Regions that wield political power or dominate the civil service may reward themselves the most and leave the rest with little benefit from the central government.³⁸ This has become the defining feature of African politics.

In another facet, countries endowed with plentiful natural resources, ironically, have been prone to violence because of disagreements over the manner in which governments share the proceeds. While disagreements between government and farmers over commodities pricing, for instance, may be tampered by pragmatism, the same cannot be said for non-organic minerals such as gold and oil. Agricultural and forest products spread across several regions and make organizing for civil action difficult. Oil, diamonds, and gold and other minerals, on the other hand, are found in specific areas and are non-replenishable. This factor has been responsible for the continued claim between Nigeria and Cameroon over Bakassi Land.

2. **Historical Legacy:** The disingenuous manner with which most modern African States were created by the colonial powers has been a major factor responsible for the recrudescence of irredentism in Africa. The territorial borders abutting the different African States tend to overlap from one country to the other. The conflict or frictions then come in when each of these countries, due to a myriad of reasons, tries to delineate the extent of their territories. A good example is Nigeria and Cameroon. Nigerian claims Bakassi, a region in the South Eastern part of Nigeria as an integral part of Nigeria, while Cameroon is also laying claim to same piece of territory. This has led to tense

³⁴ See also *Land Island and Maritime Frontier Dispute*, (CL Salvador/Honduras) Case ICJ Reports, (1992), 357-386, 97 ILR, 266.

³⁵ M N Shaw, *Op. Cit.*, 522.

³⁶ (1998) 161 DLR (4th) 385, 436; 115 ILR, 536.

³⁷ A Lowe and C Warbrick, (eds), ‘Recognition of State’, *International and Comparative Law Quarterly*, [1992], (41), 474.

³⁸ Bereketab Redie, ‘When Success Becomes a Liability: Challenges of State Building in Eritrea (1991-2005)’, *African and Asian Studies*, [2007], (6), 395-430.

relationship between the two. As a matter of fact territorial spat has led to series of skirmishes between the army of the two countries on the one and the civilians on the other hand. The seriousness of the situation came to the fore when on June 12, 2004, there was troop mobilization on both sides of the border. Other flashpoints are the Ethiopia Eritrean war over borderland of Badme and Algeria and Morocco over the Spanish Sahara.

3. **Natural Topography:** Topography is also a major factor in the outbreak of irredentism in Africa. In the early centuries when trade routes and the economy of Africa states largely depended on land, as the main link between the internal and external world, the significance of the ocean was largely ignored. However, the shift to water as a means of transport and an effective medium with which to communicate with the outside world, the proximity of a state to territorial waterways or its access to it greatly determined to a large extent the economic well-being of a state. This realization came to the fore in the early part of the 17th century. It was greatly accentuated by the Trans- Atlantic slave trade and its concomitant foreign trade. Thus, by the 19th century, states in African which now have the misfortune of being geographically cut-off from water, that is, landlocked state, now have the unenviable alternatives of either trying to be submissive to their neighbours to allow them access to the ports or to forcefully excise a neighbour's territorial waterway. Sudan is a good example of a landlocked country. She has always been interested in the borderline territories of most of the neighbours abutting her, that is, Egypt, Eritrea and Ethiopia. Burkina Faso is also a good example. Being a landlocked state, she naturally covets the territorial waterways of her two proximal neighbours viz: Togo and Benin Republic.

4. **Demographic Overlap:** this has a lot more to do with the moral dilemma that confronts independent Africa states in the 20th century as a result of the disingenuous manner in which the partitioning of Africa was carried-out in the 18th century by their European colonial master. The result of this is the members of the same ethnic stock are often to be found as citizens of different countries. In the event of members of a particular ethnic group in a particular country, members of their ethnic group in a neighbouring country, who constitute a majority may duly-bound as a matter of moral obligation to pursue an irredentism agenda in order to liberate their "brethren", the 'liberating' activity of course, will take the form of an invasion or at most, a war that will be designed to excise some territory out of a complete whole. Using our hypothetical example the 'liberating' activity of say State A will have a deleterious effect on the sovereign integrity of State B. this is because State A will be interested in adding its minority ethnic group in State B to the larger State A. Events in both Rwanda and Burundi have proven this argument to be particularly true. Partial irredentism has sparked a most horrendous civil war in the proximal countries between the ethnic groupings of the Hutus and the Tutsis in the early part of the 1990s. And if adequate provisions are not made the 'morality' question can destroy the amiable relationship between Ghana and Togo. This is because Ghana is trying to subsume Togo territorial integrity by claiming that sine Togo is home to a large number of Ewe trines whose ancestry can be traced to Ghana, Togo should then be an appendage of Ghana based on Ewe reunification. Just recently, the Republic of Benin hoisted its flag in Kwara State, Nigeria, claiming that some parts the State originated/migrated for Benin Republic.

1.6 Conclusion

Therefore, in trying to tackle the irredentist problem arising as a result of the will for self-determination, effort must be geared towards conducting a wide spread election (referendum) to ascertain the mind of the people as to their political status, if self-determination is to be understood, as international instruments to the interests of individuals, of membership and participation in a particular kind of group or nation. The State involved would readily consent to it in a manner devoid of aggression or cohesion. This is because, going by the Stimson Doctrine,³⁹ the International Community will hardly recognize such changes leading to territorial changes.

³⁹ The Stimson Doctrine is the policy of non-recognition of States created as a result of aggression. The policy was implemented by the United States federal government, enunciated in a note of January 7, 1932, to the Empire of Japan and the Republic of China, of non-recognition of international territorial changes that were executed by force. The doctrine was an application of the principle of ex injuria jus non oritur, which means that illegal acts cannot create law. While some analysts have applied the doctrine in opposition to governments established by revolution, this usage is not widespread, and its invocation usually involves treaty violations. See *Bin Cheng, General Principles of Law as Applied by International Courts and Tribunals*, (New York: Cambridge University Press, 2006), 188.