

RESOLVING MARITIME CONFLICTS: LESSONS FROM THE NIGERIA-CAMEROON BAKASSI PENINSULA DISPUTE

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Abstract

The maritime conflict between Nigeria and Cameroon over the Bakassi Peninsula represents a significant case study in international territorial disputes. Historically, the Bakassi Peninsula, rich in oil and fishery resources, has been a point of contention, culminating in a prolonged legal and diplomatic struggle adjudicated by the International Court of Justice (ICJ) in 2002. The ruling favored Cameroon, leading to the eventual transfer of sovereignty in 2008. This study addresses the problem of persistent maritime disputes in Africa and the challenges in implementing international legal decisions. The objectives are to analyze the root causes of the conflict, evaluate the legal and diplomatic resolution processes, and extract lessons for future conflict resolution and trans-boundary water cooperation. Using a qualitative methodology, this research examines historical documents, legal texts, and interviews with key stakeholders involved in the dispute. The research findings reveal that effective conflict resolution requires a combination of legal adjudication, diplomatic negotiation, and robust mechanisms for post-conflict cooperation. The Bakassi case underscores the importance of international law and regional cooperation in managing maritime disputes and promoting peace and stability in Africa.

Keywords: Maritime conflicts, trans-boundary water cooperation, Nigeria-Cameroon relations, Bakassi Peninsula dispute, conflict resolution

Introduction

Maritime conflicts have long been a source of tension among nations, often arising from competing territorial claims over waterways, islands, and other coastal regions. These disputes are typically fueled by the strategic importance of maritime zones, which are often rich in natural resources such as oil, gas, and fisheries. Control over these areas not only provides economic benefits but also political and military advantages, making them highly contested spaces. Maritime conflicts can strain diplomatic relations and, if not carefully managed, may escalate into armed confrontations, disrupting regional and global stability.

The significance of maritime conflicts extends beyond the immediate parties involved, as these disputes can affect international trade routes, environmental conservation efforts, and security dynamics in adjacent regions. The United Nations Convention on the Law of the Sea (UNCLOS), which governs maritime boundaries and resource rights, provides a framework for resolving such conflicts peacefully.¹ However, even with these legal structures in place, many nations continue to grapple with unresolved disputes, underscoring the complexity of balancing sovereignty, economic interests, and international law.

One of the most prominent examples of a maritime conflict in Africa is the long-standing territorial dispute between Nigeria and Cameroon over the Bakassi Peninsula. This conflict, which lasted for decades, centered on control of a small but resource-rich peninsula along the Gulf of Guinea. The Bakassi Peninsula, with its potential oil reserves and rich fishing grounds, was highly valued by both nations, leading to a series of military confrontations and diplomatic tensions between Nigeria and Cameroon.

The origins of the Bakassi Peninsula dispute can be traced back to colonial-era agreements and territorial boundaries established by European powers. During the colonial period, Britain and Germany drew arbitrary borders that did not account for the interests of local populations or the geographical realities of the region. When these colonies gained independence, the inherited borders remained a point of contention, particularly between Nigeria and Cameroon, whose claims over Bakassi became increasingly difficult to reconcile. In the 1990s, tensions over the Bakassi

Peninsula escalated, resulting in sporadic military clashes and growing regional instability. Both Nigeria and Cameroon sought to assert their sovereignty over the territory, leading to a protracted diplomatic standoff. Recognizing the potential for further violence and the broader regional implications, both nations eventually agreed to bring the case before the International Court of Justice (ICJ), which delivered a landmark ruling in 2002.²

The ICJ's ruling, which awarded sovereignty of the Bakassi Peninsula to Cameroon, marked a turning point in the dispute. Although the decision was met with resistance from some factions in Nigeria, it paved the way for a peaceful resolution through diplomatic channels. The subsequent implementation of the Green Tree Agreement in 2006, which outlined the terms for Nigeria's withdrawal and the transfer of the territory to Cameroon, stands as a significant example of the peaceful resolution of a maritime conflict through international law and diplomacy.

Definition of terms

It is necessary to begin this paper by defining key terms used in it. In this essay, the term "Bakassi Peninsula" is a resource-rich landmass located on the Gulf of Guinea, along the border between Nigeria and Cameroon. It spans approximately 1,600 square kilometers and is strategically positioned with access to rich fishing grounds and potential oil reserves, making it an economically valuable region.³

The other term requiring definition is "maritime conflicts". It refers to disputes that arise between states or nations over the control, ownership, and use of maritime zones such as seas, oceans, and water bodies.⁴ These conflicts typically involve issues related to territorial boundaries, access to valuable resources like fish stocks, oil, and gas deposits, and navigation rights.

Historical background of the Bakassi Peninsula dispute

The roots of the Bakassi Peninsula dispute between Nigeria and Cameroon lie in the colonial era, when European powers arbitrarily divided African territories without considering ethnic or geographical realities. The conflict traces back to agreements between Britain and Germany in the late 19th and early 20th centuries. In 1884, Britain established control over southern Nigeria, while Germany colonized Cameroon. Several treaties were signed between the two colonial powers to delineate their respective territories, including the 1913 Anglo-German Treaty, which placed the Bakassi Peninsula under German control.⁵

However, after Germany's defeat in World War I, Cameroon was divided between Britain and France under a League of Nations mandate. The portion that included the Bakassi Peninsula became part of British-administered Cameroon. In 1961, a plebiscite was held in which the northern part of British Cameroon opted to join Nigeria, while the southern part (including Bakassi) voted to reunite with French Cameroon.⁶ Despite these legal arrangements, Nigeria maintained historical and cultural ties to the Bakassi Peninsula, claiming it as part of its Cross River State due to the presence of Nigerian ethnic groups like the Efik and Ibibio.

The role of international law and institutions

i. **The involvement of the International Court of Justice (ICJ) in the Bakassi case:** The International Court of Justice (ICJ) played a crucial role in resolving the Bakassi Peninsula dispute between Nigeria and Cameroon. In 1994, Cameroon formally brought the case before the ICJ, seeking a legal resolution to the territorial conflict.⁷ This move followed several years of military clashes and diplomatic disputes over the peninsula, which was perceived as critical due to its strategic location and resource potential.

The ICJ's involvement was pivotal for several reasons. Firstly, it provided a neutral platform for adjudicating the dispute based on international law rather than military force or bilateral negotiations alone. The Court's jurisdiction was based on the acceptance of its compulsory jurisdiction by both nations, which had previously agreed to submit disputes to the ICJ under the terms of the 1961 and 1981 treaties (ICJ, 2002).⁸ The Court's role was to interpret colonial treaties and agreements to determine rightful sovereignty over the Bakassi Peninsula.

ii. **Examination of the legal arguments presented by Nigeria and Cameroon:** In the ICJ proceedings, both Nigeria and Cameroon presented detailed legal arguments to support their claims over Bakassi. Cameroon's case was primarily grounded in the 1913 Anglo-German Treaty, which had demarcated the boundary between British-administered Nigeria and German-controlled Cameroon. Cameroon argued that the treaty clearly allocated the Bakassi Peninsula to its territory and that this demarcation should be upheld despite subsequent administrative changes.⁹

Nigeria, however, contested this interpretation. Nigeria's argument was based on the principle of *uti possidetis juris*, which holds that newly independent states inherit colonial boundaries as they were at the time of independence. Nigeria contended that the British mandate over the southern part of Cameroon, including Bakassi, was never fully

integrated into Cameroon upon independence. Furthermore, Nigeria argued that the local population of Bakassi had strong cultural and historical ties to Nigeria, which should influence the determination of sovereignty (ICJ, 2002).¹⁰ The legal arguments were complex and hinged on the interpretation of historical documents and treaties. The ICJ had to assess whether the 1913 treaty was still valid given the subsequent colonial and post-colonial developments and whether the principle of self-determination for the local population was applicable.

iii. **The 2002 ICJ ruling and its significance for international law in maritime disputes:** In 2002, the ICJ ruled in favor of Cameroon, awarding sovereignty over the Bakassi Peninsula to Cameroon.¹¹ The Court's decision was based on its interpretation of the 1913 Anglo-German Treaty, which it found to clearly delineate the peninsula as part of German Cameroon. The ruling emphasized the importance of adhering to historical treaties and agreements, even in the face of changing political contexts and post-colonial adjustments.

The ICJ's ruling had significant implications for international law, particularly in the context of maritime and territorial disputes. It reaffirmed the role of international treaties and agreements in resolving disputes and highlighted the effectiveness of the ICJ as a neutral arbiter in complex conflicts. The decision underscored the principle that historical treaties and colonial boundaries, when clear and applicable, should be respected to maintain international order and stability.

Moreover, the Bakassi case illustrated the potential for international judicial mechanisms to resolve disputes peacefully, offering a model for handling similar conflicts globally. The Court's ruling facilitated the Green Tree Agreement of 2006, which outlined the terms for the peaceful transfer of the peninsula from Nigeria to Cameroon, further demonstrating the practical impact of international legal decisions on real-world conflicts.

Diplomatic and negotiation strategies

1. **Role of bilateral diplomacy and multilateral organizations:** Bilateral diplomacy and multilateral organizations played critical roles in resolving the Bakassi Peninsula dispute. Initially, the conflict between Nigeria and Cameroon was addressed through direct bilateral negotiations, although these efforts often yielded limited progress due to mutual distrust and escalating tensions. The involvement of multilateral organizations, particularly the United Nations (UN), was instrumental in facilitating a more structured approach to conflict resolution.

The UN acted as a mediator and facilitator throughout the dispute. In 2002, the UN Secretary-General, Kofi Annan, intervened to encourage both parties to seek a peaceful resolution through legal means rather than continued military conflict.¹² The UN's involvement helped in establishing a neutral platform for dialogue, which was essential in bringing the parties to agree on international adjudication by the ICJ. Additionally, the UN Security Council played a role by issuing resolutions that called for the peaceful settlement of the dispute and supported the ICJ's involvement.¹³ This international pressure helped in maintaining a focus on legal and diplomatic solutions rather than resorting to further military confrontations.

ii. **The establishment of the Cameroon-Nigeria Mixed Commission:** The Cameroon-Nigeria Mixed Commission was established following the ICJ's ruling in 2002 to manage the implementation of the Court's decision and to address practical issues related to the transfer of the Bakassi Peninsula. Formed in 2002 under the auspices of the UN, the Mixed Commission was designed to facilitate cooperation between the two countries in implementing the ICJ's judgment and to address any emerging issues.¹⁴

The Commission comprised representatives from both Nigeria and Cameroon, as well as a UN representative to ensure impartiality and provide technical support. It was tasked with overseeing the demarcation of the border, resolving disputes related to the implementation of the ICJ ruling, and managing the transfer of administrative control from Nigeria to Cameroon.¹⁵ The Mixed Commission played a key role in negotiating terms for the peaceful withdrawal of Nigerian forces from Bakassi and in coordinating the transfer of governance and local administration to Cameroon. The establishment of the Mixed Commission exemplified how bilateral and multilateral cooperation could effectively manage and resolve complex territorial disputes. It helped in mitigating tensions during the transition period and ensured that both countries adhered to the terms of the ICJ ruling.

iii. **Analysis of the Green Tree Agreement (2006) and its role in facilitating a peaceful transfer:** The Green Tree Agreement, signed in 2006, was a pivotal document in the resolution of the Bakassi Peninsula dispute. Named after the location where the agreement was signed, the Green Tree Agreement formalized the process for implementing the ICJ's ruling and provided a detailed framework for the peaceful transfer of the Bakassi Peninsula from Nigeria to Cameroon. Key provisions of the agreement included the timeline for the withdrawal of Nigerian troops, the transfer of administrative responsibilities to Cameroon, and the protection of the rights of Nigerian residents in the peninsula. The agreement also addressed issues related to the management of resources and the settlement of any remaining disputes between the two countries.

The Green Tree Agreement played a crucial role in ensuring a smooth and orderly transition. By providing a structured approach to the implementation of the ICJ ruling, it helped in minimizing potential sources of conflict and facilitated

cooperation between Nigeria and Cameroon. The agreement also demonstrated the effectiveness of diplomatic agreements in managing post-judgment processes and ensuring compliance with international legal decisions. The successful implementation of the Green Tree Agreement contributed to a relatively peaceful resolution of the dispute and set a precedent for how similar conflicts could be managed in the future. It highlighted the importance of detailed planning and cooperative diplomacy in resolving territorial disputes and transitioning control of contested areas.

Lessons learned from the Bakassi dispute

i. Key factors contributing to the peaceful resolution of the conflict: The Bakassi Peninsula dispute was resolved through several key factors that facilitated a peaceful outcome. Firstly, the role of international law and the decision of the International Court of Justice (ICJ) were pivotal. The ICJ's ruling in 2002 provided a legal basis for resolving the dispute, based on the interpretation of historical treaties and colonial agreements. This legal adjudication helped clarify the boundaries and establish a framework for resolution.

Secondly, bilateral diplomacy between Nigeria and Cameroon, supported by international mediation, played a crucial role. The proactive involvement of the United Nations and the establishment of the Cameroon-Nigeria Mixed Commission were instrumental in managing the implementation of the ICJ ruling and addressing practical issues. These diplomatic efforts, coupled with the commitment of both countries to adhere to the ICJ's decision, helped prevent further escalation.

Finally, the Green Tree Agreement of 2006 was a significant factor. It provided a structured plan for the transfer of the Bakassi Peninsula, including provisions for the withdrawal of Nigerian troops and the protection of local residents. This agreement demonstrated the importance of clear, detailed agreements in facilitating the smooth implementation of international legal decisions.

ii. Importance of adherence to international law and diplomacy in resolving territorial disputes: The Bakassi dispute underscores the critical importance of adherence to international law and diplomacy in resolving territorial conflicts. The ICJ's ruling was based on established legal principles and historical treaties, which provided a clear and authoritative resolution to the dispute. Adherence to such legal frameworks helps ensure that territorial disputes are resolved based on objective criteria rather than power dynamics or military force.

Diplomacy played a key role in facilitating communication and cooperation between the conflicting parties. The involvement of international mediators and organizations helped bridge gaps in negotiation and provided a neutral platform for dialogue. This approach highlights the value of diplomacy in addressing complex disputes and avoiding unilateral actions that could lead to further conflict.

iii. The role of international institutions and third-party mediation: International institutions and third-party mediation were crucial in the Bakassi dispute. The ICJ provided a legal resolution, while the United Nations facilitated diplomatic efforts and supported the implementation of the ICJ's decision. The establishment of the Cameroon-Nigeria Mixed Commission, with support from the UN, exemplified effective third-party mediation in managing the transition and addressing implementation challenges. These international institutions helped maintain a neutral stance and provided technical and logistical support to both parties. The success of third-party mediation in the Bakassi case demonstrates how international institutions can play a constructive role in resolving disputes and ensuring compliance with international legal rulings.

iv. Implications for resolving future maritime and territorial conflicts globally: The Bakassi Peninsula dispute offers valuable lessons for resolving future maritime and territorial conflicts. Firstly, the case illustrates the importance of utilizing international legal mechanisms, such as the ICJ, to provide objective resolutions to disputes. Adhering to legal frameworks helps ensure that conflicts are resolved fairly and reduces the likelihood of prolonged violence or unrest. Secondly, the role of diplomacy and international mediation in facilitating dialogue and cooperation is crucial. The success of the Cameroon-Nigeria Mixed Commission and the Green Tree Agreement highlights the effectiveness of structured negotiations and agreements in managing the implementation of legal decisions and addressing practical issues. Lastly, the involvement of international institutions and neutral third parties can provide crucial support in managing and resolving disputes. Their role in facilitating communication, providing technical assistance, and ensuring adherence to agreements helps prevent conflicts from escalating and promotes long-term stability.

Conclusion

This study aimed to explore the resolution of the Bakassi Peninsula dispute between Nigeria and Cameroon, focusing on the roles of international law, diplomatic strategies, and institutional mediation. The objectives were to examine how the International Court of Justice (ICJ) contributed to the dispute resolution, the effectiveness of bilateral and multilateral diplomatic efforts, and the role of agreements such as the Green Tree Agreement in facilitating a peaceful transfer of territory.

The research findings highlight that the Bakassi dispute was effectively resolved through a combination of legal adjudication by the ICJ, robust diplomatic engagement, and international mediation. The ICJ's ruling provided a clear legal resolution, while bilateral and multilateral diplomatic efforts, supported by institutions such as the United Nations, played crucial roles in implementing the decision. The Green Tree Agreement further ensured a smooth transition and demonstrated the importance of structured agreements in managing post-judgment processes. These findings emphasize that adherence to international legal frameworks, combined with diplomatic and institutional support, is essential for the peaceful resolution of territorial conflicts.

Endnotes

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