

# BAKASSI PENINSULA CONTESTATION: THE FAILURE OF THE GREEN TREE AGREEMENT TO RESOLVE THE BAKASSI ISSUE, 2006-2018

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## Abstract

*The paper examined International Court of Justice verdict of October 10, 2002 on Bakassi Peninsula and the Green Tree Agreement of 2006 between Nigeria and Cameroon. It equally evaluated the arbitrary boundary demarcations/treaties on Bakassi Peninsula in relation to the International Court of Justice (ICJ) verdict of 2002 in favour of Cameroon. It further investigated if non-determination of citizenship question in the ICJ verdict over Bakassi Peninsula accounts for the identity crisis in the Peninsula. By extension, the paper examined the Green Tree Agreement and its efforts to resolve the Bakassi issue as it affect the Bakassi inhabitants within the period under study. It also investigated the reasons behind the failure of the Green Tree Agreement of 2006 to resolve the Bakassi Peninsula issue within the period under study. The paper adopted and applied the basic propositions of the Game Theory as its theoretical framework of analysis. Similarly, the researcher in his investigation observed that arbitrary boundary demarcations and treaties on Bakassi Peninsula swayed the ICJ verdict of 2002 in favour of Cameroon. Meanwhile, the paper observed that non-determination of the citizenship question in the ICJ verdict of 2002 and in the Green Tree Agreement of 2006 over the Bakassi Peninsula accounts for the identity crisis witnessed in the Peninsular within the period under study. Based on the researcher's findings, the paper recommended that Nigeria leadership should re-examine existing international boundary dispute between her and her neighboring African countries including the Nigeria-Benin Republic boundary dispute to avoid re-occurrence of the Peninsula debacle. As a matter of urgency, the paper suggested that the government of the two countries, Nigeria and Cameroon should come together and find a lasting solution on the issue of citizenship question as it concern and affect the Bakassi inhabitants so that the inhabitants can live a normal life as full fledged citizens. The paper equally suggested that the Nigerian Government should henceforth begin to consider matters of national interest as priority in her foreign policy posture to prevent being humiliated and disgraced by super powers in international politics contestations.*

**Keywords:** International Court of Justice, Bakassi Peninsula, Green Tree, International Boundary, Green Tree Agreement,

## Introduction

It could be noted that international boundary dispute is an age long phenomenon. The boundary dispute between the Republic of Cameroon and the Republic of Nigeria is not out of place. But then, the dispute is so outstanding that it has generated serious controversy in the region. In fact the dispute between Nigeria and Cameroon over the Bakassi Peninsula remains the most serious among all boundary disputes witnessed between the two Countries since both gained their respective independence. The controversy generated by the area could be as a result of its natural endowment hence, both Countries strived by all means to retain its ownership. In this regard, Osakwe (1988), noted that the boundary dispute between the Republic of Cameroon and the Republic of Nigeria is a Colonial legacy and can be blamed on the recklessly and poorly defined borders bequeathed by the Colonialist. It was on this ground that the ICJ Report (2002) opined that Bakassi is the Peninsula extension of the African territory that is under the old Calabar kingdom, but is currently ruled by

Cameroon following the transfer of Sovereignty from Nigeria as a result of the Internal Court of Justice verdict of October 10, 2002. According to Omeje (2004:8), the kingdom of Bakassi was founded around 1450 by the Efik nationality. However, Bakassi Peninsula came under the British control following a protection treaty of 1884 between Queen Victoria of England and King Eyo Honesty of old Calabar kingdom and his chiefs. When Cameroon gained her independence, she laid a claim over the Peninsula. This gave rise to boundary clashes witnessed in the Peninsula between Nigeria and Cameroon. In March 1994, there was a serious boundary clash between the two countries over the Bakassi Peninsula, due to lack of trust on Nigeria and going by the series of fruitless agreements and treaties signed in the past by the two countries, Paul Biya (the President of Cameroon), decided to take the matter to ICJ which on October 10, 2002, delivered a judgment in favour of Cameroon and Nigeria was ordered to cease further claim of the Peninsula and to withdraw her troops from it. Accordingly, the judgment was based on the following factors and conditions:

- The 1884 protection treaty between Queen Victoria of England and King Eyo Honesty of old Calabar kingdom.
- The 1913 Anglo- German treaty between Britain and Germany over the Bakassi Peninsula.
- The 1958 Geneva convention on the boundary between Nigeria and Cameroon
- The 1971 Yaoundé 11 declaration/Ngor and Coker agreement over the Bakassi Peninsula and
- The 1975 Maroua Accord between Ahmadu Ahidjo and Yakubu Gowon over the Peninsula, etc.

In this regard, the outcome of the judgment gave birth to the signing of the Green Tree Agreement of June 12, 2006 between President Olusegun Obasanjo of Nigeria and Paul Biya of Cameroon. In view of the above, this paper examines the role of the ICJ and the Green Tree Agreement in trying to resolve the boundary dispute between Cameroon and Nigeria over the Bakassi Peninsula.

## **Conceptual Clarification**

### **International Court of Justice (ICJ)**

International Court of Justice is one of the organs of United Nations Organization, (UNO). It is a body instituted by the United Nations to see to the settlement of disputes between nations. It acts as a mediator for peace and conflict resolution between and among nation states. ICJ has a consultative and advisory function.

### **Bakassi Peninsula**

Bakassi Peninsula is an ethnic nationality of old Calabar kingdom with a population of around 150000 to 300000 thousand people in 2015, (BBC News Report, 21<sup>st</sup> June, 2005). The peninsula came under the British rule following a protectionist treaty of 1884 between Queen Victoria of England and King Eyo Honesty of old Calabar kingdom and his chiefs. When Cameroon gained her independence from Britain, she laid a claim over the peninsula and this gave rise to series of clashes between Nigeria and Cameroon over the ownership of the peninsula.

### **Green Tree**

Green tree is the name of one of the cities in New York, in USA. It was in this city called Green Tree that the President of Nigeria, Olusegun Obasanjo and the President of Cameroon, Paul Biya met on 12<sup>th</sup> June 2006 and signed the agreement which later came to be known and called, the Green Tree Agreement over the ownership of the Bakassi Peninsula. This took place in the presence of the Secretary General of the UN, Kofi Anan.

### **Green Tree Agreement**

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The term Green Tree Agreement, refers to the agreement entered into by Nigeria and Cameroon government in respect of the ownership of Bakassi Peninsula in the presence of the UN Secretary General, Mr Kofi Anan. The aim of the Green Tree Agreement was to give a backup to ICJ verdict, but the agreement only addressed the citizenship rights of Bakassi inhabitants who remain within Bakassi region but failed to address the rights of those persons who may be on the Nigeria side of the border.

### **International Boundary**

The concept, international boundary, refers to a delineated space between sovereign states within their borders. On that note, a sovereign government has a complete authority over it which cannot be impeded by another government. Here the boundary serves to represent the limit, the furthest extent of space over which a government has sovereignty. For instance, the borders of Nigeria or United States of America indicate the space that can be defined as the country or the space over which the Nigeria or the USA Federal Government has absolute authority, (<https://study.com/academic/lesson/international-inter-boundary-definitions-functions-hl>). On the other hand, Akonye (2017), defined international boundary as an imaginary line that separates two sovereign nations, states or countries from each other, like Nigeria and Cameroon, or Ghana and Nigeria, among others. In this regard there are some indicators to that effect, such as bridges, lines, or toll gate. Here, a person/persons, vehicles, or train, etc, from the other country can only be allowed to cross over to the other country only if he/she can present a permit or International Passport or otherwise. In international boundary, there is always a sign to indicate that a particular country ends at a point while another one starts from somewhere.

### **Theoretical perspective**

Any scientific or empirical study must be analytically based on a sound theoretical frame work. According to Nicos Mouzelis (1979) in Ugwu (2010), the study of any social phenomenon requires a choice of those of its concrete aspects which are most relevant to the problem under study. This choice in a way isolates a part of social reality in order to reduce its complexities of observation in determine the analytical or conceptual frame work of a theory. In this work, we adopted, adapted and anchored our analysis and discussion on the theoretical foundations and persuasions of the Game Theory as our theoretical framework of analysis. As a theory of International Relations, Game Theory is a mathematical method for the study of some aspect of conscious decision making situation that involve the possibilities of conflict and/or co-operation. Game Theory is a theory of rational behaviour in the face of opponents who are expected to behave rationally too. Varma (1975:340) defined Game Theory:

*As a body of thought that deals with rational decision strategies in a situation of conflict and competition, when each participant or player seeks to maximize gains and minimize losses. Game Theory is commonly used in the field of coalition behaviour, judicial behaviour and conflict situation in International Politics/Issues.*

According to Varma, (1975:343-4), the assumption of the Game Theory is that-;

1. The player is not only thoroughly rational but completely self-aware about the priorities among his purposes and has complete knowledge about the strategies available to him in pursuit of the pay-off in a manner consistent with his own pay-off formation or ranking of preferences.
2. Game Theory becomes a formal study of the rational, consistent expectations that participants can have about each other's choice.
3. It is a mathematical model for the study of some aspects of conscious decision-making in situations involving the possibilities of conflict and/ or cooperation.

Going by the above analysis, we present the following propositions of Game Theory:

- There are players or decision-makers.
- Each player is a rational entity with well-defined objectives.
- It has a recommendation of rational choices for every situation.
- There is prediction of agents' behaviour in every situation.
- Decision-makers have goals and objectives whose fates are interwoven.
- Each player always wins exactly what his opponent losses in the game.
- It has efficient sets of rules.
- The information available to the players is specified at every point. And finally,
- It deals with solution to problems.

According to Varma (1975:341):

*The essence of Game Theory is that, it involves decision makers with goal and objectives whose fate are interwoven. Here, each individual or group is faced with cross purposes of optimization of problem. The players in a game situation are states who are assured to be rational entities with rational objectives. The actors in this situation maintain rational control over the outcome of those moves and some of the models of Game Theory can be applied to them.*

Some of the leading proponents of Game Theory are, Morton A. Kaplan, Thomas C. Schelling and William H. Riker, among others. In the light of the above, Game Theory is said to provide the guideline upon which the International Court of Justice verdict on Bakassi Peninsula and Green Tree Agreement on disputed boundary between Nigeria and Cameroun is conducted. It serves as the lens through which ICJ ruling process is understood and explained. In this regard, Game Theory was employed to help us analyse the behaviour of Nigeria in conflict resolution with Cameroun over Bakassi Peninsula, by signing an agreement which led to the withdrawal of her 3000 troops from the Peninsula. Now, since this work deals with conflict and cooperation between Nigeria and Cameroon over the Bakassi Peninsula, Game Theory was used as the theoretical framework or perspective. In Game Theory, we have Zero-Sum and Non Zero-Sum. The Zero-Sum game is otherwise known as a Winner takes all game with any gain being only at the expense of a complete loss of the other actor or actors. Zero-Sum Game is a game of pure conflict in which two or more opponents is directly involved. Here, the actors pursue goals that are conflicting or opposed to each other. In this situation, the decision of each player will be dependent on the other player. Any act outside this is suicidal. Here, each player must be rational. at this situation, each player always wins exactly what his opponent losses in the game and vice-versa. Though,

the sum of all pay off to all players equals zero. So that anything one player wins is what some other players have to lose. What the participants gain or lose is called the value. Which means the winning party is said to play winning strategy. On the other hand, the Non- zero sum game is where the gains and losses are flexible and relative and can be affected or determined by co-operation not just conflict between players. Meanwhile, the interest of the players is similar in some respects and dissimilar in other respects. Hence, full co-operation between the players is possible only if they can trust each other's willingness to keep agreements. Similarly, they will play a non-co-operation solution in spite of the fact that co-operation solution would have benefited all of them quite immensely.

In the light of the Above, Game Theory is used in this work to analyze/explain the efforts of Cameroon and Nigeria to resolve their differences over the ownership of Bakassi Peninsula through the ICJ verdict of 2002 and Green Tree Agreement of 2006. Game Theory will also help us to analyze the behaviour of Nigeria in conflict resolution with Cameroon over Bakassi Peninsula by signing an agreement which led to the withdrawal of her 3000 troops from the Peninsula. Though, Nigeria at the end lost the Peninsula, her citizens, security, prestige, respect and authority in the Peninsula to Cameroon. While Cameroon on the other hand gained virtually everything including Bakassi Peninsula, Bakassi inhabitants, security, respect and prestige there in, hence the outcome is a pure zero sum. At this point, Igwe (2005:169) noted that:

*The behaviour of each player is highly determined by the other. In a situation of this kind where each player is interested in winning the game and two or more individuals have to make choice and have preferences regarding the outcome of the choice available to, and made by each other and of the preferences the other player have in their choices.*

### **Application of the theory**

In the application of the Game Theory to this work, we appreciated the drama experienced in the conflict of boundary dispute between Nigeria and Cameroon over Bakassi Peninsula which is said to be very common with Game Theory. This is owing to the fact that both Countries are involved in a serious game of conflict and co-operation witnessed in the various agreements reached before and after the ICJ verdict. Moreover, the verdict itself is a clear example of a zero-sum game because, what Nigeria lost was exactly what was gained by Cameroon. At the end, Nigeria lost virtually everything including part of her land, some of her citizens and their security to Cameroon. Again, since Cameroon did not compromise anything to Nigeria, it is a zero-sum game. As Cameroon gain Bakassi Peninsula and the Bakassi inhabitants, so Nigeria lost Bakassi Peninsula and some of her citizens including her security, respect and authority therein, owing to her irrational behaviour. However, Game Theory explains the action of Cameroon and Nigeria in their efforts to resolve their differences over the Bakassi Peninsula through the ICJ verdict of 2002/Green Tree Agreement of 2006. In the varied interest, Cameroon had advantage of judgment over Nigeria and such played a winning strategy. At a point the two will seem to trust each other owing to the agreements reached in the past but were not kept which invariably led to conflict. This very distrust necessitated the final withdrawal of Nigerian troops in obedience to the ICJ verdict of 2002 which was

in favour of Cameroon hence, Nigeria on the other hand lost virtually everything to Cameroon. Hence the outcome is a pure zero sum game.

### **The ICJ verdict of 2002 on Bakassi Peninsula**

In 1981 Cameroon and Nigeria went to the brink of war over Bakassi Peninsula and another area around Lake Chad at the other end of the two Countries common border. Due to the incessant fighting and killing of soldiers and civilian from both Countries, on 29th March, 1994, Cameroonian government took the matter to the ICJ for conflict prevention and conflict resolution. In this regard, reports from Sunday Champion (2002:24), stated that;

*As the Bakassi boundary dispute escalated with series of incidents of incursion that provoked shootings, recording many casualties and deaths of solders of both Countries, the Government of Cameroon on March 28 1994 dragged the Federal Republic of Nigeria to the ICJ at Hague,*

On October 10, 2002, ICJ declared Republic of Cameroon the rightful owner of the disputed area and ordered that Nigeria should cease further claim of the Peninsula. The above scenario later gave birth to the Green Tree Agreement as a back up to the ICJ verdict over Peninsula.

### **THE GREEN TREE AGREEMENT OF 2006**

#### ***The Full Text of the Agreement Signed at the Green Tree, New York, USA***

As earlier stated, President Olusegun Obasanjo of Nigeria and President Paul Biya of Cameroon on June 12, 2006 entered into an agreement at Green Tree, New York, USA as a means and ways to end the age long boundary dispute between the two countries over the ownership of Bakassi Peninsula. In conformity with the agreement between the two Heads of States, the following resolutions were realized:

#### **Article 1**

Nigeria recognizes the sovereignty of Cameroon over the Bakassi Peninsula in accordance with the judgment of the ICJ of 10 October, 2002 in the matter of land and maritime boundary between Cameroon and Nigeria. Here, Cameroon and Nigeria recognize the land and maritime boundary between the two Countries as delineated by the Court and commit themselves to continuing the process of implementation already begun.

#### **Article 2**

Nigeria agrees to withdraw all its armed forces from the Bakassi Peninsula within sixty days of the date of the signing of this agreement. If exceptional circumstances so require, the Secretary-General of the United Nations may extend the period as necessary, for a further period not exceeding a total of 30 days. This withdrawal shall be conducted in accordance with the **modalities envisaged in annex 1 to this agreement.**

#### **Article 3**

Cameroon, after the transfer of authority to it by Nigeria guarantees to Nigerian nationals living in the Bakassi Peninsula the exercise of the fundamentals rights and freedoms enshrined in International Right Law of the people and in other relevant provisions of international law.

In particular Cameroon shall not force Nigerian nationals living in the Bakassi Peninsula to leave the zone or to change their nationality. Respect their culture, language and beliefs. Respect their right to continue their agricultural and fishing activities. Protect their property and their customary land rights. Not levy in any discriminatory manner any taxes and other dues on Nigerian national living in the zone; and Take every necessary measure to protect Nigerian nationals living in the zone from any harassment or harm.

#### **Article 4**

Article 4 of the agreement stated that this agreement shall constitute an integral part of the International Court of Justice Verdict of October 10, 2002. That no part of this agreement shall be interpreted either in written or oral form as a renunciation by Cameroon of its sovereignty over any part of the region

#### **Article 5**

This agreement shall be implemented in good faith by the parties with the good offices of the Secretary-General of the United Nations if necessary and shall be witnessed by:

The United Nation, The Federal Republic of Germany, The French Republic, The United Kingdom of Great Britain, The Northern Ireland and The United States of America, etc.

#### **Article 6**

Article 6 of this agreement also stated that a committee to monitor the implementation of this agreement will hereby establish. And the committee shall be composed of representatives of Cameroon, Nigeria, the United Nations and the witness States. The committees shall monitor the implementation of the agreement by the parties with the assistance of the United Nations observers of the Mixed Commission. The follow-up committee shall settle any dispute regarding the interpretation and implementation of this agreement. The activities of the follow-up committee shall cease at the end of the transitional regime as provided in article 4 of the agreement

#### **Article 7**

This agreement shall in no way be construed as an interpretation or modification of the judgment of the International Court of Justice (ICJ) of 10 October, 2002 for which the agreement only sets out the modalities of implementation.

#### **Article 8**

Article 8 stated that the agreement between the Federal Republic of Nigeria and the Federal Republic of Cameroon was written in English and French language, and was conducted and concluded at the Green Tree, New York, USA, on 12<sup>th</sup> June, 2006. Thus, the Federal Republic of Cameroon was represented by President Paul Biya. While the Federal Republic of Nigeria was represented by President Olusegun Obasanjo

#### **Witnesses:**

Going by the agreement, the following countries and organization were represented. The United Nations Organization was represented by the Secretary General, Kofi Ata Annan. The Federal Republic of Germany was represented by His Excellency, Gurter Pleuger. While, the United States of America, was represented by His Excellency, Fakie Sanders. Similarly, the French Republic was represented by His Excellency. Michael Duclos. While the United Kingdom of Great Britain and Northern Ireland was represented by His Excellency, Koren Pierce, among others.

## **The Implementation of the Green Tree Agreement**

In confirmation to the peaceful settlement of the boundary dispute between Nigeria and Cameroon, the UN Secretary-General, Kofi Annan said:

*With today's agreement on the Bakassi Peninsula issue a comprehensive resolution of the dispute over the ownership of Bakassi Peninsula is within our grasp. Hence, the momentum achieved must be sustained (cited in All Africa.Com.Cameroon. 2006:1).*

As stated earlier, this agreement was supposed to be implemented in good faith by the parties with the good offices of the Secretary General of UN and witnessed by the UN, Germany, French, Great Britain and Northern Ireland and USA, among others. In compliance to the agreement, Nigeria commenced withdrawal of her troops in accordance with the provisions of this modalities as agreed upon at Green Tree, New York, USA. Here, the three thousand (3000) troops of Nigeria were withdrawn from the Peninsula, the Nigeria flag was removed and replaced with the Cameroon flag from the Peninsula in August 2006. Bakassi Local Government was delisted from Cross Rivers State and the names of the Bakassi communities were changed to Cameroon names signifying a total and comprehensive resolution of the age long boundary dispute between Nigeria and Cameroon over the ownership of Bakassi Peninsula. In conformity to the above resolution between the two countries, two days after the Green Tree Agreement, President Obasanjo in his broadcast to Nigerians reiterated his commitment to abide by the ruling of the ICJ. Thus he stated that:

*We accept the verdict whole heartedly and we will scrupulously implement it. We have ensured that Nigerians living now on the Peninsula have a choice either to relocate or to remain in Bakassi which ever choice they make, we have taken adequate measures for their protection, security, welfare and well-being. (Presidential broadcast on the withdrawal modalities, June 14, 2006)*

Consequently, the Nigerian flag was lowered and Cameroonian Pennants hoisted as a sign of handover of the territory to Cameroon. It should be noted that the handover of the territory and withdrawal of 3000 Nigeria troops does not seem to end the matter. The handover was indeed peaceful but the aftermath of it may not have been as peaceful as the handover because the inhabitants have been dislodged owing to concessions made by the Federal Government. Despite the whole odds observed in the process of resolving the age long boundary disputes between Nigeria and Cameroon, the signing of the Green Tree Agreement at the Green Tree, New York City, USA on June 12, 2006 and its peaceful implementation shows that the Federal Republic of Nigeria has hands off from the Bakassi Peninsula as the acclaimed owner to the region. While the Federal Republic of Cameroon to take over the disputed Bakassi Peninsula as the rightful owner of the land. This resolution was concluded through the signing and implementation of the Green Tree Agreement of June 12, 2006, by the government /leadership of the two countries. This can be observed from the statement made by President Musa Yar 'Adua in his letter to the Senate, where he stated that, "Bakassi is lost and that the Senate is duty bound to ratify the Green Tree Agreement". In agreement with Yar Adua's assertion, the Senate President, David Mark in his statement opined that, "Bakassi is lost and gone for good". Nothing can be done now to reclaim it back except to appeal to the conscience of the Cameroonian. According to Mark (2012), the current push by the National Assembly would have



made more difference if it happened within the 10 years deadline allowed by the ICJ for possible reconsideration of aspects of the ruling.

### **The Failure of the Implementation of the Green Tree Agreement to Resolve the Bakassi Issue**

In the words of Rosenne (2007:6), Bakassi is currently administered by Cameroon as a result of the ICJ verdict of October 10<sup>th</sup>, 2002 and the Green Tree Agreement of 2006 which ceded Bakassi Peninsula to Cameroon, thereby rendering the Bakassi people homeless and stateless without putting into consideration the issue of citizenship. Here, Cameroon was given a substantial number of Nigerian population and was required to protect their rights, infrastructure and welfare. As observed, the Nigerian Government did not in anyway, reject the judgment but instead called for an agreement that would provide peace with honor, interest and welfare of her people. Commenting on the issue, Adoke in Post News Line (2008:5), observed that:

*The judgment made a significant progress in the area of peacemaking but noted that the implementation process has been complicated by the opposition of Bakassi inhabitants being transferred to Cameroon.*

Adoke (2008), further states that Bakassi leaders at this juncture threatened to seek independence if Nigeria renounced sovereignty over the Peninsula. This secession was announced on July 9, 2006 as the Democratic Republic of Bakassi

In the words of Odige (2002:10):

*Nigeria takes cognizance of these serious implications and appeals to all her citizens at home and abroad to remain calm, positive, and constructive until a peaceful solution to the boundary issue between Nigeria and Cameroon is found. Thus, we assure the people of Bakassi and other Nigerian Communities who were affected by the judgment of the ICJ on the support and solidarity of all other Nigerians.*

Odige (2002) further noted that these indigenes of Bakassi who were originally Nigerians are expected by the development to vacate the area in question for relocation to Nigeria territory proper. The handing over of Bakassi Peninsula by the then President of Nigeria, Olusegun Obasanjo to Cameroonian President Paul Biya through the Secretary General of the UN- Kofi Annan caused a hardship to Nigerians residing in Bakassi Peninsula. In a related observation, Akinterinwa, (2002), observed that the decision of International Court of Justice on Bakassi Peninsula has not solved the problem of inhabitants of the Peninsula territory since the verdict and the agreement failed to address the issue of citizenship question. Rather the decision of the ICJ has opened doors of war. Also, Chinwo (2009), observed that, neither Nigeria nor Cameroon has kept faith with the Green Tree Agreement and its implementation. For Nigeria, a major obligation under the agreement was to resettle the people of Bakassi and secure their socio-political and economic identity. In agreement with the above view, Odinkalu (2012:17) remarked that:

*In Bakassi's incipient statelessness problem, the civil society groups should make themselves heard to ensure that the issues are addressed before they get worse. Besides, tens of thousands of people, possibly more who inhabited (and some of whom still inhabit) the Peninsula have lost access to nationality or citizenship rights and now live in a legal limbo.*

Odinkalu (2012) observed that there are still several dangerous gaps and problems in the agreement which made its implementation to be unable to resolve the Bakassi issue within the period under study. Among these problems include: The agreement in line with the ICJ verdict did not create room to address the citizenship question. Again, the signing/implementation of the Green Tree Agreement and the ICJ verdict did not subject the people of Bakassi to a referendum/plebiscite to enable them choose where to belong either to Cameroon or to Nigeria. As observed, the failure of ICJ verdict of 2002 and the Green Tree Agreement of 2006 to address the issue of citizenship identity/nationality in the voting Register of Cameroon to enable the Bakassi inhabitants to exercise their franchise as Cameroonian citizens was a serious problem. Again, the failure of the Cameroon and Nigerian government to make sure that all the people affected, (Bakassi inhabitants), have access to the content of the Green Tree Agreement either in English, French or the local languages was also a problem. There was no provision for independent monitoring of the implementation of the said agreement to ensure compliance by the parties concerned. And by extension, the United Nation, whose personnel are supposed to undertake monitoring of the implementation of the agreement to ensure compliance by the parties concerned is located in Yaoundé, a very far place from the area or the location, which can take a full day's road journey, (about 12 hours) and they can only visit the location sparingly. Again, no effort was made to ensure or build partnerships with civil society groups in educating the populations, designing transitional protection mechanisms or ensuring effective monitoring of the implementation of the agreement, among others. The parties in the agreement either before and after signing it did not in any way consulted the inhabitants of Bakassi Peninsula in particular and Nigeria people in general. On the other hand, the Green Tree Agreement was not ratified by the National Assembly in line with the provision of section 12 (1) of the 1999 constitution. In this regard, the Senate of the Federal Republic of Nigeria declared the unilateral ceding of Bakassi Peninsula to Cameroon by President Olusegun Obasanjo unconstitutional and null and void. In agreement with the forgoing, Omeje (2004), opined that the ICJ verdict ceded Bakassi Peninsula to Cameroon but failed to determine/address citizenship question of Bakassi inhabitants which has brought untold hardship to the people of that region and have equally made life gravely miserable for the people of Bakassi. Virtually all the inhabitants in the peninsula have lost their original Country, Homeland, Identity, Livelihood and Nationality. Omeje (2004), further states that the aim of the Green Tree Agreement was to give a backup to ICJ verdict, but the agreement only addresses the citizenship rights of Bakassi inhabitants who remain within Bakassi region but failed to address the rights of those persons who may be on the Nigeria side of the border. Contributing on the issue, Weissbrodt and Collins (2006:5) stated that:

*The so called protection guaranteed by the Cameroonian state seems weak. It did not provide adequate safeguards for access to residency or identity documents for the Nigerians in Bakassi or for those who would wish to acquire Cameroonian nationality nor did it provide mechanism to prove entitlement to either nationality, thereby making them vulnerable to citizenship and identity crisis or what may be called stateless persons.*

According to Weissbrodt and Collins (2006), the ICJ judgment did not address the human dimension of the dispute which had rendered thousands of the Bakassi inhabitants to suffering and at most stateless. The suffering goes two ways; the population that is to stay in the peninsula has been regularly attacked and persecuted by Cameroon security forces. On the

other side, the situation of those who decided to flee into Nigeria is not better either. Flashing back, Omeje (2004), states that Ceding of Bakassi Peninsula to Cameroon and failure of the ICJ to determine citizenship status of the Bakassi inhabitants has rendered the people of Bakassi Peninsula stateless thereby making them to lose their properties, sources of livelihood and nationality. They are incessantly harassed by Cameroonian soldiers. They also find it difficult to be identified as Cameroonian citizens. These are contrary to Article 3 of the signed agreement of June 12 2006. But it could interest us to note that the Olusegun Obasanjo led Government had earlier promised to defend them but in his nationwide broadcast of June 14 2006, made a contradictory statement when he asked the people of Bakassi to either relocate to Nigeria or remain in Bakassi and at the same time assuring them of their security. Meanwhile, the possibility of Nigeria protecting her citizens effectively outside her territory is a serious issue that needs adequate attention which needs to be critically analyzed to enable the government make the most suitable choice in the near future in case a problem of this magnitude comes up. In a related observation, Mbagi and Njo (2007:8), asserted that:

*The intervention of the ICJ and Green Tree Agreement which was thought to resolve the issue only ended up by opening new vistas of pogrom in the contested region. The highest of this new wave of problem is the question of citizenship and nationality related issues which apart from being critical has dominated events in the region.*

The issue here was on how to resolve the nationality and citizenship question or status of between 150,000 to 300,000 inhabitants of the Peninsula who according to Mbagi and Njo (2007), were mostly Nigerians. It was on that ground that Gauba (2003:47) stated that:

*Questions about citizenship identity and nationalities of people in a nation-state have remained a key factor in the determination of nationhood.*

In this regard, Gauba (2003), seeks to know why the question of citizenship identity issue was not addressed by the ICJ neither was it given attention by the contending parties when entering into the agreement, thereby putting the people of Bakassi Peninsula in a situation of social exclusion. In the opinion of the Nigeria people and Bakassi inhabitants in particular, the ICJ verdict and the Green Tree Agreement would have considered the faith and condition of the Bakassi inhabitants before pronouncing the verdict and concluding the agreement. In fact the Bakassi Peninsula issue was seen as a political situation that required political solution” as such President Olusegun Obasanjo could have sought for political solution to the problem rather than imposing legal solution which today is threatening tension and has created a state of uncertainty in the Peninsula. Based on the view that ICJ could have done something to prevent the citizenship crisis in the Peninsula, Kohki (2010) and Achiron (2005) observed separately that International Law traditionally reverses the right to determine nationality or citizenship to states. This right is found on the existence of a mutual and effective link between the individual and the state. In a related observation, Article 1 of the Hague Convention of 1930 held under the Assembly of the League of Nation reaffirmed this when it reported that, it is for each state to determine under its own law who are its nationals. This law shall be recognized by other states in so far as it is consistent with International Conventions, International Custom and the Principles of Law generally recognized with regard to nationality. Commenting on the above assertion, one could argue that it was right for the ICJ not to have meddled into issue not brought before it since

neither Nigeria nor Cameroon raised the question and issue of citizenship in the contested territory before the Court. Similarly, the ICJ ought to have taken judicial notice that the territory in question was inhabited by human beings as such, care should have been taken to address the fate of the inhabitants. It was on the basis of the above assertion that, Rosenne (2007:6) states that:

*Nothing is settled until it is settled right. So to ensure that individuals were not arbitrarily deprived of a minimum set of rights associated with citizenship, the International Community developed a number of treaties bothering on human rights including the 1954 Convention relating to the status of stateless person and the 1961 Convention on the reduction of statelessness.*

Meanwhile, the 1954 Convention affirmed that the fundamental rights of stateless person must be protected while the 1961 Convention created a frame work for avoiding future statelessness, placing an obligation on states and organizations with the duty to eliminate and prevent statelessness in nationality laws and practices. As observed earlier, the people of Bakassi ordinarily are not ready to answer citizens of Cameroon. Moreover, there was lack of adequate and proper relocation/rehabilitation of the dislodged/displaced Bakassi inhabitants. More annoying was the inability of Cameroonian authorities to keep to the provision of the Green Tree Agreement, There was equally a disregard of the International Right Law of the people on the Bakassi inhabitants, coupled with the non-recognition of the citizenship identity/nationality in the voting registrar of Cameroon to enable the Bakassi inhabitants to exercise their voting right. Again, non- recognition of plebiscite/referendum in the ICJ verdict/Green Tree Agreement that would have given the Bakassi people the right to choose where to belong, either to Nigeria or Cameroon was also a serious matter. In addition the violation of the Green Tree Agreement which its impact manifested in the words of David Mark, when he noted that Nigerians in the Bakassi Peninsula have been complaining about the violation of their economic, social and political rights by the Cameroonian authorities. Coupled with their denial of access to rivers and other places where they ply their trades, as well as the forceful change of the names of their Communities from Nigeria names to Cameroon names, among others. However, the above listed factors contributed immensely in keeping the Bakassi inhabitant issue alive within the period under review, (2006-2017). Based on the foregoing, this paper submits that both ICJ verdict and the Green Tree Agreement were unable to resolve the issue that affected the Bakassi inhabitants due to their failure to address the issue of citizenship question, coupled with the inability of the Cameroon authorities to keep to the provision of the Green Tree Agreement of 2006, and the failure of the ICJ verdict and the Agreement to implement the International Human Rights Law of the people on the Bakassi inhabitants, by extension, lack of proper and adequate relocation/rehabilitation of the dislodged Bakassi inhabitants, as well as the inability of the ICJ verdict and the Green Tree Agreement to make provision for the recognition of citizenship identity/nationality in the voting registrar of Cameroon to accommodate the Bakassi inhabitants as citizens of Cameroon. Contrarily, the agreement only addressed the citizenship rights of the Bakassi inhabitants who remain within the Bakassi region but failed to address the right of those ones who may be on the Nigeria side of the border, among others.

### **The way forward**

At this point, the paper suggests that, the Government/leadership of the two countries, Nigeria and Cameroon respectively, should;-

- ensure proper rehabilitation and relocation of the displaced/dislodged Bakassi inhabitants for peace to reign in the Peninsula.
- The provision of the Green Tree Agreement should not be haphazardly implemented by the leadership of the two Countries.
- Article three of the Green Tree Agreement should be highly honoured by the Cameroonian government. .- it is reasonable to suggest that the Nigeria Government should appeal to United Nations Security Council (UNSC), for a review of the verdict as remarked by some Nigerians.
- The government/ leadership of the two countries (Nigeria and Cameroon) respectively should be conscious of the security situation in the area. Hence, Nigeria government should deploy troops to the area in any case not beyond her border area to avoid hoodlums from entering the Country through the Peninsula to perpetrate evil.
- By extension, Nigeria authorities should re-examine existing international border disputes between her and her neighboring African Countries to avoid re-occurrence of the Peninsula disgrace. Because, it was on that ground that Richard Akinjide, then Attorney General of the Federation and a onetime Minister of Justice, who was also a leading member on the Nigeria and Cameroon Bakassi Peninsula issue, stated that the ICJ verdict of 2002 was 50% International Law and 50% International Politics. Akinjide opined that the verdict was blatantly bias and unfair and a complete fraud on the part of Nigeria, ( Akinjide, R. A. 2002, “*Why Bakassi Belongs to Nigeria*”).
- Again, Nigerian Government should begin to consider matters of “National Interest” as priority in her foreign Policy posture to prevent being humiliated and disgraced by super powers in International Politics contestation, among others.

## Conclusion

Topical among lessons learnt by Nigerians from the ICJ verdict on Bakassi Peninsula and Implementation of the Green Tree Agreement is the heavy price the Country has paid which is the outright loss of oil rich peninsula to Cameroon as a result of her insensitivity to matters of national interest. Indeed, the security effect of the withdrawal of the Nigeria troops occasioned by the verdict if not well managed may remain unending. Meanwhile we should know and understand that our leaders beginning from President Olusegun Obasanjo, to President Musa Yar Adua, to President Good luck Jonathan, down to President Muhammadu Buhari may have had the best of intentions to abide by the ruling but the people of Nigeria may say No. So the hands of the President are indeed tied. All we need do as the conflict does not seem to end is to seek political solution with Cameroon. Moreover, the inhabitants ordinarily as observed are not ready to answer Cameroonians. In the light of the empirical evidence provided in this work, we state thus: The inability of Nigerian and Cameroonian government to implement the Green Tree Agreement accounted for the irreconcilability of the Bakassi dispute within the period under study. In the light of the above, the Nigeria Government pretended not to be aware of those violations until the expiration of the October 10, 2012 deadline. As observed, neither Nigerian government nor the Cameroonian government has kept faith with the Green Tree Agreement. For Nigeria, a major obligation under the <http://dx.doi.org/10.29322/IJSRP.9.02.2019.p8663>

agreement was to resettle the people of Bakassi and secure their socio-political and economic identity. In this regard, the Cameroonian Government was warned and cautioned not to use force in instituting its authority and dominance over the Bakassi Peninsula. Failure to adhere to this advice will equally violate the already signed Green Tree Agreement by the government of the two countries.

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