

Post-Green Tree Agreement implementation and its implications for Nigeria-Cameroon diplomatic relations

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Abstract

Nigeria and Cameroon inherited from their colonial masters land boundaries that were not clearly defined. Many peace talks and agreements aimed at resolving the contestations could not yield fruitful results. The persistence of the conflict for years strained the harmonious relations between the two countries, thus leading to skirmishes that cost lives and property. The adjudication and ruling by the International Court of Justice over the conflicting territory – Bakassi – in 2002 granting sovereignty to Cameroon was not well received by Nigeria. This paper, therefore, seeks to establish the extent of the diplomatic relationship between Nigeria and Cameroon years after the ICJ ruling on the one hand, and GTA on the other hand. To interrogate this, a two-dimensional theory of arbitration was adopted to delineate the pros and cons of the implementation of the ICJ ruling and GTA arbitration. The implications of the implementation of GTA on Nigeria-Cameroon relations are increased exchanges for the presidential visit from 46% before to 54% after and increased diplomatic representations.

Keywords: *Green Tree Agreement, Implementation, Implications, Conflict Resolution, and Diplomatic relations*

Introduction

Nigeria and Cameroon upon its' respective independence in 1960 inherited unresolved border issues that included the Bakassi peninsula. The successful referendum of 1961 could not settle the boundary issues, as Ola (1994) attested that when the former mandated territory of Southern Cameroon voted to join the French Cameroon, that portion of the Nigeria–Cameroon border remained unsatisfactorily demarcated. Several efforts at resolving the boundary problem involved recourse to different conflict resolution mechanisms as summed up in the words of Asobie without success:

In the early days of the conflict, that is in the 1950's and 1960's, up until 1975, resort was to the orthodox international strategies of peaceful resolution of conflicts. One of these is the use of the conventional methods of inquiry, mediation, and conciliation (Asobie, 2003:92).

The source of the conflict is the border between Nigeria and Cameroon over the Bakassi Peninsula and Lake Chad areas which has persisted for decades. The oil-rich peninsula is considered highly

valuable by both countries. The peninsula which has a substantial fish deposit is located in an area of 1,000 square kilometers of the mangrove swamp and half-submerged islands protruding into the Bight of Bonny (previously known as the Bight of Biafra). Most of its inhabitants are Ibibio, Ijaw and Efik-speaking people (Idise and Idisi, 1996:158). The border dispute arose from the colonial partitioning of Africa, which was characterized by obvious anomalies and ignorance of the cultural peculiarities of its inhabitants (Dakas, 1999; Akpan, 2009).

Several diplomatic efforts made to establish the real borderline between the two nations failed, which resulted in the diplomatic breakdown between the countries and repeated violent crises leading to the loss of lives and property in both countries (Aminu, 1986; Jimi and Aminu, 1986). Between 1885 and 1913, about ten boundary agreements were signed (Ede, 1981) but none of these led to a generally accepted boundary demarcation.

Two strands of interconnected analysis explain the conflict resolution of the Bakassi Peninsula and Nigeria–Cameroon relations. Firstly, the interstate territorial dispute is a complex problem and remains

notoriously difficult to be resolved only from a legalistic approach (Merrills, 2011). This difficulty is arguably rooted in the complex political-legal nature (Pinto, 1993) of these disputes, which often creates a dissonance between "what is possible in theory and what states are prepared to do in practice" (Merrills, 1994) to resolve them. As states are territorial entities at their core, territorial sovereignty continues to be of great political importance to governments and, regardless of the origins of a particular territorial dispute, there is always a strong motivation for states to resort to war (Sreckon, n.d; Bercovitch and Fretter 2004; Hensel, 2000). The issue of sovereignty is not amenable only to legalistic dispute resolution mechanisms or judicial determination.

Secondly, the doctrine of state sovereignty has played an important role in the development of international dispute resolution. Sovereignty sets states up as the supreme actors in a hierarchical international legal system. It allows states to decide when and where they choose to pursue dispute resolution. Individuals are treated as objects under law, not subjects entitled to enforce their own rights. As Lauterpacht (1989) stated, "(a) wrong done to the individual is a wrong done to his state". However, a

state-centric international legal system has negative implications for resolving international disputes. Under this model, non-state actors have no standing to contest a state's action or territory (David Held 2004, *The Changing Structure of International Law* 1-2) and have limited ability to enforce their rights in international dispute resolution forums.

Related to the above is the zero-sum approach of the ICJ decision, which awarded Cameroon sovereignty over the Bakassi Peninsula and requested Nigeria to withdraw its administration, armed forces, and police immediately and unconditionally from the peninsula. Pan (2009) argues that zero-sum solutions are generally impracticable in complex interstate disputes while Jeong (2000) affirms that in such territorial disputes, "a decision in favour of one party will not help build harmonious relations". A zero-sum decision is usually detrimental to harmonious relationships that include diplomatic co-operations. According to Srecko (2003) and The Carter Center (2010), states embroiled in territorial conflicts often have both conflicting and common interests at stake, which make judicially imposed zero-sum solutions impracticable. The complex nature of many interstate disputes also calls into question the validity of this "judicialized"

conception of arbitration. Such disputes frequently involve both "legal" and "political" aspects that are strongly intertwined.

Drawing from the preceding theoretical perspectives of two-dimensional arbitration theory, the specific principles of this theory reinforce the effectiveness of the theory in resolving interstate maritime and boundary disputes.

The aims were, therefore, twofold: to establish how the two-dimensional judicial and political-cum-diplomatic approaches could be relevant in interstate dispute resolution and show how the implementation of the GTA brought about increased cordial diplomatic engagements between Nigeria and Cameroon. The paper is subdivided into six sections, beginning with the conceptual discourse. The second featured political-cum-diplomatic engagements and negotiations of Nigeria-Cameroon dispute resolutions. The third was on the Green Tree Agreement. The fourth featured the Implementation of GTA by the Nigeria-Cameroon Mixed Commission and the transfers of jurisdictions while the fifth centered on Post-GTA Nigeria-Cameroon diplomatic and political relations, and the final section featured the conclusion.

Conceptual Discourse:

Conflict Resolution, Sovereignty and Two-dimensional Theories

In Africa, territories have always been known to create enmity (Ubi, 2010). Studies have identified two main factors that cause territorial conflicts, namely the lack of exact boundaries of many independent states and conflict over ownership of territories and resources (Luard, 1986; Holsti 1991). Some international territorial dispute cases also proved that there might be other latent reasons (Ubi, 2010). Also, there are theoretical explanations for boundary, territory and resource conflict, ranging from proximity, interaction, and contiguity to territoriality approaches (Ben – Yehuda, 2004; Dougherty and Pfaltzgraff, 2004; Zartman 2002; Nordquist, 2002).

These approaches are fundamental, but the territorial approach captures the essential issue of sovereignty question and conflict resolution mechanism. Territory in political science discourse is usually used in two broad perspectives: first, territory as an attribute of sovereignty. Shaw states that the state relies upon the foundation of sovereignty which expresses internally the supremacy of the governmental institutions and

externally the supremacy of the state as a legal person. But sovereignty itself, with its retinue of legal rights and duties, is founded on the territory. Therefore, without territory, a legal person cannot be a state (Shaw, 1999:331). Second, the territory is no doubt the basic characteristic of a state and the one most widely accepted and understood. The first definition seeks to assess the impact of territoriality as an issue over which states contend during a crisis, whereas the second views territorial location as a contextual element that affects the confrontation (Ben – Yehuda, 2004:86). Examples are the areas of the Bakassi Peninsula, a contested area between Nigeria and Cameroon, and Badme and its region, the basis for the dispute between Ethiopia and Eritrea.

The limitation of the territoriality approach is that the outcome of the resolution mechanism hardly addresses the important issue of the rights of citizens because the notion of territoriality does not accommodate the rights and needs of specific peoples occupying the disputed location. This is why Huth (1998:21) observes that "territorial dispute exists when one government does not accept the definitions of where the boundary line of its border with another country is

located". The territory is not merely a "container" of natural resources but also possesses sentimental and symbolic value (Moller, 2000:9).

Territorial disputes or claims may involve stakes of two types, tangible territorial stakes and symbolic stakes. Tangible territorial stakes include varying degrees of control over land and sea, as well as the resources and populations that are part of those spatial claims. More puzzling and difficult to explain, however, are the symbolic stakes that are often invested in territorial conflicts at the level of the polity. These stakes are often determined by the prior territorial attachments of groups. As a result, territories that are devoid of resources or substantially ethnically related populations may still become the site of violent disputes. Walter (2004:3), Gilpin (1981), Holsti (1991), Goertz and Diehl (1992), Coakely (1993), Huth (1996), and Diehl (1999) observe that territorial disputes tend to focus on the value of a given piece of land to explain why fighting breaks out in some cases and not others. The nature of the stakes under disputes, therefore, predicts how the disputes will end (Walter, 2004:3). We might ask this question: what are the stakes held by Ethiopia and Eritrea over their entire border in disputes? It is

observed that the border areas in dispute between the two nations do not contain any economic resources; neither does the place have any significant populations or military strategic importance. Moller (2000:10), Walter (2004:7), and Kahler (2004:10) provide the answer when they opined that territorial attachment and symbolic value given to a piece of land is a good reason to make a nation go to war. Therefore, in the resolution of territorial or resource disputes, attention is hardly paid to the symbolic values people attached to the territory or the resource; economic value is always prominent.

Goertz and Diehl (1992) and Huth (1996) have further argued that territories have always been contested for such reasons as: first, the contested regions often contain natural resources, fertile agricultural zones or critical tax bases that are vital to the well-being of the central government, and it is these resources that make government hesitant to negotiate; second, outlying territories can provide access to strategic values like waterways and mountain range that are crucial for maintaining the security of the state, thus influencing its decision to negotiate. A state that is bounded by these resources within the territory will

consistently fight to keep and maintain the territory.

Our theoretical framework is the two-dimensional theory of arbitration (Meshel, 2013; The Carter Centre, 2010; Chapman, 2000; Collier & Lowe, 1999; Pinto, 1990). This framework attempts to cover the inadequacy of interstate arbitration, which essentially dwells on judicial and legalistic methods for the resolution of maritime and boundary conflict. Bercovitch, Kremenyuk, and Zartman (2009:1) citing the validity of the two-dimensional theory in the resolution of interstate disputes argue that conflict resolution is a vibrant, interdisciplinary field where theory and practice conform to world events. These authors state that the analysis of the phenomenon of conflict using a two-dimensional arbitration theory is to bring the conflict under control where insights and concepts are brought to bear on actual conflicts. The theory embodies theoretical strands of law and politics. Law, in that sense, plays a significant role in defining the issues of disputes in territorial conflicts, but politics is the diplomatic outlook, which goes beyond strict legal provisions to non-legal considerations which are effective in the implementation of judicial

pronouncements (Calpham, 2012; Bowett, 1989).

The two-dimensional theory seeks to answer two conceptual questions. First, it seeks to examine the rulings of the International Court of Justice and the effectiveness of the Green Tree Agreement implementation of the ICJ rulings over the resolution of a complex problem of sovereignty. Second, this paper aims to identify those features of two-dimensional interstate arbitration that appear to make it such a suitable mechanism that will facilitate its effective use in the future. Effectiveness in this context is assessed by states' willingness to abide by the outcome of the ICJ rulings and the conclusive resolution of a dispute.

As a hybrid mechanism, the first dimension is the legalistic approach, which allows state parties to submit legal questions to the adjudicatory tribunal grounded in law; guarantees procedural safeguards such as the arbitrators' consideration of all arguments raised by the parties and their provision of reasons for their decisions; allows the tribunal to apply the law, including equitable principles, in its decision-making and accords the arbitral award of its legally binding nature. The

arbitrators' function is akin to that of judges, who are "formalistic", and approach the interpretation and application of the law that is rigid, literal and legalistic (Posner, 1985).

The second principle of interstate arbitration is the "diplomatic dimension", which allows state parties to submit politically sensitive questions to the arbitral tribunal and advance extra-legal arguments based on political, historical, economic, or customary considerations, and also allows the tribunal to decide such questions *ex quo et bono* (according to what is equitable and good) or in accordance with what is fair, just, reasonable, or effective in the circumstances of the case (The Carter Centre, 2010). In this dimension, the arbitrators act as diplomats of sorts, who look beyond the law to consider both extra-legal factors and the realities on the ground in order to devise a compromise and avoid a "winner-takes-all" outcome. This role of the "arbitrator as diplomat" is intended to circumvent the judicial preoccupation with legal rules and principles where these are inapplicable to the dispute or incapable of providing a comprehensive, practical, and just resolution.

Drawing from extant literature on theoretical perspectives on conflict resolution, sovereignty and two-dimensional arbitration theory, scholars had focused on the protracted boundary dispute between Nigeria and Cameroon, the ICJ intervention and rulings and the GTA; however, none has looked at the linkage between the implementation of the GTA and increased diplomatic relationships between Nigeria and Cameroon. This paper, therefore, examined how the resolution of the Bakassi Peninsula conflict through the implementation of the GTA increased the diplomatic relations between Nigeria and Cameroon within the framework of the two-dimensional theories.

Political-cum-Diplomatic Engagements and Negotiation of Nigeria-Cameroon Dispute Resolution

Political and diplomatic efforts intended to finally put an end to the prolonged boundary dispute between Nigeria and Cameroon commenced soon after the independence of both nations as listed in Table 1. It began with the plebiscite to determine the fate of northern and southern Cameroon at the end of which the north opted to join Nigeria. Other bilateral and multilateral attempts in this direction continued up to the months leading to the ICJ verdict.

To this end, the United Nations' (UN) Secretary General, Kofi Annan, convened a tripartite meeting of Nigeria and Cameroon Presidents on 5 September 2002, in Paris, France, to persuade both countries to accept and abide by the verdict of the Court. The French President, Jacques Chirac, equally participated in the meeting.

According to Nicholas and Baroni (2010), at the end of the meeting, both heads of state agreed to accept wholly whatever becomes the judgment of the ICJ. This diplomatic ambush laid the foundation for the eventual acceptance of the judgment by Nigeria notwithstanding the public outcry for its rejection when it was passed and the verdict did not appear favourable to many Nigerians. They also agreed to engage in confidence-building measures to demilitarize the areas in dispute and to allow international observers during the withdrawal of troops from the affected areas.

Nicholas and Baroni (2010) and Lukong (2011) noted that despite these assurances, the Court's verdict was received in Cameroon with great joy and with mixed feelings in Nigeria. While Abuja was asking for time to digest the verdict, Yaounde issued an official statement on the morrow of the verdict

making commitments to reinforce the friendly ties between the two countries, and promising hospitality for the millions of Nigerians living in Cameroon. As the Federal Government of Nigeria was studying the verdict, the pressure was being mounted on her to reject it.

Many leaders in Nigeria including Governor of Cross Rivers State, Donald Duke, and South-South Senator, Ita-Giwa, joined those calling on the Nigerian government to reject the ICJ verdict (Akinyemi, 2014). Former Attorney-General and Minister, Chief Richard Akinjide, described the decision as "50% international law and 50% international politics", "blatantly biased and unfair", "a total disaster", and a "complete fraud". The *Guardian* (2002) and Lukong (2011) stated that the Nigerian government on 23 October 2002, officially rejected the ICJ ruling through the then Minister of Transport, Ojo Maduekwe. The rejection centered on Nigeria's refusal to accept the ruling to relinquish sovereignty over Bakassi and transfer the same to Cameroon (Eddy and Juliana, 2002).

The fact that the country was also

heading for a general election in 2003, about six months away, where the incumbent president was standing for re-election, added more pressure on the handling of the verdict.

AU (2014) stated that Nigeria's posturing raised the stakes higher, necessitating the need for more talks and intervention to ensure that both states accept and take necessary measures to fully implement the ruling with a view to resolving the dispute and returning to cordiality. Thus political and diplomatic engagements were necessitated by the apprehensions of the international community on the likelihood of Nigeria's rejection of the ICJ rulings, setting both nations up for hostility.

This led to the convening of the Geneva I Tripartite Meeting in November 2002; the Geneva II Tripartite Summit of January 2004; and the Geneva III Tripartite Summit of May 2005, as well as the Green Tree Summit of June 2006 which gave birth to the Green Tree Agreement that set modalities and timelines for the implementation of the ICJ ruling (as shown in Table 1).

Table 1: Diplomatic/Political Engagements towards the Implementation of ICJ Verdict on Nigeria-Cameroon Boundary Dispute

| S/N | Date | Title/Venue | Purpose | Outcome |
|-----|------------------|--|--|---|
| 1. | 5 September 2002 | Pre-ICJ Verdict Summit, Paris, France | tripartite meeting of Nigeria and Cameroon Presidents aimed at persuading both countries to accept and abide by the verdict of the Court | Both presidents accepted to abide by the outcome of the judgment |
| 2 | November 2002 | The Geneva I Tripartite Meeting, Geneva, Switzerland | To chart the way forward after the ICJ ruling | -A "Joint Geneva Communiqué" which renewed commitments of both countries to renounce the use of force in bilateral engagements, while devising peaceful means to resolve differences. -Defined proper measures to reinforce confidence building -Requested the UN Secretary-General to put in place a Mixed Bilateral Commission charged with reflecting on ways of implementing the ICJ verdict. |
| 3. | January 2004 | The Geneva II Tripartite Summit, Geneva, Switzerland | Appraise the progress and efforts of NCMC in implementing the ruling, particularly in the Lake Chad | -Renewed commitment to ensure the effective implementation of the ICJ verdict. -Reiterated the need to avoid any actions or declarations which could jeopardize the process. -Committed to guaranteeing the security and welfare of the population |

| | | | | |
|----|------------------|---|---|--|
| | | | areas | affected by the Court's decision in areas under their respective sovereignty. -Agreed to strengthen confidence-building measures in many sectors. |
| 4 | 10 – 11 May 2005 | The Geneva III Tripartite Summit, Geneva, Switzerland | To consider boundary demarcation and implementation progress of the outcome of the ICJ ruling | -Agreed on a programme for the withdrawal of Nigerian troops from Bakassi. -Appreciated the withdrawal and transfer of authority in some Land Boundary and the atmosphere existing among the populations of the two countries and their new administrators. -Promised to take all measures to guarantee property and the interests of populations in affected territories. |
| 5. | 12 June 2006 | The Green Tree Tripartite Summit, Manhasset, New York City, USA | To secure the expression of commitment by the Presidents of Nigeria and Cameroon by turning it into a binding agreement | -Signing of the agreement, commonly known as GTA, by which: -Nigeria effectively recognised the sovereignty of Cameroon over the Bakassi Peninsula in accordance with the ruling of the ICJ on 10 October 2002; -Cameroon undertook to guarantee Nigerian nationals living in the Bakassi Peninsula the exercise of their fundamental rights and freedom; -Strengthening of bilateral relations between both countries. |

Source: Authors' Compilation

Table 1 above contains a summary of the diplomatic efforts and engagements that led to the signing of the GTA between Nigeria and Cameroon. In September 2002, the diplomatic pre-verdict

tripartite summit in France was at the instance of the French President and was attended by Nigerian and Cameroonian Presidents. Both presidents accepted to abide by the outcome of the judgment

and also agreed to reconvene the meeting of the Joint Commission. When this meeting was finally held in Abuja in September/October 2002, the two countries agreed to negotiate a Memorandum of Understanding (MOU) on bilateral consultations between the two Foreign Ministries and the exchange of official visits by governors, parliamentarians, federal and state government officials including ministers, commissioners, local dignitaries and traditional rulers at least once in a year (Kamto, 2008).

After the ICJ ruling, the Geneva, Switzerland tripartite summits of November 2002, January 2004 and May 2005 were held with Nigerian and Cameroonian presidents in attendance. The meetings focused on: a) charting the way forward after the ICJ ruling; b) appraising the progress and efforts of the Nigeria-Cameroon Mixed Commission (NCMC) in implementing the ruling, particularly in the Lake Chad areas, and c) considering the boundary demarcation and implementation progress of the outcome of the ICJ ruling. Though Nigeria and Cameroon duly fall within the ICJ jurisdiction, the Court lacked a cohesive enforcement instrument. The legal approach alone was, therefore, unable to ensure compliance with the rulings where

parties reneged on them, as in the case of Nigeria and Cameroon. This scenario necessitated the political-cum-diplomatic approaches that culminated in the GTA.

The Green Tree Agreement

The 12 June 2006, Green tree meeting in Manhasset, New York City, USA was the 5th tripartite summit of Presidents Biya and Obasanjo with the UN Secretary-General. International Peace Institute (2008) stated that the Green Tree Agreement represents the outcome of political and diplomatic negotiations to persuade Nigeria and Cameroon to accept and fully implement the ICJ judgment on their land and maritime boundary dispute. The agreement was signed on 12 June 2006 by Presidents Olusegun Obasanjo and Paul Biya who represented the Federal Republic of Nigeria and the Republic of Cameroon respectively (United Nations, 2006). It was witnessed by the UN Secretary-General, Kofi Annan and representatives of Germany, the USA, France and the United Kingdom. The agreement concerned the modalities for the final implementation of the ICJ ruling and the withdrawal and transfer of authority in the Bakassi Peninsula. The UN Secretary-General, Kofi Annan, signed for the organisation. The representatives of the witness states equally appended their signatures to the agreement. They

included: Gunter Pleuger, Permanent Representative of Germany at the UN; Ms Karen Pierce, Deputy Permanent Representative of the United Kingdom (UK) at the UN; Michel Duclos, Deputy Permanent Representative of France at the UN, and Ms Fakie Sanders,

Ambassador and Head of the US Mission to the UN. The signing took place in Green Tree, New York, hence the name, Green Tree Agreement. The pictures below are testaments to the development.

Figure 1: Obasanjo and Biya Signing the GTA in the presence of Kofi Annan



Source: International Peace Institute (2008)

Figure 1 above showed the presidents of Nigeria and Cameroon at Green Tree, New York, signing the GTA in the presence of the UN Secretary-General Kofi Annan and representatives of the five witness nations

Figure 2: President Paul Biya in a handshake with President Olusegun Obasanjo sequel to the signing of the June 2006 GTA while UN Secretary Kofi Annan watched happily



Source: Government of Republic of Cameroon (2015)

<https://www.prc.cm/files/5c/54/51/2557cb3d83672494dd9fc0c0b87b9e14.pdf>

Figure 2 shows presidents Biya and Obasanjo in a warm handshake in the spirit of the new friendship as the UN Secretary beamed cheerfully. The agreement ushered in the end of the land and maritime boundary dispute between the countries.

According to the Agreement, Nigeria agreed to withdraw her troops from the Bakassi Peninsula within 60 days (UN, 2006). There was a provision to extend the deadline by the UN Secretary-General for a further period not exceeding a total of 30 days. By this agreement, Nigeria effectively recognised the sovereignty of Cameroon over the Bakassi Peninsula in accordance with the ruling of the ICJ on 10 October 2002.

According to Sharma (2017), the acceptance by both nations of the fixed

deadline to pull out of the Bakassi Peninsula was proof of their willingness

to respect the ICJ ruling in line with the political-cum-diplomatic negotiations that followed the initial hesitations. Unlike in the past, three permanent members of the UN Security Council, namely the US, UK and France, were represented to bear witness to the agreement. This was an indication that they supported the process and would continue to mount pressure on Nigeria to accept her international engagements. Article 94(2) of the UN Charter empowers the Security Council to take action to ensure that states conform to international obligations as decided by the outcome of legal proceedings in the ICJ. The Green Tree Agreement provides in part that:

- Nigeria recognizes the sovereignty of Cameroon over the Bakassi Peninsula in accordance with the judgment of the ICJ of 10 October 2002;
- Nigeria withdraws all its armed forces from the Bakassi within sixty days from the date of signing the agreement;
- fixed the border between the two countries from Lake Chad to the Bakassi Peninsula;
- proceeded with the demarcation of the maritime border between the two countries (GTA, 2006).

The implementation of the GTA in line with the ICJ rulings was discussed under three subheads: Nigeria-Cameroon Mixed Commission, transfer of jurisdiction and retrocession, and transfer of sovereignty in affected land areas

The Nigeria-Cameroon Mixed Commission and Transfer of Jurisdiction

According to Lukong (2011), Joint or Mixed Commissions are used to effect bilateral diplomatic relations when such relations attain a certain intensive degree that traditional diplomatic instruments like the use of Permanent Missions become insufficient. Created in February 1963, the Nigeria-Cameroon Mixed Commission had its inaugural meeting in August 1967 in Yaoundé, Cameroon but their activities were short-lived due to the intensification of hostilities. The NCMC was made up of politicians, diplomats and experts from different fields of endeavour who came together to discuss bilateral issues and strategies for cooperation and propose implementation modalities to their respective governments.

Articles 3, 4 and 7 of the 1963 Bilateral Cooperation Agreement which established the Joint Commission highlighted the domains of cooperation, touching on boundary issues. Pondi and

Zang (2000) observed that such issues include economic, financial and customs matters, border exchanges, free movement of persons and goods and cultural, technical and legal matters. It was, therefore, envisioned that the NCMC should play crucial roles in implementing the ICJ decision and the GTA, as well as in promoting cordial relations between the two countries.

According to Kampto (2008), shortly before and after the ICJ verdict on the border dispute, the need to reconvene and revamp this Joint Commission was emphasized by both Presidents Biya and Obasanjo in their various summits with the UN Secretary-General, Kofi Annan. Kamto (2008) and Lukong (2011) noted that the Commission was entrusted with the responsibility of considering the implications of the decision of the ICJ including the need to:

- i. put in place the modalities for the establishment of sovereignty on disputed areas in conformity with the Court's verdict,
- ii. withdraw security and administrative personnel from the affected areas;
- iii. demarcate the Land and Maritime Boundary between the two countries.

It was also intended to be an implementation organ in charge of

implementing the decisions and directives emanating from the tripartite summits of the Heads of State of Nigeria and Cameroon with the UN Secretary-General, as well as the resulting Green Tree agreement.

The New Humanitarian (2007) stated that following the peaceful transfer of this territory to Cameroon, Ould-Abdallah, the UN envoy to NCMC, hailed it as an example to follow by the whole African continent for the peaceful resolution of boundary disputes. Meanwhile, Ahmadou Ali assured the population of the locality of Cameroon's commitment to ensuring the security of foreign residents in her country. From Tchika, the next stop was Dambore and its environs where at 17h 10mins local time, the Cameroon flag was put down and that of Nigeria hoisted. After the establishment of sovereignty in this locality, Nigeria assured Cameroon that the rights of the Cameroon population resident in the area were to be protected. It was in Dambore on 16 December 2003 that the official ceremony was organised. From Dambore, the next stops for the transfer of sovereignty were in the localities of Toro Liman, situated at the shore of Lake Chad, and then Darack, an Island in the heart of the lake. The two localities are 10km apart. The localities of Toro Liman and

Darack were retro ceded to Cameroon. The first stop was at Toro Liman. From Toro Liman, the different delegations moved to Darack where the Nigerian flag was lowered and that of Cameroon hoisted, at 12h 15mins local time. After this last stage, the three delegations – Cameroon, UN and Nigeria – met in Maga for the evaluation of the retrocession process.

The New Humanitarian (2004) reported that 28 villages, covering a surface area of 888sq km were returned to Cameroonian authority in the Lake Chad area. Similarly, UNOWAS (n.d) observed that Nigeria, on the other hand, inherited about 3000sq km territories located in the Borno State of Nigeria. Both the ICJ verdict and the GTA gave the population of these localities the right to choose either to go back to their country of origin or retain the nationality of the state that has authority over the villages.

Kamto (2008) observed that the implementation of the first segment of the ICJ verdict within 14 months was a testament to the fact that Nigeria and Cameroon were committed to peacefully resolving their boundary dispute in line with the ICJ ruling and the subsequent agreement reached between the two nations to that effect. The successful

retrocession of sovereignty in affected areas in the Lake Chad region gave the UN Secretary-General the motivation to liaise with the governments of Nigeria and Cameroon to work out strategies for the implementation of the ruling in the more contentious and vested remaining areas, particularly the Bakassi Peninsula and the environs. This was achieved through the political-cum-diplomatic negotiations in the form of tripartite summits in the preceding years which culminated in the Green Tree agreements of 2006.

Lukong (2011), Nicholas and Baroni (2010) and International Peace Institute (2008) agreed that after years of Nigerian de facto occupation, the Bakassi Peninsula became Cameroon on 14 August 2006, and this was marked by the lowering of the Nigerian flag in the affected areas. Kamto (2008) said that the 14 August 2006 disengagement of Nigerian troops from the Peninsula was marked by a ceremony in Akwa (Archibong for Nigeria) situated at the extreme northeast of Bakassi. The Nigerian flag was lowered at 12:30pm local time and the Cameroonian flag was hoisted. *Figures 3 and 4* show the ceremony marking the lowering of the Nigerian and hoisting of the Cameroonian flags, signaling the end of Nigerian

jurisdiction and beginning the restoration of Cameroon authority respectively, over the areas affected by the ICJ ruling in Bakassi Peninsula.

Figure 3: A Nigerian soldier lowering the Nigerian flag during the ceremony

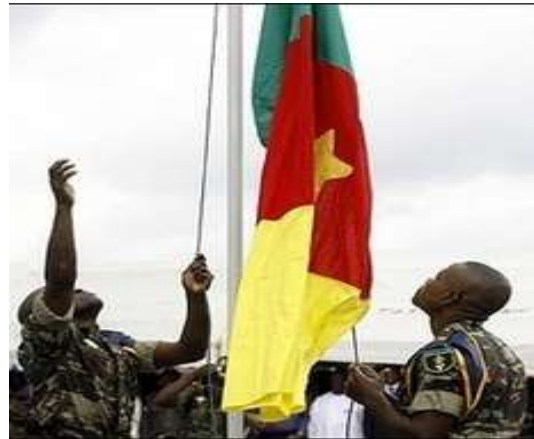


Source: Retrieved from https://www.dibussi.com/2006/08/bakassi_the_nig.html

Figure 3 is the lowering of the Nigerian flag during the disengagement exercise in Archibong. The exercise signified the end of Nigerian jurisdiction in the area.

Figure 4: Cameroonian soldiers hoist the country's flag, signifying the transfer of authority of the Bakassi Peninsula to

the Cameroonian government in Archibong.



Source: Retrieved https://www.dibussi.com/2006/08/bakassi_the_nig.html

Figure 4 is the hoisting of the Cameroon flag in Akwa during the transfer of jurisdiction on the disputed Bakassi. It marked Cameroonian authority and jurisdiction in the area in line with the ICJ verdict.

The lowering of the Nigerian flag and subsequent hoisting of the Cameroonian flag were supervised by the Chiefs of Defense Staff of both countries. Nigeria was represented by General Martin Luther Agwai while Major General Meka represented Cameroon.

Figure 5: Nigerian Chief of Defense Staff, Martin Luther Agwai, left, shakes hands with his Cameroonian counterpart, Meka Rene Claude, to seal the amicable handover.

Source: Retrieved https://www.dibussi.com/2006/08/bakassi_the_nig.html



6/08/bakassi_the_nig.html

Figure 5 shows Nigerian and Cameroon Chiefs of Defense Staff exchanging warm greetings during the handover of disputed territories in Bakassi in accordance with the ICJ ruling and GTA.

UNOWAS (2019) reported that the documents of transfer were signed by the representative of the government of Cameroon, Maurice Kamto, and that of Nigeria, Chief Bayo Ojo, the representative of the UN Secretary-General and President of the Follow-up Committee of the Green Tree Accord, British Diplomat, Sir Kieran Prendergast, as well as the representatives of the witness states of the Green Tree Accord: Germany, the USA, France and Great Britain. They included the British High Commissioner to Cameroon, Syd Madicott, French Ambassador to Nigeria, Yves Gandeul, US Charge d'Affairs in

Cameroon, Richard W. Nelson, and Defense Attache at the German Embassy in Nigeria, Lieutenant Colonel Mathias Aochbausen (Issaka & Ngandu, 2008).

Forbinake (2008) reported that the dispute formally ended on 14 August 2008, with about 40 minutes retrocession ceremony at the Roland Adjai Peregrino Hall, Calabar, the official Lodge of the Governor of the Cross River State of Nigeria. According to Forbinake (2008), after the speech-making, the leaders of the Nigerian and Cameroonian delegations, Anodoakan and Kamto respectively, appended their signatures to the transfer documents. At the end of the handover, the flags of the two countries were exchanged between the two delegation leaders. Meanwhile, soldiers were also disengaging in the field in Bakassi.

Retrocession and Transfer of Sovereignty in Affected Land Areas

As per the ICJ judgment, 17 sectors were affected in the disputed land areas. In most of these areas, the verdict was in favour of Nigeria. *The New Humanitarian* (2007), Nicholas and Baroni (2010) and UNOWAS observed that the areas concerned were in the border villages of Narki and some patches of territory along the border that were handed to

Cameroon and the border villages of Bourha-Wango and Ndabakoura as well as some patches of territory along the border that went to Nigeria.

According to *The Economist* (23 August 2013), Cameroon on 14 August 2013, established full sovereignty over the Bakassi Peninsula in line with the ICJ ruling and the GTA. The Peninsula, which is a territory of 665-sq-km, is located between southwest Cameroon and the Nigerian state of Cross River. Nicholas and Baroni (2010) noted that the area has an estimated population of 300,000, the majority of whom were Nigerians. The area, which has been under Nigerian authority since the independence of both countries, was also at the heart of the boundary dispute between the two.

According to *The Economist* (2013), on completion of the transfer of authorities by both parties on 24 August 2008, a five-year transition period remained in force till the 13 of August 2013 as agreed earlier.

Post-GTA Nigeria-Cameroon Diplomatic and Political Relations

Following the full implementation of the ICJ verdict on the Nigeria-Cameroon land and maritime boundary dispute under the auspice of GTA, the post-GTA Nigeria-Cameroon Diplomatic Relations are

evaluated under two subheads of diplomatic representations and political-cum-diplomatic exchanges.

Diplomatic Representations

Restoring diplomatic relations at the ambassadorial and diplomatic level is one of the measures adopted to strengthen relations between Nigeria and Cameroon. Both Presidents Biya and Obasanjo emphasized this point during their tripartite summit with the UN Secretary-General, Annan, on 31 January 2004, where they agreed to exchange ambassadors (Joint Communiqué, Geneva II Tripartite Summit). To this end, in 2004, Lukong (2011) reported that the Nigerian President, Obasanjo appointed a High Commissioner to Cameroon, in the person of Edwin Enosakhare Edobor, to represent the country's interest in Cameroon. The appointment also reflected the newfound cordial relations between the two neighbours. Edobor was replaced by Philip Ali Dauda who presented his letter of credence to Cameroon's Minister of External Relations on 19 May 2008. Lukong (2011) further observed that in April 2008, Cameroon appointed a new resident High Commissioner to Abuja, Sahaheddine Abbas Ibrahim, after over 10 years of working at the Charge d'Affaires level. According to him, when the new High Commissioner presented his

credentials, the Nigerian president reiterated Nigeria's commitment to put an end to the Bakassi dispute while promoting friendliness with Cameroon.

Nigeria and Cameroon also reinforced bilateral relations through the creation of consulates and the appointment of consuls. According to the official website of the High Commission of Cameroon in

Abuja, Cameroon created a consulate in Lagos and on 8 April 2009 appointed Ekorong a Dong Paul as Consul General. Then Atangana Michel Auguste was also appointed Cameroon's consul to Calabar on 8 April 2009, in replacement of Foe

Atangana Bienvenu Joseph (High Commission of Cameroon in Abuja). Cameroon equally moved her High Commission from Lagos to Abuja, Nigeria's capital. Meanwhile, Nigeria expressed the intention to create new consulates in Garoua, Maroua and Bamenda to add to those of Douala and Buea.

Political-cum-diplomatic Exchanges

Politico-diplomatic exchanges equally witnessed renewed verve and vitality (PRCCC, 2015)

Table 2: High Profile Diplomatic Exchanges between Nigeria and Cameroon, 1960 – 2018

| S/No | Date | Event | Location |
|------|----------|---|----------|
| 1 | 1983 | Paul Biya of Cameroon visited Nigeria | Nigeria |
| 2. | 1991 | Paul Biya visited Nigeria | Abuja |
| 3. | 1999 | President Obasanjo visited Cameroon | Yaoundé |
| 4. | 2003 | Paul Biya attended Commonwealth Summit in Nigeria | Abuja |
| 5 | 2003 | Paul Biya participated in the swearing-in ceremony of President Obasanjo | Abuja |
| 6 | 2004 | President Obasanjo visited Cameroon | Yaoundé |
| 7 | May 2007 | Alhaji Umar Musa Yar'adua paid a courtesy visit to Cameroon | Yaoundé |
| 8 | May 2007 | Paul Biya took part in the inauguration of Alhaji Umar Musa Yar'adua | Abuja |
| 9 | May 2010 | Jonathan's first foreign trip. He visited Cameroon during events marking Cameroon's | Cameroon |

| | | | |
|----|--------------|--|---------|
| | | 50 th Independence Anniversary along with two former Heads of State (Olusegun Obasanjo and Yakubu Gowon). | |
| 10 | October 2010 | President Biya took part in Nigeria’s 50 th Independence Anniversary in October. | Abuja |
| 11 | June 2013 | President Jonathan participated in the Summit of Heads of State and Government on Maritime Safety and Security in the Gulf of Guinea | Yaoundé |
| 12 | July 2015 | President Buhari’s State visit focused on the fight against Boko Haram in the Lake Chad region. Discussed strategic cooperation with the Cameroon president. | Yaounde |
| 13 | May 2016 | President Paul Biya paid a state visit to Muhammadu Buhari of Nigeria at the latter’s invitation. | Abuja |

Source: Compiled by the Authors

T-TEST

i. EXCHANGES BEFORE GTA IMPLEMENTATION

| Year | frq count | % of frq count |
|--------------|-----------|----------------|
| 1983 | 1 | 7.69 |
| 1991 | 1 | 7.69 |
| 1999 | 1 | 7.69 |
| 2003 | 2 | 15.39 |
| 2004 | 1 | 7.69 |
| Total | 6 | 46.15% |

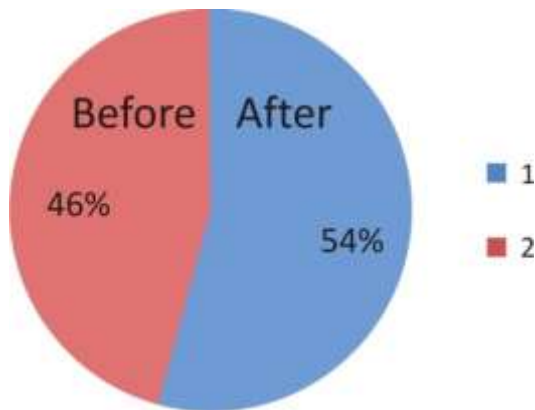
| | | |
|--------------|---|--------|
| 2010 | 2 | 15.39 |
| 2013 | 1 | 7.69 |
| 2015 | 1 | 7.69 |
| 2016 | 1 | 7.69 |
| Total | 7 | 53.85% |

Tables i and ii above reflect exchanges of visits by the Heads of State of the two states before and after the Implementation of the GTA. It is measured in frequency count and percentage of frequency.

iii. Pie Chart

ii. AFTER THE GTA IMPLEMENTATION

| Year | frq count | % of frq count |
|------|-----------|----------------|
| 2007 | 2 | 15.39 |



Following the successful implementation of GTA, the diplomatic exchanges between Nigeria and Cameroon witnessed a 7.7% frequency count increase.

Table 2 above compiled by the authors identified high-profile diplomatic exchanges that have been experienced between Nigeria and Cameroon. The periods covered were the last 5 years before the 2006 GTA and the first five years post GTA. The limitations were to avail the authors of ten years of evaluation. The *t*-test tool applied in the analysis/evaluation of diplomatic exchanges drew its data from Table 2. The whole period is grouped into one, starting from 1983 to 2016. The frequency count per year is reflected in the middle column totaling 13 while the % of frequency count per year takes the last column. The total frequency percentage is 100 (%).

i and ii represent the split groups of five years (5) before and five years (5) after the GTA. This evaluation is limited to presidential exchanges/visits. The period before the GTA (1983–2004) had a double visit in a year only in 2003. This is accounted for by the ICJ ruling of 2002 that temporarily dowsed the tension between the two.

The period from 2007 to 2016 that are post-GTA had more presidential visits in years. All in all the pre-GTA period represents 46% visit frequency count shaded red while the post-GTA period had 54% visit frequency count shaded in blue in the pie chart.

Conclusion

The retrocession and transfer of sovereignty over the disputed Bakassi Peninsula to Cameroon in line with the GTA enhanced diplomatic relations between Nigeria and Cameroon by reconvening the Joint Commission, which played a crucial role in implementing the ICJ ruling by boosting diplomatic representation, politico-diplomatic exchanges at the highest levels. Before the ICJ verdict and the Green Tree Agreement, diplomatic and political engagements between Nigeria and Cameroon witnessed a nosedive during the period of the disputes as tension

characterized their engagements. It took the deployment of hybrid two-dimensional approaches of the ICJ adjudication and politico-cum-diplomatic interventions that led to the GTA and its implementation to normalize relations between the two countries. The implications are increased presidential

visit exchanges from 46% before to 54% after the ICJ verdict and the GTA, and increased diplomatic representations. The tangible manifestations were the creation of new consulates in Garoua, Maroua and

Bamenda to add to those of Douala and Buea by Nigeria, while Cameroon established consulates in Lagos and Calabar and moved her High Commission from Lagos to Abuja, Nigeria's capital. Also, political-cum-diplomatic exchanges witnessed renewed verve and vitality, with more presidential visits from the Presidents of both countries between 2000 and 2016. In contrast, both countries exchanged only 4 presidential visits between 1980 and 1999.

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