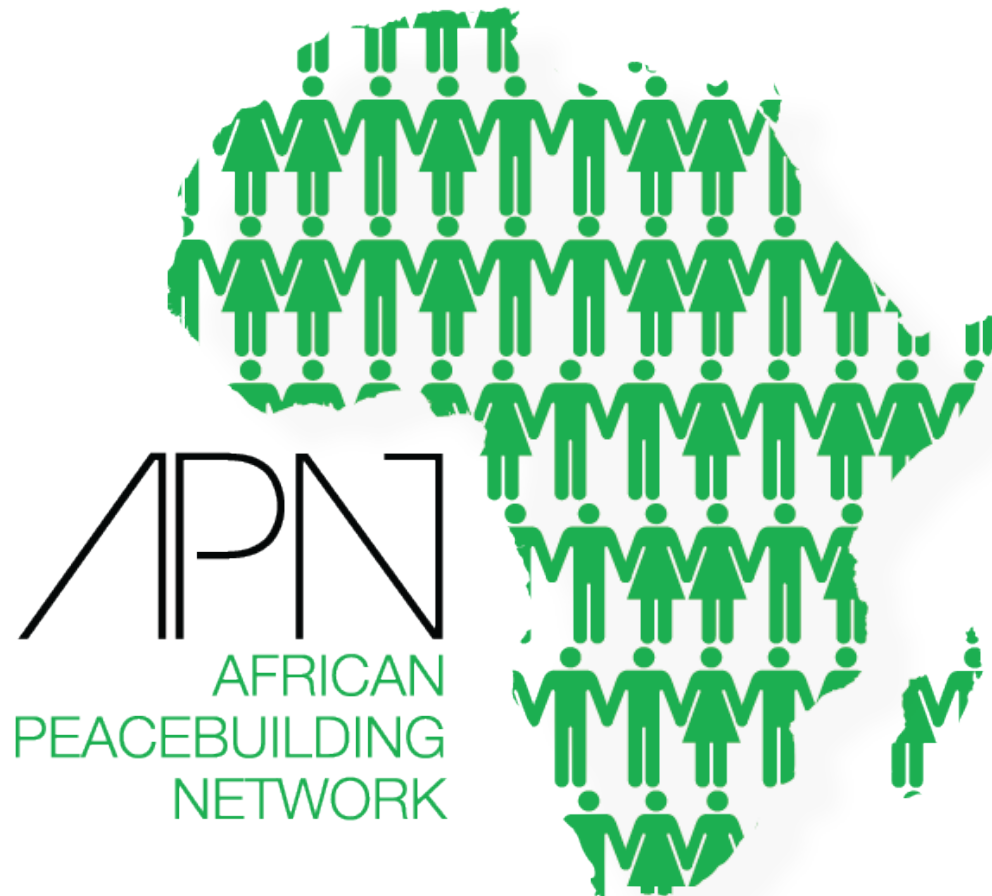




**AFRICAN BOUNDARY CONFLICTS AND
INTERNATIONAL MEDIATION: THE ABSENCE OF
INCLUSIVITY IN MEDIATING THE BAKASSI
PENINSULA CONFLICT**

ALOYSIUS NYUYMENGKA NGALIM
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ABOUT THE SERIES

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AFRICAN BOUNDARY CONFLICTS AND INTERNATIONAL MEDIATION: THE ABSENCE OF INCLUSIVITY IN MEDIATING THE BAKASSI PENINSULA CONFLICT

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One of the most enduring legacies of imperialism in Africa is the regime of colonially imposed boundaries, which, in spite of its limitations, has become the basis of state territoriality and the ordering of interstate relations on the continent. In spite of their resilience, however, these boundaries have often remained as either sources or triggers of conflict between neighboring states because they were created by Europeans and, in many instances, are ambiguous and disputed. The boundary between Nigeria and Cameroon, over which there was a dispute concerning sovereignty over the Bakassi peninsula, is one such problematic border and has been a source of protracted conflict between the two countries.

Cameroon went to the International Court of Justice (ICJ) in 1994 to seek a resolution. The ICJ decision in 2002 requested that Nigeria leave Bakassi and restored sovereignty to Cameroon. Nigeria was reluctant to comply with the ruling. People of Nigerian origin in Bakassi protested, and activists claiming to be working for the independence of Southern Cameroons contested the ruling,¹ giving rise to a mediatory intervention by the UN secretary-general, Kofi Annan. The mediation began shortly after the ICJ's ruling and Nigeria's unwillingness to comply. Annan invited the leaders of the two countries to a summit in Geneva in November 2002 to work out a peaceful arrangement in order to implement the ruling. This initiative, after a series of meetings and summits, culminated in the

Greentree Agreement in 2006, where the modalities for the transfer of Bakassi were reached and agreed to by both disputants.

At face level, the ICJ ruling combined with Annan's mediation resolved the Bakassi conflict, as sovereignty over the disputed territory was established and the dispute between the two countries ceased. However, I argue in this paper that the potential for conflict remains high, as the process leading to the formal resolution was not inclusive of people of Nigerian origin living in the peninsula, who had been vociferous in their demand to be included in the legal determination of the region's ownership. These people constitute a significant proportion of the population of the area under dispute and have a long history of living there. The resolution of the conflict did not take into consideration their call for participation and their request for a right to vote on whether the region should be Nigerian or Cameroonian. The Greentree Agreement, rather, provided for the protection of their rights through two options: relocation and resettlement in Nigeria or integration into Cameroon. The failure of the two states to ensure the integration of the affected people of Bakassi has led to clashes and new waves of refugee outflows from Cameroon to Nigeria after the agreement, which have the potential to revive and exacerbate the conflict.

Furthermore, the agitation felt by Southern Cameroons' activists due to their exclusion from the mediation process both at the ICJ and the UN General Assembly was ignored. This agitation meant that Bakassi was more than a dyadic dispute between Cameroon and Nigeria, but also included the unresolved issue of Southern Cameroons' self-determination. The activists argued that since Bakassi is located in what used to be Southern Cameroons, their views should have been taken into consideration in any resolution concerning sovereignty over the area. They considered the ruling over Bakassi to be null and void since it gave sovereignty to the Republic of Cameroon, which should not have had control over the region in the first place. These activists, organized as a secessionist movement, contend that the Bakassi peninsula should never have been a point of dispute between Nigeria and Cameroon because the territory is part of Southern Cameroons.² It was from this standpoint that the territory sent an interpleader to the ICJ claiming jurisdiction over the

Bakassi peninsula because it is not part of the Republic of Cameroon.³ Given the volatile events following the Greentree Agreement, the integration and/or (re)settlement of the affected people as well as the claim that the process was not inclusive, I submit that, contrary to general opinion, the Annan mediation has not been effective as a conflict resolution tool with regards to Bakassi.

This paper begins with a description of the conflict, mediation and post-mediation clashes, and an analysis of the mediation process. The main argument is that post-mediation clashes were a result of the exclusion of the views and interests of residents of the Bakassi peninsula. Background information on the conflict is presented to situate the paper within extant ideas on international mediation and to provide theoretical underpinning and a theoretical basis for the conclusion. This study draws data from documentary sources complemented with interviews conducted during fieldwork between January and April 2013. Documentary sources include press reports and legal documents related to the dispute as well as scholarly publications. Data was analyzed using the content analysis approach.

DESCRIPTION OF THE CONFLICT

The kingdom of Bakassi was founded around 1450 by the Efik people, who later became an integral part of the Old Calabar kingdom.⁴ The coastal native populations are originally from the Old Calabar empire, primarily the Efik, Ibibio, and Oron groups, who controlled the fishing grounds and camps along Bakassi and an adjacent peninsula as well as the estuaries of the rivers there.⁵ They established and marked their suzerainty over these water spaces and camps by giving them names, thus marking their rights to them.⁶ In other words, the peninsula was peopled by groups whose origins are traceable to locations in present-day Nigeria, who, from precolonial times, had allegiance to local chiefs based in what became Nigeria.

In 1913, an Anglo-German treaty established a boundary between German Kamerun and the British Protectorate of Nigeria. Following this, agreements were signed regulating the boundary between the British

colonies of Southern Nigeria and the British Protectorate of Northern Nigeria, on the one hand, and the German Protectorate of Kamerun, on the other. These agreements delimited the colonial borders from Yola to the sea at Bakassi. On April 12, 1913, the second agreement was signed at Obuokum by Hans Detzner and W. V. Nugent, representing Germany and Kamerun from Yola to the Cross River.⁷ In particular, Germany was interested in the shrimp available along the Bakassi peninsula. The British, for their part, were interested in the uninterrupted and secure sea access to Calabar—a key trading post. Since the Germans already used Douala as a port, they conceded the “navigable portion” of the offshore border to Britain. In exchange, Britain conceded Bakassi proper to Germany.⁸

It does not appear that there was indigenous opposition to these arrangements, and reports of negative reactions to boundary demarcations after the Berlin Conference are few and far between because this partitioning went unnoticed by the people concerned at the time and was additionally undertaken without their knowledge or consent.⁹ Colonialism, as Ali Mazrui observed, was preoccupied more with territory than the people.¹⁰ The residents of Bakassi appear to have been passive in general to the process of colonialism. According to Oluseyi Oluda, “neither the Obong nor his people, nor any other ‘native Nigerian’ protested.” An example of the careless manner in which these boundaries were made is provided by a former commissioner and consul-general, Sir Claude MacDonald, who took an active role in drawing the boundary between Nigeria and Western Cameroon: “In those days we just took a blue pencil and a ruler, and we put it down at old Calabar, and draw that blue line to Yola...”¹¹ Lord Robert Salisbury, British prime minister at the time, described the partitioning process in the following way:

We [the British and the French] have engaged in drawing lines upon maps where no white man’s feet have ever trod; we have been giving away mountains and rivers and lakes to each other, but we have only been hindered by the small impediment that we never knew exactly where those mountains and rivers and lakes were.¹²

The above examples confirm that colonizers had little or no knowledge of the geography of the areas they partitioned, which is why colonially inherited borders have led to so many disputes and skirmishes.

Following the defeat of Germany in World War I, the Protectorate of Kamerun was placed under the League of Nations mandate, as were other German territories, which were divided as spoils of war between France and Britain by the Treaty of Versailles in 1922. The League of Nations' British mandated territories of Southern and Northern Cameroons were established, which shared a common border with the British colony of Lagos and Protectorate of Nigeria north to Lake Chad and with the French mandated territory of Cameroon from Lake Chad south to the Mungo River estuary. On July 10, 1919, the Franco-British declaration defined the boundaries between these two colonial powers and was signed by Viscount Milner, the British secretary of state for colonies, and Henry Simon, the French minister for colonies. Through this process, the two colonial powers, France and Great Britain, dismembered the former German Protectorate of Kamerun. Great Britain placed the Southern Cameroons and Northern Cameroons mandated territories under the British administration of Nigeria and made them integral parts of the colony, which is why the Anglo-German treaty of 1913 delimiting the borders between Great Britain and Germany in the Bakassi region was somewhat ignored, because the British considered Southern Cameroons an integral part of the Eastern Region of Nigeria. Though the British had conceded Bakassi to the Germans before the outbreak of World War I, there remained issues and questions between them regarding the implications of the boundary for the indigenous people of Bakassi, who were cut off from access to their livelihood.¹³ These issues were raised by the French Resident in Buea and conveyed to the secretary of the Southern Province of Nigeria in Lagos.

At the end of World War II, the British and French League of Nations mandates over Northern and Southern Cameroons and French Cameroons, respectively, were succeeded by trusteeship agreements under the newly created United Nations. The agreements reratified the Anglo-German and Anglo-French treaties pertaining to the borders between both countries.¹⁴ In 1954, the British secretary of state for

colonies issued a legal order defining the border between Nigeria's Eastern Region and the UN trust territory of Southern Cameroons. The Bakassi peninsula fell within the UN trust territory of Southern Cameroons and was thus no longer considered part of the then Eastern Region and Calabar Province in Nigeria.¹⁵

Nigeria achieved independence on October 1, 1960, and in 1961, a UN-ordered plebiscite was held to "determine the wishes of the people living in Northern and Southern Cameroons" regarding their national affiliation and identity. The result, which favored reunification of Southern Cameroons with the former French Cameroons, effectively restored the Nigeria-Cameroon boundary to the Anglo-German division in 1913. Nigeria's leaders, ostensibly to stave off Cameroon's dissatisfaction over the loss of Northern Cameroons in an earlier referendum, voted in support of the outcome at the UN General Assembly. Subsequently, in the early 1960s, Nigeria acknowledged that Bakassi was not part of Nigeria.

Until 1975, when General Yakubu Gowon (Nigeria's civil war and postwar leader) was overthrown in a coup, Bakassi was not an issue between the two countries, as they both acknowledged Cameroonian control over the peninsula. Indeed, General Gowon and President Ahmadou Ahidjo concluded in an agreement regarding territoriality and maritime borders—the Maroua Declaration—that Bakassi, being a settled matter, was not an issue. However, to justify the coup that removed Gowon in July 1975, General Murtala Mohammed, who led the action, alleged, among other things, that Gowon had given up Bakassi to Cameroon.¹⁶ Mohammed's regime decided to renege on the Maroua Declaration, igniting the crisis.

In the 1980s and early 1990s, the Bakassi peninsula was a subject of protracted dispute and armed conflict between Cameroon and Nigeria. The first outbreak of hostilities occurred in 1981, when war nearly broke out between the two countries. Disputes continued intermittently thereafter and reached a tipping point in the early 1990s, when fatalities and destruction of property occurred. On December 21, 1993, Nigeria's armed forces crossed into Cameroon's border at the mouth of the Akwayafe River and took over Bakassi. In response, Cameroon took the

matter to the International Court of Justice on March 29, 1994. Although natural resources may have been the cause of the dispute, they were rarely mentioned. However, many observers believed that the sudden interest in the long-neglected area was related to the recent discovery of substantial oil deposits and potential oil reserves near the region.¹⁷

According to Omolara Akinyemi, the Cameroonians and Nigerians in the region went about their daily lives during this time, apart from a few squabbles, as both countries ignored the peninsula because it was a remote area inhabited by people considered to be inconsequential.¹⁸ But the discovery of oil and other natural resources triggered hostility and attention from both countries and their allies, leading to tension, arguments, violent clashes, and even deaths. The newly developed interest in the peninsula thus led to suspicion and mistrust among the inhabitants of the region. To Nigeria and Cameroon, the conflict started as a result of the scramble for oil, whereas the indigenous population there felt it was the result of the separation of families and tribes from their ancestral ties due to the scramble for Africa. In essence, the conflict was typified by the large deposits of petroleum and natural gas that triggered hostilities and military confrontations.¹⁹ However, the legal battle centered exclusively on the legitimacy of colonial boundaries rather than those created at independence by the Organisation of African Unity (OAU).

THE ICJ RULING AND THE GREENTREE AGREEMENT

The peace process between Cameroon and Nigeria began even before the final ruling of the ICJ. Apprehensive of the consequences of the rejection of the ruling by either country, Kofi Annan met the presidents of Nigeria and Cameroon, Olusegun Obasanjo and Paul Biya, in Paris on September 5, 2002, to discuss the anticipated ICJ verdict. The heads of state agreed to respect and implement the forthcoming judgment and to create an implementation mechanism. They also agreed on the “need for confidence-building measures, including the eventual demilitarization of the peninsula, with the possibility of international observers to monitor the withdrawal of all troops with the support of the UN.”²⁰

Following the ICJ ruling and Nigeria's rejection of it, the likelihood of dispute escalation increased. Annan intensified his mediation efforts, culminating in another meeting between the Cameroonian and Nigerian leaders in Geneva on November 15, 2002. During this meeting, the two leaders agreed to ask Annan to establish a mixed commission comprising representatives of Cameroon, Nigeria, and the UN to consider ways of implementing the ICJ ruling and moving the process forward.²¹ When it became difficult to implement the ICJ ruling, owing to certain technicalities, the UN secretary-general formed the Cameroon-Nigeria Mixed Commission (CNMC) for facilitative mediation and appointed his special envoy for West Africa, Ahmedou Ould-Abdallah, as its chair. The Cameroon-Nigeria Mixed Commission was to discuss the following issues: demarcation of the border between the two countries; withdrawal of civil administration, military, and police forces and the transfer of authority along the border; demilitarization of the Bakassi peninsula; protection of the rights of the affected populations in both countries; development of projects to promote joint economic ventures and cross-border cooperation; and the reactivation of the Lake Chad Basin Commission (LCBC).²²

Annan brokered a final deal, known as the Greentree Agreement, between the two presidents at Greentree, New York, on June 12, 2006, which formalized the implementation of the ICJ's ruling by establishing the methods of withdrawal and the transfer of authority in the Bakassi peninsula. The signing ceremony was attended by representatives of France, the United States, and Great Britain, and the CNMC was charged with the responsibility of ensuring compliance with the agreement's terms. In the agreement, Nigeria agreed to recognize Cameroon's sovereignty over the disputed area as well as the boundary decided by the court. In addition, Nigeria agreed to withdraw its troops. Cameroon guaranteed Nigerian nationals in the Bakassi peninsula fundamental human rights and freedoms in all dimensions and spheres of life.

On August 14, 2008, Nigeria withdrew its troops from Bakassi and activated its civilian police force to maintain the peace and security of Nigerian residents in the region. Despite this progress, periodic conflicts were recurrent phenomena in the area.²³ Following the final phase of the

handover on August 14, 2013, the British high commissioner to Cameroon, Bharat Joshi, who was also chair of the European Union to Cameroon, called on other nations to emulate the “shining examples of Cameroon and Nigeria in conflict resolution.” While commending the leaders of both countries, the British diplomat noted, “The end of the remarkable peace process was an example on how to settle border conflicts.”²⁴

Since its inception in November 2002, the CNMC has made significant progress. As of August 2013, the commission completed the demarcation of the entire Lake Chad border, from Lake Chad to the sea, and the entire maritime boundary, in accordance with the ICJ judgment. To date, experts from Cameroon and Nigeria, assisted by the United Nations, have mapped 1,913 km of the 2,000 km border, or 95 percent. About 467 pillars have been constructed and fitted on the border, and work to delimit the maritime boundary was completed in 2008.²⁵ During the thirty-first session of the CNMC in April 2013, both countries agreed to resume the pillar placement.

To strengthen confidence between Cameroon and Nigeria, the CNMC identified and executed projects that would promote cross-border cooperation and joint economic ventures benefiting the people in the region. This includes upgrading the Enugu-Abakaliki-Mamfe-Mutegene road, one of the main arteries between the two countries, with the assistance of the African Development Bank.²⁶ As set out in the Greentree Agreement and the mandate of the CNMC, a follow-up committee and a UN Observer Team of the CNMC made periodic joint visits to the region to check on progress.

POST-MEDIATION OPPOSITION AND CLASHES

The ICJ ruling and Greentree Agreement did not end the fierce political opposition within Nigeria. The Nigerian House of Representatives rejected the transfer of sovereignty and passed a resolution requesting that the president demand a UN-supervised referendum on whether Bakassi inhabitants wanted to remain part of Nigeria or become part of Cameroon. In addition, Nigeria’s constitution continues to count the Bakassi peninsula among the country’s 774 local government councils, hence

legally placing the territory and its people under Nigerian sovereign control. Furthermore, section 12(1) of the 1999 constitution of Nigeria states, “No treaty between the Federation and any other country shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly.” Thus, by implication, the divisive Greentree Agreement could still be revoked by Nigeria under the constitution.

Since the Nigerian transfer of sovereignty to Cameroon in 2008, signaling the formal end of the dispute, there have been sporadic armed conflicts between the Bakassi and Cameroonian gendarmes. There was strong resistance by the Bakassi Movement for Self-Determination in July 2006 to the 2002 ICJ verdict and the 2006 Greentree Agreement. In 2007, a string of attacks was launched against Cameroonian troops in parts of Bakassi. In the first attack on November 12, 2007, twenty-one Cameroonian soldiers were killed by unknown gunmen wearing uniforms in speedboats. The attack was claimed by the previously unknown Liberators of the Southern Cameroon[s] People.²⁷ In early June 2008, six Cameroonians, including five soldiers and a local administrator, were killed. Then on July 13, 2008, three Cameroonian soldiers were injured in yet another attack.²⁸ In Nigeria, a rebel group in the Niger Delta region accused the government of selling out their land to Cameroon and intensified terrorist activities in the country. They also extended attacks to the Cameroonian side of the border, kidnapping high-profile public figures. On October 30–31, 2008, armed pirates under Ebi Dari, the Bakassi Freedom Fighters (BFF) militia group commander, seized a vessel and kidnapped ten crewmembers, including six French nationals, two Cameroonians, one Senegalese, and one Tunisian. They threatened to kill all hostages if talks over the sovereignty over Bakassi were not restarted.²⁹

Prior to the transfer of power to Cameroon on August 14, 2009, in the Nigerian city of Calabar, the BFF announced a merger with the Niger Delta Defense and Security Council (NDDSC) with the intention of setting Bakassi “ablaze” and crippling its economy if the handover went through.³⁰ In December 2009, gunmen with the BFF in a canoe killed a police officer off Bakassi.³¹ In February 2011, two Cameroonian soldiers were killed and

eleven others were declared missing. The BFF vowed that Bakassi would find no peace under Cameroon's rule. In August 2012, the Bakassi Self-Determination Front announced that it had established a pirate radio station and a flag for the autonomous territory of Bakassi and threatened a major disruption in the area. Then on October 2, 2012, a group known as the Free Bakassi Association initiated legal proceedings in Nigeria's Federal High Court in Abuja to compel the government to resume full control of the peninsula.³² These sporadic attacks from rebels made the Cameroonian government deploy forces to maintain law and order in the peninsula.³³

In March 2013, there was a new outflow of refugees from Bakassi into Nigeria following attacks and violence against inhabitants.³⁴ The attacks, provoked by misunderstanding over fishing rights and tax payments, led to the deaths of five people, and seventeen others went missing. In addition, 1,700 people were displaced from Efut Obot Ikot village and adjoining settlements in the peninsula.³⁵ This attack and related outcry in Nigeria prompted the visit of Nigeria's president, Goodluck Jonathan, to Cameroon in June of 2013 to assure the affected people of Nigeria's commitment to safeguarding their interests.³⁶ In April 2013, in the wake of the recent crisis, the Nigerian government began the process of establishing two forward operational military bases in the New Bakassi Local Government area in Nigeria to stop the killing of Nigerian citizens.³⁷ The purpose of the military base is to demonstrate Nigeria's readiness to deploy its forces to defend its population on the peninsula. The Nigerian president also visited Cameroon in June 2013 to reassure Nigerian residents of the preparedness of the country to defend its citizens anywhere. In Cameroon, officials view these attacks as the work of terrorists groups, and have mobilized forces to counteract their activities. This violence is not over; the Bakassi dispute is alive and well and may escalate yet again into another round of conflicts.

As shown in the previous discussion, the debates over the fate of Bakassi continue, despite the fact that the ten-year appeal window allowed by the ICJ closed on October 10, 2012. Within Nigeria, there were heightened agitations for an appeal as the prospect of the loss of the peninsula became inevitable. Civil society groups, opposition political parties, and

prominent Bakassi indigenes, among other interested parties, led the call for reclamation. Thus, the largely Nigerian population in the Bakassi peninsula and the anglophone Cameroonian secessionist movement have continued to robustly contest the 2002 ICJ verdict and the 2006 Greentree Agreement. Nigerian inhabitants contend that the ruling fails to take into account their overwhelming desire to remain Nigerian citizens, and they strongly resist the idea of becoming incorporated into the Republic of Cameroon. Chairman of the Senate Committee on Rules and Business, Senator Ita Enang, called for a review of the ICJ judgment, saying in August 2012, “The ruling was a denial of the fundamental rights of Bakassi indigenes who are truly Nigerians and not Cameroonians.”³⁸ He called on the federal government to immediately institute action against the judgment to ensure that the Bakassi peninsula is handed back to Nigeria.³⁹ Anglophone Cameroonian secessionist movements, on the other hand, argue that the Bakassi peninsula should never have been a point of issue between Nigeria and Cameroon because the territory is part of Southern Cameroons.⁴⁰ Some Bakassi leaders threatened to seek independence on July 9, 2006, if Nigeria renounced sovereignty, calling themselves the Democratic Republic of Bakassi. This group was reportedly made up of militants under the aegis of the Southern Cameroons People’s Organisation (SCAPO), the Bakassi Movement for Self-Determination (BAMOSD), and the Movement for the Emancipation of the Niger Delta (MEND).⁴¹

ANALYSIS AND MAIN ARGUMENT

The UN mediation efforts settled the Bakassi boundary dispute, but did not fully resolve the conflict or the broader questions that it generated. As mediation relies on the expressed voluntary consent of the disputants, compliance with the outcome of the process should also be voluntary. In other words, mediators should not resort to the use of force to enforce compliance with a mediated settlement. The post-mediation clashes show that the negotiations leading to the settlement were not “owned” by the disputants. Mediators rely on the trust of the disputants that the process will lead to a positive outcome, and disputants must believe in the credibility and authority of the mediator, which are reflective of his or her moral stature.

One of the major issues with the resolution of the Cameroon-Nigeria dispute over Bakassi was the exclusion of important interested parties. The terms of the settlement (the Greentree Agreement) required Nigerian nationals to either remain in Bakassi and be integrated into Cameroon or to relocate and be resettled in Nigeria. Many chose to relocate, as they claim they are Nigerian and would not become Cameroonian under any guise. Those that chose to resettle in Nigeria were then faced with the issue of integrating into their new communities. Settling in the New Bakassi Local Government area, they are viewed as outsiders who have come to share the already insufficient resources of the local community. As the friction between the two groups over access to resources deepens, conflict and violence may ensue. Indeed, those that chose to leave experience some form of deprivation, as they have no access to fishing, which was previously their main source of income, because their new home is far from the sea. They have also been deprived of relief materials and are marginalized and oppressed by the local population. In Cameroon, the Nigerian citizens who opted to remain faced the challenge of adjusting to their new status and face suspicion. Chidi Odinkalu and Agnes Ebo'o suggest there is a lack of adequate safeguards for these affected individuals to become residents or to obtain necessary identity documents.⁴² Because of this, these individuals may be deprived of their civil rights as well as access to other resources of the state. This may cause them to gradually become increasingly disillusioned and disaffected and lead to aggression, owing to their social and economic deprivation. Although there are guarantees for protection of Nigerian nationals in the Greentree Agreement, it is too early to assess effective application on the ground.

As previously discussed, the ICJ judgment remains deeply contested. According to Etiyin Etim Okon Edet, the paramount ruler of Bakassi, "the issue of Bakassi has gone beyond what Nigeria can handle as the people of the disputed Peninsula have decided to approach the UN to demand for a referendum in the area." The Bakassi people expected the ICJ to recognize their fundamental human rights, especially their right to determine their destiny. Okon Edet, continued, saying,

We disagree with anybody who thinks that the solution to [the] Bakassi problem is to relocate the people with the notion that Bakassi people have no land. Bakassi peninsula is our land and our identity. We are not in West Bank or Gaza, we are not Western Sahara. We are not Kurdish people... without a homeland. God gave us Bakassi to occupy, inhabit, multiply and be fruitful; God gave us Bakassi land as our foothold on the face of the earth. God gave us Bakassi land as a place to find our means of livelihood. As fishermen and farmers, we will not throw away our heritage into extinction. We have declared our independence from Cameroon, and since Nigeria does not want us, we shall exist as one nation under the sun and under God.⁴³

Traditional international mediation is quite far removed from contemporary mediation theory, which provides that peace can neither be dictated nor imposed on a party or parties in a conflict. According to Moore, the practice of mediation includes the “wider acknowledgement of individual human rights and dignity, the expansion of aspirations for democratic participation at all social and political levels, and the belief that an individual [or group] has the right to participate in, and take control of, decisions affecting his or her life.”⁴⁴ In the case of the Israeli-Palestinian conflict, the planning and implementation of the 2007 Annapolis international mediation talks were not substantially different from traditional international mediation, which has, most often, been determined mainly by the geopolitical and strategic priorities and other interests of the powerful third parties that intervene in these conflict situations.⁴⁵ It is with this experience in mind that Christopher Moore considers the contemporary practice of mediation as “motivated by growing dissatisfaction with authoritative, top-down decision makers and decision-making procedures; imposed settlements that do not adequately address parties strongly felt or genuine interests.”⁴⁶

The United Nations mediation of the Bakassi peninsula dispute is an example of the approach used by powerful states and international organizations in international conflicts, as it did not follow the strategic principles identified by Laurie Nathan.⁴⁷ The mediation process alienated a

crucial component of the region, its residents. As shown above, those who have to live with the consequences of the settlement must be included in the process, as their exclusion may hamper the prospect of durable peace. Indeed, there are issues and problems with the settlement of the Bakassi dispute, which stem largely from the exclusion of the people whose lives and destinies were affected by its terms. This is why Etiyin Etim Okon Edet lamented in 2012,

There was Bakassi before Nigeria came to be, there was Bakassi before Cameroon came to be. We were there without Cameroon and without Nigeria, without Britain, Germany and France. What we are saying is that they should allow us to be on our own. We are not a war trophy or a commodity on the shelf that [the] ICJ and its judges will wake up one morning and hand over to whomever they wish or desire. We did not tell anybody that we want to go to Cameroon.⁴⁸

Unfortunately, those determining international law do not seek the views of local people when creating borders. As my fieldwork interviews in 2013 reveal, the Bakassi people expected a UN-conducted referendum. In an interview with the paramount chief of the Idabato II Sub-Division, Njong Effiom Okun, he averred,

The ICJ ruling and the GTA did not take into consideration our nationality, culture and history. My forefathers started this place. My parents were given birth to here and they died here. I have invested my entire fortune during all these years of my youth in Bakassi. If I and my people relocate, it will be almost impossible for us to survive. Worse still, I am now denied my acquired freedom and the enjoyment of my property because of a war I did not provoke.⁴⁹

As Zanker notes, a peace process must include all the critical interest groups, otherwise the process becomes compromised as excluded parties become alienated and may undermine the outcome.⁵⁰ Wanis-St. John agrees, arguing that peace negotiations have to address both opposing

sides, and for a practicable agreement/outcome, the minimum number of participants or factions should be included. In addition, the peace process must include representation for all the critical interest groups to obtain the broadest possible support for the outcome, which tends to improve the prospect of ownership.⁵¹ In other words, for the peace process to be successful, it must be accepted by those who will live with the consequences. On the flip side, it is a recipe for failure to exclude those whose lives will be affected by the outcome. Their involvement is synonymous with the likelihood of durable peace.

According to Jimmy Carter, the need for effective coordination and inclusive mediation efforts points to the importance of bringing all major conflict actors into the processes, wherever possible, because marginalized groups may desire to undermine any agreements reached.⁵² Inclusivity is one of the mediation fundamentals identified by the *United Nations Guidance for Effective Mediation*, which defines inclusivity as “the extent and manner in which the views and needs of conflict parties and other stakeholders are represented and integrated into the process and the outcome of a mediation effort.”⁵³ It also underscores that inclusivity is key to effective mediation: “An inclusive process is more likely to identify and address the root causes of conflict and ensure that the needs of the affected sectors of the population are addressed.... In addition, it reduces the likelihood of excluded actors undermining the process.” The *Guidance* also clarifies that inclusivity is not primarily about “who gets a seat at the table” (i.e., who participates in formal negotiations), but how mediators interact with various stakeholders in conflict societies.⁵⁴

A mediation process that excludes a critical stakeholder can only lead to a settlement that could break out into renewed conflict.⁵⁵ Excluding the Bakassi population from the process, in spite of their request to be included, led to contestation. This calls into question the effectiveness of the process as a settlement of the dispute. As Wanis-St. John argues, peace negotiations must address two opposing needs—the minimum number of participants or factions to reach an agreement and the broadest possible support from all political parties and the population.⁵⁶ The Mediation Support Network posits that the quality of a peace agreement is generally improved by the degree to which it is based on the

interests, needs, and views of all key stakeholders in a dispute or conflict. Inclusivity contributes to more durable, legitimate, and locally owned processes.⁵⁷ However, it is also important to remember that conflicts are inherently complex; thus, ensuring inclusivity can be difficult in practice. However, recognizing some of these challenges is one step toward dealing with them better. Thus, in 2000, the UN Security Council recognized in Resolution 1325 that a more durable peace requires the involvement of all sectors of society.⁵⁸ The involvement of the population, or its representatives, in the mediation process tends to improve the prospect of ownership of both the negotiations and their outcome.⁵⁹ The peace process needs to be embraced by those who have to live with the consequences, as their exclusion may cause alienation.⁶⁰ In other words, the involvement of the population in the peace process promotes the likelihood of durable peace.⁶¹

CONCLUSION

While international adjudication and mediation helped resolve the Bakassi peninsula boundary dispute between Nigeria and Cameroon, some less powerful parties, such as activists for the independence of Southern Cameroons and Nigerians living in Bakassi, never had a voice in the process. It is unfortunate that they were excluded when great powers, namely the United States, France, Britain, and Germany, who were not stakeholders, were actively involved.

As Nathan contends, the strategic principles of mediation must be deployed by the mediator to ensure a workable peace settlement that is acceptable to all parties.⁶² Zanker concurs, arguing that every stakeholder in the dispute must be involved in the process, otherwise the settlement might not hold.⁶³ In the Cameroon-Nigeria dispute over Bakassi, the population who will live with the outcome of the process was excluded, which has led to negative reactions, calling into question the effectiveness of the process as a settlement. The involvement of the people in the peace process tends to engender an acceptance of the outcome, as the process is adjudged broad-based and enjoys the support of all affected parties.⁶⁴

While the mediation of the dispute between Cameroon and Nigeria by the UN secretary-general led to its cessation, facilitated the demilitarization of the conflict zone, demarcated the border, ensured compliance with the ICJ ruling, and promoted cross-border cooperation, the process fell short by excluding the people from the process. Consequently, while the dispute has ceased, other forms of conflict may engulf the region. Nigeria is already making its presence felt in the area by planning a military outpost near the disputed border to protect Nigerians and Nigeria's interests, and sporadic attacks from rebels have forced the Cameroonian government to deploy forces to maintain law and order. Post-mediation peacebuilding and an enduring peace may be a mirage in this region, owing to the costly omission of those affected from the mediation process.

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END NOTES

¹ Southern Cameroons was the name of the anglophone territory prior to independence and the country's reunification in 1961. Groups in the region have been struggling for independence from the Republic of Cameroon for over the past two decades.

² Konings, "Settling Border Conflicts in Africa Peacefully," 193.

³ Achankeng, "Actors with Obvious Stakes," 61.

⁴ Baye, "Implications of the Bakassi Conflict," 18–19.

⁵ The Efik, Ibibio, and Oron are ethnic groups that speak shared languages. They are located in the southeastern part of present-day Nigeria.

⁶ Kinni, Bakassi, 29.

⁷ These agreements concluded the process initiated in 1885 by Britain and Germany. Kinni, *Bakassi*, 93–95; Plamielle, "United Nations Mediation in Africa," 106; Ngang, "Understanding the Bakassi Conflict," 5.

⁸ Plamielle, "United Nations Mediation in Africa," 107.

⁹ Oluda, "The Nigerian-Cameroonian Border Conflict."

¹⁰ Mazrui, "From Slave Ship to Space Ship."

¹¹ Quoted in Aghemelo and Ibhasebhor, "Colonialism as a Source of Boundary Dispute," 179.

¹² Quoted in Ngang, "Understanding the Bakassi Conflict," 4.

¹³ Babatola, "Nigeria-Cameroon Boundary Dispute," 85–86.

¹⁴ Ngang, "Understanding the Bakassi Conflict," 6.

¹⁵ Kinni, *Bakassi*, 105; Plamielle, "United Nations Mediation in Africa," 107.

¹⁶ Omeje, "The Smouldering Conflict," 42.

¹⁷ Dos Santos, "The Bakassi Peninsula," 11.

¹⁸ Akinyemi, "Borders in Nigeria's Relations with Cameroon," 13–14.

¹⁹ Dos Santos, "The Bakassi Peninsula," 11.

²⁰ Ikome, "The Inviolability of Africa's Colonial Boundaries," 27.

²¹ *Ibid.*, 28.

²² United Nations Office for West Africa (UNOWA), "Cameroon-Nigeria Mixed Commission (CNMC)."

²³ *Ibid.*

²⁴ Ndze, "UN Hails Cameroon-Nigeria Peaceful Resolution," 2.

²⁵ As of 2013, some construction continues and five hundred boundary pillars remain in need of placement. In addition, a final map of the entire border needs to be drawn and demarcation reports must be adopted. *Ibid.*

²⁶ Ikome, "The Inviolability of Africa's Colonial Boundaries," 29.

²⁷ McGregor, "Cameroon Rebels Threaten Security in Oil-Rich Gulf of Guinea," 7.

²⁸ Mbachu, "Nigeria."

²⁹ McGregor, "Cameroon Rebels," 8.

³⁰ *Ibid.*, 9.

³¹ *Ibid.*, 8.

³² Odinkalu and Ebo’o, “Nigeria and Cameroon Must Step Away.”

³³ Kindzeka, “Nigerians Face Deadline to Decide on Leaving Cameroon.”

³⁴ Una, “Deaths in Bakassi: Nigerians in Ceded Territory Accuse Cameroun of Breaching Pact.”

³⁵ Ibid.

³⁶ Dos Santos, “The Bakassi Peninsula,” 2.

³⁷ *Punch* [Nigeria], “FG Plans Military Bases in Bakassi.”

³⁸ Iriekpen and Nzeshe, “FG Rules out Review.”

³⁹ Odiogor et al., “Bakassi: Green Tree Agreement, not yet Legal-Senate.”

⁴⁰ Konings, “Settling Border Conflicts in Africa Peacefully,” 193.

⁴¹ Udeoji, “The Bakassi Peninsula,” 92–93; Amoah, *Nationalism, Globalization and Africa*, 157.

⁴² Odinkalu and Ebo’o, “Nigeria and Cameroon Must Step Away.”

⁴³ Okon Edet, quoted in Odiogor et al., “Bakassi: Green Tree Agreement, not yet Legal-Senate.”

⁴⁴ Moore, *The Mediation Process*, 23.

⁴⁵ Achankeng, “Actors with Obvious Stakes,” 60.

⁴⁶ Moore, *The Mediation Process*, 23.

⁴⁷ Nathan, “When Push Comes to Shove,” 2–14.

⁴⁸ Okon Edet, quoted in Odiogor et al., “Bakassi: Green Tree Agreement, not yet Legal-Senate.”

⁴⁹ Interview with author, January 15, 2013.

⁵⁰ Zanker, "Legitimate Representation in Mediation Processes," 16.

⁵¹ McKeon, "Public Participation in Peace Processes," 5.

⁵² Carter, foreword to "Translating Mediation Guidance into Practice," 5.

⁵³ United Nations, *United Nations Guidance*.

⁵⁴ Ibid.

⁵⁵ Zanker, "Legitimate Representation in Mediation Processes," 17–18.

⁵⁶ Wanis-St. John, "Peace Processes," 4.

⁵⁷ Mediation Support Network, "Translating Mediation Guidance into Practice," 12.

⁵⁸ International Civil Society Action Network, "Better Peace Initiative," 2.

⁵⁹ McKeon, "Public Participation in Peace Processes," 5.

⁶⁰ Barnes, "Democratizing Peacemaking Processes," 1.

⁶¹ Nilsson "Anchoring the Peace," 263.

⁶² Nathan, "When Push Comes to Shove," 2–14.

⁶³ Zanker, "Legitimate Representation in Mediation Processes," 16.

⁶⁴ McKeon, "Public Participation in Peace Processes," 4–7.

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